



Appeal Decision

Site visit made on 24 September 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/F0114/D/19/3229995

Rookehill Farmhouse, 34 Wellsway, Keynsham BS31 1HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Westgate against the decision of Bath & North East Somerset Council.
 - The application Ref 18/05706/FUL, dated 24 December 2018, was refused by notice dated 30 April 2019.
 - The development proposed is erection of building to provide domestic garage with studio accommodation over and construction of new vehicular access thereto following demolition of existing garden room and store.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is located within the Green Belt. Accordingly, the main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the surrounding area, including the Keynsham Conservation Area;
 - the effect of the proposal on the setting of the listed building;
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether Inappropriate Development

4. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a number of exceptions to this, as set out in paragraph 145 of the Framework, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (paragraph 145 d)). Policy CP8 of the Bath and North East Somerset Core Strategy (Part 1 of the Local Plan) (adopted July 2014) ('CS') states that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.
5. There is no dispute that the proposed use of the building ancillary to the use of Rookehill Farmhouse is the same as that of the existing garden room and store. I have no reason to find differently in this regard.
6. The proposed building would however be considerably larger than the building that it is intended to replace. The Council has indicated that the existing building has a volume of 170 cubic metres and that the new building would have a volume of 455 cubic metres, which is not disputed. The proposal would be significantly taller than the existing building, and even taking into account that part of the building would be below ground level, I conclude that it would be significantly larger than the existing building on the site.
7. I note the appellant's concern that the volume of the existing dwelling was not taken into consideration in the Council's assessment. However, the existing building is detached from the host dwelling; the proposal is not an extension or alteration of a building, but a replacement of a building and therefore falls to be considered against paragraph 145 d) of the Framework.
8. Considering the total increase in volume and the overall growth in bulk, I conclude that the proposal would be materially larger than the building it replaces. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy CP8 of the CS. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a visual aspect as well as a spatial aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development, or a part of it, is not readily visible from the public realm.
10. Even though the proposal would be screened to a large extent by a substantial amount of soft landscaping, the proposal would create a building of greater bulk than which currently exists, which would be noticeable in nearby views, and which would reduce the openness of the Green Belt, both spatially and visually. The impact to openness would be fairly restricted, and would be contained to the local area, but harm would result to the Green Belt.

Character and appearance

11. The appeal site is located within the Keynsham Conservation Area (KCA). The Planning (Listed Buildings and Conservation Areas) Act 1990 provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Mention is made within the KCA Appraisal of historic paths and footway connections between the town and the river valley, which have intrinsic historical value and connect the future of a place with its past. This is the case at Steel Mills, onto which the proposed access would adjoin, which has a gently rural feel with slightly overgrown soft landscaping and is partially and intermittently lined with historic stone walls on either side of the road, which contribute to the rustic feel of the area. In accordance with the Framework, I give great weight to the conservation of this heritage asset.
12. Although Wellsway displays a ribbon of development, strong rural character elements remain, including the farmhouse and the adjacent walls which lend a pastoral feel, and also the substantial amount of tree cover adjacent to neighbouring properties which accentuates the fairly unkempt ambience. Steel Mills is a pleasant country lane from which the new vehicular access would be gained; it is characterised by sporadic development interspersed with agricultural land with soft landscaping, giving it a distinct rural character and appearance.
13. The proposed access would incorporate side retaining walls which would as a result of their length and design and wide gravel driveway, have a significant urbanising effect upon this pleasant rural road which would detract from the integrity of Steel Mills as a historic path within the conservation area. The proposed box hedging would unduly contrast with the pleasantly unkempt appearance of this stretch of the road.
14. Moreover, the opening up of the access would result in the proposed building being prominent and conspicuous in the street scene, with its modern design, bulk and form significantly detracting from nearby development. Its overly utilitarian design would not assimilate well into its surroundings. Accordingly, the character of the area would be undermined and harmed as a result.
15. The appellant has referred to development at nearby River View where part of a historic roadside wall was removed. However, this scheme appears to involve the re-introduction of a wall which enhanced the character of the conservation area, whereas this proposal, for the reasons set out above, would not. The appellant has also referred me to photographs of other garage accesses in the vicinity, but as only minimal details have been provided, a fair comparison cannot be made.
16. Accordingly, I conclude that the proposal would result in harm to the character and appearance of the area. Whilst some of the policies relied upon by the Council are strategic in nature, the principles found in those policies are relevant to the proposal before me. As such, the proposal is contrary to Policies CP6 and CP7 of the CS, which seek to protect environmental assets and maintain Green Infrastructure, Policies D1, D2, D3, D4, D5, NE2 and NE6 of the Bath and North East Somerset Local Plan 2011-2029: Placemaking Plan (adopted July 2017) ('Placemaking Plan') which collectively seek to prevent harm to local character and distinctiveness and conserve or enhance local

landscape character. Additionally, the proposal is in conflict with the Framework's requirement for development to improve the character and quality of an area and the way it functions.

17. Given the harm that I have identified, it follows that the proposal would not preserve or enhance the character or appearance of the KCA. Whilst the harm that would be caused to the significance of the conservation area would be less than substantial, this harm needs to be weighed against the public benefits of the proposal which are considered below.

Setting of the listed building

18. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
19. The appeal site is within the curtilage of Rookehill Farmhouse, a Grade II listed building. Its significance derives in part from its whitewashed rubble finish with wooden lintels. The mid-C19 bake-house extension to the rear is of particular relevance, as the proposal would be situated to the rear of the farmhouse. The farmhouse is set within an arresting landscape that contains a steep slope towards a leafy valley adjacent to a river, although the rural feel is punctuated by residential elements. In accordance with the Framework, when considering the impact of the proposal on the significance of this designated heritage asset (significance deriving not only from the heritage asset's physical presence, but also from its setting), great weight has been given to the asset's conservation.
20. The current outbuilding is in a dilapidated condition, and at the time of my site visit was starting to be enveloped by soft landscaping. This building, with its hard-edged roof and angular form, adds little to the setting of the listing building, apart from an element of slight pastoral charm through the wooden supports. Although the new outbuilding would be broadly in a similar location to the existing building it would be seen as a substantially-sized structure and the overall effect of the design of the new outbuilding would be urbanising and fairly utilitarian. Moreover, the new access would have a harmful urbanising effect, which would detract significantly from the rural setting of the farmhouse.
21. The green roof would assist in assimilation of the building into its context but would not soften the hard edges of the development. Moreover, whilst the existing soft landscaping would reduce the visual impact of the proposal on the rear of the listed building, this could be removed at any time, either by present or future occupiers of the appeal property. It cannot therefore be relied upon to reduce the harmful impacts of the proposal on the setting of the listed building.
22. In conclusion, the proposal would not preserve the setting of the listed building (Rookehill Farmhouse). The proposal would not sustain or enhance the significance of this heritage asset. Whilst the harm would be less than substantial, this harm needs to be weighed against the public benefits of the proposal.

Public Benefits

23. The proposal would result in less than substantial harm to the significance of both the KCA and the setting of Rookehill Farmhouse as designated heritage assets, for the reasons set out above. The proposal would offer a public benefit through reducing vehicle stationing and manoeuvring onto the Wellsway, but little evidence has been brought forward demonstrating that the existing situation has resulted in actual risks to highway safety. There would be a minimal positive contribution to the appearance of the conservation area, due to reduced clutter and vehicle stationing and movements at the frontage of the farmhouse, although the improved vehicular access would mainly be a private benefit.
24. The proposal would remove a dilapidated building, but for the reasons given above, the proposal would cause harm to the heritage assets, and therefore this does not weigh in favour of the proposal. Considering the considerable importance and great weight that needs to be given to the conservation of heritage assets such as the listed farmhouse and the KCA, all of these public benefits taken together do not outweigh the harm that I have identified.
25. As such, the proposal conflicts with Policy CP6 of the CS which aims to protect, conserve and seek opportunities to enhance the historic environment, and Policy HE1 of the Placemaking Plan which seeks to enhance or better reveal the significance of heritage assets.

Other Considerations

26. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
27. In other circumstances, the proposed development might potentially be permitted development and it is recognised that such development potentially could cover up to 50% of the area of the residential curtilage. The appellant has referred to appeal decision¹ in this regard. However, that the proposal might be acceptable elsewhere in the Green Belt does not negate the requirement for it to be fully assessed in relation to all relevant planning aspects, including the statutory requirements in respect of heritage assets. Furthermore, as no detailed drawings have been provided in this regard, I am unable to conclude whether or not such development would have a greater impact on the harm to the Green Belt than the proposal before me. These matters carry neutral support in favour of the proposal.
28. Whilst there would be an enhancement of the Wellsway frontage of the farmhouse and its setting via a likely reduction in vehicle parking and storage, this does not amount to more than moderate weight in support of the proposal. The proposal would replace the existing dilapidated building with a newer building, but due to the effects on the character of the area already discussed, minimal weight is given to this factor.

¹Ref APP/R3650/C/04/1166738

Balancing of Considerations and whether very special circumstances exist

29. The proposal would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. There would be additional harm caused to the significance of the KCA and Rookehill Farmhouse as heritage assets, to which I have given great weight. As a whole, only slightly more than moderate weight has been given to all the material considerations cited in support of the proposal and I conclude that, taken together, they do not clearly outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
30. The proposal therefore conflicts with Policy CP8 of CS which aims to protect the Green Belt from inappropriate development and Policy GB1 of the Placemaking Plan which seeks to enhance the visual amenities of the Green Belt. There is also conflict with the aims of Green Belt policy as set out in the Framework.

Conclusion and Recommendation

31. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

32. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR