



Appeal Decision

Site visit made on 17 December 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020.

Appeal Ref: APP/P0119/W/19/3237682

Briarwood, Hazel Lane, Tockington, Bristol, BS32 4PL

- 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 Steve Summers against the decision of South Gloucestershire Council.
 - The application Ref PT18/5016/F, dated 5 November 2018, was refused by notice dated 18 July 2019.
 - The development proposed is for the development of a Use Class C3 dwelling with associated car parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are;
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area;
 - Whether or not the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities.
 - 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

Whether Inappropriate Development

3. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) outlines that the construction of new buildings, other than in connection with a number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages.

4. Policy CS34 of the South Gloucestershire Local Plan: Core Strategy 2006-2027, adopted 2013 (Core Strategy) seeks to protect the designated Green Belt from inappropriate development. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Local Plan) relates to development in the Green Belt. It does not specifically refer to limited infilling in villages. However, it does state that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm. Further policy alignment is provided in the Council's Supplementary Planning Document relating to the Green Belt (SPD)¹, which refers to the general presumption against inappropriate development within it. Therefore, these policies are consistent with the Framework.
5. Policy CS5 of the Core Strategy states that small scale infill developments may be permitted in the Green Belt within settlement boundaries. Unlike Policy CS5, the Framework does not restrict infilling in villages to those that have settlement boundaries but relates to villages in more general terms. I have therefore attached greater weight to the more recent Framework in this regard.
6. The appeal site is located close and amongst dwellings in the small settlement of Old Down. The village does not have a settlement boundary as defined by the Core Strategy. The appeal site is a large parcel of land located between the detached dwellings at Briarwood and Top Meadow with a wide frontage facing onto Hazel Lane. Properties along the lane are set within large plots and separated from each other by garden land and small field enclosures. Further to the east of the appeal site, dwellings are more concentrated with smaller gaps between properties and located within curtilages which are more reduced in area. Whilst the spacing between dwellings in the vicinity of the appeal site is more generous, the presence of adjacent dwellings is nevertheless visible. Moreover, whilst the arrangement of dwellings in the appeal site's immediate vicinity are more dispersed than those to the east, there aren't any significant distances or large clear breaks between dwellings. I therefore consider that the appeal site is within a village for the purposes of the Framework.
7. The Framework does not provide a definition of "infill", however, the Core Strategy defines it as the development of a relatively small gap between existing buildings, normally within a built-up area.
8. The appeal site occupies a generous gap between Briarwood and Top Meadow. Although coming under the same ownership as Briarwood it is separated from this property by a stone wall and boundary trees, whilst also having its own separate access off Hazel Lane. Occupying a small proportion of the site close to the boundary with Hazel Lane, are a single storey building with a lean to roof and a modern wooden stable. A gravel forecourt area forms the immediate surroundings to the buildings. Despite being at a lower land level to the road these buildings are visible above the low-rise boundary wall that faces the highway. These small structures are seen in the foreground of the wider site to the side and rear, which comprises a paddock and some mature vegetation that gradually slopes away from the more level forecourt area. Therefore, rather than a small gap between existing buildings, I found the site to comprise a sizeable, open and mostly undeveloped area of land that happens to be seen with buildings either side.
9. I acknowledge that the Council's pre-application advice on the appeal scheme, referred to the site as infill development, however, I do not consider that their assessment has fully assessed the characteristics of the gap between buildings in

¹ Development in the Green Belt, - Supplementary Planning Document, June 2007

the context of the area or the definition of “infill” in the core strategy. Rather they have referred to the proposal for 1 dwelling being small scale and that it would be built between dwellings. Nevertheless, the Planning Practice Guidance² sets out that pre-application advice is not binding. Therefore, whilst I note this background, I have attached limited weight to it in my assessment.

10. Consequently, when judged against the wording of national and local policy the proposal would not represent limited infilling within a village or any of the Frameworks’ other exceptions. It would thus be inappropriate development in the Green Belt which, according to the Framework, is harmful by definition. It would therefore conflict with Policy CS34 and CS5 of the Core Strategy and PSP7 of the Local Plan and the Framework.

Effect on Openness

11. In light of the above, there is a need to consider the effect of the proposal on the openness of the Green Belt. The Framework indicates that openness is an essential characteristic of the Green Belt. The Supreme Court has recently held that a consideration of openness in any given case is a matter for the decision maker and may or may not include a consideration of the visual aspect of openness. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
12. The existing stable block would be removed to make way for the dwelling’s parking area. However, the proposed dwelling, which would have 1.5 storeys at the front and 2.5 at the rear would be higher than the stable and have a significantly larger footprint, in addition to an enclosed patio area to the side and rear of the dwelling. Therefore, the introduction of the proposal would reduce the openness of the Green Belt in spatial terms.
13. There are tall trees along the site’s side boundaries that would obscure views of the proposed dwelling when approaching from the east and west, whilst the dwelling would be set down at a lower land level to the road. Nonetheless, the dwelling would be seen through gaps between the trees and rising above the front boundary wall and lean-to outbuilding. As such, the proposal would have a greater visual impact on the Green Belt than the present circumstances.
14. Consequently, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. While the harm would be moderate, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness. Although judged, for the purposes of the Framework, to be in a village, the development would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Character and Appearance

15. The appeal site is located amongst properties along Hazel Lane, where houses are separated from one another by large spaces. These gaps are primarily undeveloped and characterised by tall mature trees, verdant side gardens and small field enclosures. There are also glimpses through these gaps of the pastoral landscape beyond the village. In the case of the appeal site there is a large woodland immediately beyond the paddock, which accentuates the rural setting in this part of the village. I therefore consider that the appeal site’s setting contributes positively to its character. This contrasts to the more closely arranged dwellings further to the west and south west fronting Pines Lane, The Inner Down and The

² Reference ID: 20-011-20140306

Down. Although there are trees and hedges in evidence along property boundaries on these streets, these are more manicured, while there is also a greater concentration of boundary walls and vehicle hardstanding, compared to Hazel Lane.

16. Although the proposed dwelling would be designed sympathetically, continue the linear arrangement along Hazel Lane, whilst adhering to the building line, it would significantly develop the gap and in doing so urbanise the soft, undeveloped space. In doing so this would have a negative impact on the site's positive attributes that contribute to the area's character. Other domestic paraphernalia such as the vehicle hardstanding and the engineered boundary enclosures would also appear discordant and combined with the proposed dwelling would have an incongruous appearance upon its surroundings. This impact would be most noticeable from Hazel Lane and from nearby properties.
17. I acknowledge that there will be limited vegetation loss to make way for the proposed dwelling. However, it would rise above the existing boundary wall and obscure the largely uninterrupted views of the paddock and soft wooded edge at the rear of the appeal site, thus having a discordant impact in context with the site's expansive natural backdrop.
18. I have been referred to the planning permission for 2 dwellings further to the east of the site³. I have not been presented with the full details of this case, however, this site is located in a part of the village where the arrangement of dwellings and spaces between them are more concentrated, while not having the same natural characteristics. Therefore, it would be difficult to make a direct comparison with the appeal scheme, and in any case, I have determined the appeal on its own merits.
19. In concluding on this matter, the proposed development would be harmful to the character and appearance of the area. Therefore, it would fail to comply with Policies CS1 and CS34 of the Core Strategy and Policy PSP1 of the Local Plan. These, in part, require development to respond to the distinctiveness of the site and locality and respect and enhance the character of the area. It would also conflict with the Framework where it seeks to ensure development is sympathetic to local character.

Location of Proposed Development

20. Putting the policy considerations of development in the Green Belt to one side, the main parties do not dispute that the appeal site falls outside of a recognised settlement boundary. In these instances, new housing development would be restricted to those referred to in Policy CS34 of the Core Strategy and PSP40 of the Local Plan. The proposed development does not align with any of the exemptions referred to in the policies.
21. Nevertheless, the Appellant's case refers to what they consider to be a precedent established by the Council in approving the housing development located a short distance to the west³. The Council considered that case against Policy PSP11 of the Local Plan which provides criteria for assessing what may be considered as an accessible location for new dwellings in terms of the routes and proximity to services and being within a 400m distance from a bus stop. Consequently, it deemed that the neighbouring site was not within an unsustainable location as it was within the 400m of a bus stop that would enable future residents to access and support services and facilities in the nearby settlements. The Council's refusal

³ Application Number PT17/4635/F

reason on the appeal scheme did not refer to Policy PSP11 of the Local Plan, however, I have considered it to be relevant in dealing with this main issue.

22. Notwithstanding the approved case nearby, even if development sites are within the prescribed distance of 400m, Policy PSP11 also requires further consideration of the individual circumstances on the ground in getting to a bus stop to then access services. This includes whether it can be accessed by a dedicated walking facility and having regard to the safety of a route for use by the mobility impaired and all members of a community.
23. The appeal site and the neighbouring approved site are located a similar distance from the nearest bus stop and residents would likely, in my view, access the same route to get there along Pump Lane. However, during my assessment of this route from the appeal site to the bus stop, I noted it is a narrow and unlit country road that does not have a footway. This is not an attractive pedestrian route, especially in poor light, which would discourage walking to the bus stop and therefore access to the services and facilities at nearby settlements. Future residents of the appeal dwelling would therefore be heavily reliant on the use of a car or other vehicle.
24. I acknowledge that the Council considered that the nearby approved housing site was an acceptable distance from the bus stop, however, I have considered further the safety of the route as prescribed in Policy PSP11 of the Local Plan.
25. While not determinative of whether the proposal is inappropriate development or not, and notwithstanding my finding on the extent of the village for the purposes of the Green Belt assessment, the proposal would not provide a suitable location for housing, having regard to the accessibility of services and facilities. As such the proposal would be contrary to Policies CS5 and CS34 of the Core Strategy and Policies PSP11 and PSP40 of the Local Plan. These, in part, provide a settlement hierarchy for housing delivery and restrict housing development in rural areas unless they comply with specific exceptions, ensure sustainable patterns of development and are accessible to public transport services via safe routes. Moreover, it would also be contrary to the Framework where it aims to locate development in accessible and convenient locations and promote walking, cycling and public transport use.

Other Considerations

26. The appellant has challenged the Council's assertion that it now has an up-to-date 5HLS. I also note the detailed background provided in relation to reaching a housing supply position. This includes the Council's admission that it did not have a 5HLS in approving an adjacent housing development⁴, and on account of other recent cases. However, I have not had any specific evidence indicating the level of the shortfall claimed by the Appellant. Even if the appellant was correct that the Council does not have an up-to-date 5HLS or that it is marginal, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is an example of such areas/assets and the proposal is contrary to the relevant policies of the Framework in regard to these.
27. I note the contention that the proposal would represent a windfall site that would contribute towards housing supply and mix in the area. However, being for only one dwelling such benefits would be very limited, as would those benefits

⁴ Application Number PT17/4635/F

associated with construction and occupation of the property. I therefore give these matters little weight.

28. Although the Appellant has made reference to the emerging policy which categorises Old Down as a rural growth settlement, it is not known what stage of preparation this is at. I have therefore attached limited weight to this in my assessment. In any event, the site is considered inappropriate development in the context of local and national Green Belt policy.
29. The Council's pre-application advice referred to the site as previously developed land, however, pre-application advice is not binding on the Council. Nevertheless, even if I was to consider the site to be previously developed land, as the appellant suggests, my conclusions on the effect of the development on the openness and purposes of the Green Belt conclude that there would be harm and consequently it would not be considered as not inappropriate development in the Framework's terms. Furthermore, there is no detailed information before me to suggest the dwelling contributes to meeting an identified affordable housing need within the area.
30. There are no refusal reasons relating to matters such as the size of the proposed accommodation or outdoor space, living conditions of existing and future occupiers, highway safety or parking. Nevertheless, the absence of other harm is a neutral factor and does not weigh in favour of the proposal.

Conclusion

31. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. Moreover, it would lead to a moderate loss of openness to the Green Belt. I have also found that the proposed development would harm the character and appearance of the area and would not constitute a suitable location for housing, having regard to the accessibility of services and facilities.
32. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies CS1, CS4A, CS5 and CS34 of the Core Strategy and Policies PSP1, PSP7, PSP11 and PSP40 of the Local Plan, the SPD and the provisions of the Framework.
33. Therefore, for the reasons given I conclude that the appeal is dismissed.

R. E. Jones

INSPECTOR