

Appeal Decision

Site visit made on 9 December 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/F0114/W/19/3236577

The Barn, Chewton Keynsham, Bristol BS31 2SR

- 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 R James of PRS Construction against the decision of Bath & North East Somerset Council.
 - The application Ref 19/00540/FUL, dated 6 February 2019, was refused by notice dated 4 July 2019.
 - The development proposed is described as “to rebuild the barn that stood on the site in the past as a dwelling”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading is taken from the application form, but the location has been described as ‘the site of the old barn directly to the north of West Barn and to the north-east of Redlynch Park’. This adds greater precision.
3. The description of development has also been taken from the application form. However, I note that on the decision notice that the Council has changed the wording to ‘erection of 1no dwelling’. This is more accurate and concise.

Main Issues

4. The main issues are:
 - a) 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;
 - b) the effect of the proposed development on the openness of the Green Belt;
 - c) whether the site is an appropriate location for residential development, having regard to development plan policy on housing in the countryside;
 - d) the effect of the scheme on biodiversity and trees; and
 - e) if the development is inappropriate, 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 the development.

Reasons

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. I have applied this statutory provision in determining the appeal.

Whether the proposal would be inappropriate development in the Green Belt

6. Policy CP8 of the Bath and North East Somerset Core Strategy (2014) (CS) cross refers to The Key Diagram which indicates the general extent of the Green Belt. There is no dispute that the appeal site lies within the Green Belt. CS Policy CP8 seeks to protect the openness of the Green Belt from inappropriate development in accordance with national planning policy.
7. The Framework confirms that although the construction of new buildings is regarded as inappropriate development in the Green Belt, limited infilling in villages is considered an exception. Policy GB2 of the Bath and North East Somerset Placemaking Plan (2017) (PmP) interprets national policy by restricting infilling to those settlements listed in paragraph 301 of the plan and only then where the site lies within the defined Housing Development Boundary (HDB). Chewton Keynsham is not included within the list and neither does it have an HDB. Consequently, the principle of infill development in this hamlet is unacceptable under the development plan's Green Belt policies. This is regardless of whether or not the proposal meets the CS definition of infill.
8. It is argued that the proposal would constitute the redevelopment of previously developed land (PDL). However, the definition of PDL within Annex 2 of the Framework specifically excludes land that is or was last occupied by agricultural buildings. The appellant accepts that the remnants of the building on the site were formerly in agricultural use and on this basis the proposal would not qualify for the exception within Framework paragraph 145(g) for limited infilling or the partial or complete redevelopment of PDL.
9. Accordingly, I conclude that the proposal would conflict with CS Policy CP8 and PmP Policy GB2. It would be inappropriate development within the Green Belt for the purposes of local and national policy. Paragraph 143 of the Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on the openness of the Green Belt

10. The site contains the remains of a stone barn which at the time of my visit comprised a floor slab, gable wall and section of front wall. The roof structure is no longer in existence. As a result, the building has no significant presence in the street scene or the wider landscape. Notwithstanding any similarities with the original barn, the proposed dwelling would be a more solid and substantial structure compared to the limited surviving fabric of the barn.
11. The site lies within the hamlet of Chewton Keynsham and there are buildings in the general vicinity, including what appears to be a converted barn close to the southern boundary. Regardless of its design merits in terms of traditional form and materials, the construction of the proposed dwelling would result in some loss of openness compared with the present situation. The resulting conflict with CS Policy CP8 adds to the harm arising from inappropriateness.

Principle of residential development

12. The site lies in the open countryside, outside of defined HDBs. PmP Policy RE4 stipulates that new dwellings will not be permitted in such locations unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. No such essential need argument is being advanced in this case and therefore the proposal is contrary to Policy RE4.
13. PmP Policy RE6 would permit, as an exception to Green Belt policy, the conversion of a building in the countryside to a new use. The second policy criterion is fundamental, as it states that development will only be permitted provided the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction. The appellant concedes that very little remains of the old agricultural building and has described the proposal as a rebuild on the application form. There is no suggestion that this would be a re-use of an existing building. The scale of works needed would be tantamount to substantial or complete reconstruction. Therefore, the appeal scheme cannot be justified by reference to Policy RE6.

Effect on biodiversity and trees

14. The site is disused and parts of it have returned to nature. The Council advises that there are bat roost records in the vicinity and records of badgers and otters in the surrounding area. Furthermore, there is a mosaic of wildlife habitats in the locality, including fields and pasture; woodland and mature trees; a network of species-rich hedgerows and habitats connecting to the site. I note that there is a designated Site of Nature Conservation Interest less than 200 m away to the east at the River Chew. Given this context, I cannot rule out the existence of protected species on the site.
15. ODPM Circular 06/2005¹ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The appellant has suggested that ecological surveys be carried out as a condition of any planning permission, but government advice is that this approach should only be taken in exceptional circumstances. Such circumstances have not been demonstrated here.
16. In the absence of any ecological surveys I am unable to determine whether or not protected species are likely to be present and, if they are, what mitigation might be appropriate. This brings the scheme into conflict with CS Policy CP6 and PmP Policies NE3 and NE5 insofar as they seek to protect biodiversity and important species and habitats.
17. The land contains a number of trees, some of which contribute positively to the character and appearance of the area. It is argued that the trees around the site perimeter are most significant, but the value of individual specimens cannot be determined without a comprehensive arboricultural survey. The appellant states that trees would be retained wherever practical, but this does not provide the necessary certainty on impacts. The application does not provide sufficient information on which to assess the scheme.

¹ Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system

18. The proposal therefore conflicts with CS Policy CP7 and PmP Policies NE1 and NE6, which jointly seek to ensure that development proposals avoid any adverse impact on valued trees and make a positive contribution to the Green Infrastructure network.

Other considerations

19. The appellant seeks to justify the proposal with reference to the barn on the site. It is argued that this building was in existence at the time of Green Belt designation and therefore its replacement should be permissible. However, the baseline position against which to assess the proposal are the circumstances that prevail now. There is little remaining building fabric and no demonstrable fallback position, given that permission would almost certainly be required to rebuild the barn. I have therefore given the history of the site limited weight.
20. It is contended that the proposal would contribute to meeting an identified affordable housing need by freeing up affordable housing elsewhere. Although the delivery of one additional dwelling would be a benefit, albeit a very modest one, there is no evidence to demonstrate that such development cannot be accommodated outside the Green Belt. This argument carries limited weight.
21. I have taken account of the representation of support from the parish council, but my assessment should be made on the planning merits of the scheme. Consequently, it is not a decisive factor on its own.

Green Belt Balance and Conclusion

22. The Framework states that substantial weight should be given to any identified harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by virtue of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. The proposal would constitute inappropriate development and it would result in some loss of openness of the Green Belt. Furthermore, it would conflict with development plan policy in respect of its location outside HDBs and in relation to potential impacts on biodiversity and trees. I have found no matters that would clearly outweigh the totality of the harm that I have identified. Accordingly, no very special circumstances exist that would justify allowing the appeal.
24. It is on this basis that the proposal would conflict with the development plan taken as a whole. There are no material considerations which would outweigh this conflict. For the above reasons, I conclude that the appeal should fail.

Robert Parker

INSPECTOR