



Appeal Decision

Site visit made on 18 February 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/P0119/W/19/3241991

Gooseacre, Siston Lane, BS30 5LY

- 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 and Mrs Richard and Bobby Bendrey against the decision of South Gloucestershire Council.
 - The application Ref: P19/0988/F dated 30 January 2019, was refused by notice dated 8 July 2019.
 - The development proposed is described as 'extension to new house not yet completed to change the original plan'.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of former piggery to 1 no. dwelling with associated works and erection of detached garage (amendment from previous planning application PK15/3375/F) at Gooseacre, Siston Lane, BS30 5LY in accordance with the terms of the application, Ref: P19/0988/F dated 30 January 2019, subject to the following conditions:
 - 1) The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan received 26 Jan 2019
Proposed Block Plan & Landscape Layout Rev C received 29 May 2019
Proposed Elevations received 26 Jan 2019
Proposed Ground and First Floor Plans received 26 Jan 2019
Stoned Access Way for Common Land Drawing No. SD-CL-01 received 15 April 2019

For information purposes only:
Previously Approved Under PK15/3375/F - Combined Proposed Drawing No. 70269/00/101 rev F.
 - 2) The hours of working on site during the period of demolition and construction shall be restricted to 07:30hrs to 18:00hrs Monday to Friday; and 08:00hrs to 13:00hrs Saturday; and no working shall take place on Sundays or Bank Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site.

- 3) The development hereby permitted shall not be brought into use until the re-surfacing of the access, car parking facilities and turning areas have been completed in accordance with the approved plans and they shall be retained thereafter for that purpose.
- 4) The landscaping details as shown on the approved Proposed Block Plan & Landscape Layout Rev C received 29 May 2019 shall be implemented in the first available planting season following the completion of the development or the first occupation of the dwelling, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Procedural Matters

2. Planning permission was granted for the 'conversion of former piggery to 1no. dwelling with associated works and erection of detached double garage' on the appeal site in October 2015 under reference PK15/3375/F. Both parties refer to the works as having already commenced but I observed during my site visit that the development has not been completed. I am therefore considering the conversion and the proposed extension as a whole.
3. The description of the development in the banner heading is taken from the application form. However, I have used the description from the Council's decision notice in my decision as more accurately describing the proposed development. As this is the description used on the appellant's appeal form, I do not consider that this approach is prejudicial to the appellant's case.

Main Issues

4. The appeal site lies within the Bristol and Bath Green Belt (the Green Belt). The main issues in the appeal are therefore:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect of the proposed development on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the building and area.
 - If the proposed development is inappropriate development within the Green Belt, whether that harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. Paragraph 143 of the National Planning Policy Framework 2019 (the Framework) states that inappropriate development in the Green Belt is, by

- definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless the development is one or more of a list of exceptions. These exceptions include, under clause c), *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*.
 7. The fact that the development permitted in 2015 has not been completed also brings the development as now proposed within the scope of paragraph 146 d) of the Framework. Paragraph 146 sets out certain other forms of that are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include, under clause d), *"the re-use of buildings provided that the buildings are of permanent and substantial construction"*. I deal with paragraph 146 in my consideration of the effect of the development now proposed on the openness of the Green Belt below.
 8. Policy CS5 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (2013) (the Core Strategy) sets out the Council's strategic approach to the location of development. Within the Green Belt, proposals for development other than small scale infill development within the settlement boundaries of villages or development brought forward through a Community Right to Build Order will need to comply with the Framework or relevant local plan policies in the Core Strategy.
 9. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (the PSPP) sets out 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"*. Both Policy CS5 of the Core Strategy and Policy PSP7 of the PSPP are therefore consistent with the Framework in their approach to development within the Green Belt.
 10. Policy PSP7 sets out specific considerations for additions to a building, including that, as a general guide, *"an addition resulting in a volume increase up to 30% of the original building would be likely to be proportionate"*. The Council's Development in the Green Belt Supplementary Planning Document (2007) (the SPD) also refers to an increase in volume of less than 30% of the original dwelling being likely to be acceptable. The SPD is based on PPG2 and Policy GB1 of the South Gloucestershire Local Plan, which have been superseded by the Framework and the Core Strategy. Although the approach of the SPD is nevertheless broadly consistent with the Framework and Policy CS5 of the Core Strategy, the SPD is guidance only and the weight I can attach to it is less than that of a development plan policy.
 11. The appellant's evidence is that the proposed development would result in an increase in volume of the permitted building conversion, including a proposed double garage and existing summer house, of approximately 20%. Although the garage and summer house do not form part of the dwelling, the Council is *"generally in agreement with this calculation"*. The proposal would therefore be below the 30% threshold set out in Policy PSP7 of the PSPP and the SPD.

12. I therefore conclude that the proposed extension would comply with Policy PSP7 of the PSPP and the SPD in this respect and so would not be disproportionate relative to the original piggery. Consequently, the proposed extension would fall within the exception set out in paragraph 145 c) of the Framework and so would not be inappropriate development within the Green Belt in respect of this paragraph. It would thus also accord with Policy CS5 of the Core Strategy.

Openness

13. The principle of the conversion of the former piggery to a dwelling has been established by the previous grant of planning permission. The Council's Delegated Report notes that conditions relating to this permission have been discharged and the development has been commenced. I therefore consider this to be a realistic fallback scheme. Nevertheless, paragraph 146 requires an assessment of the effect of the development as now proposed on the openness of the Green Belt.
14. The appeal site contains the former piggery building and a small summer house. To the east and south of the site is a largely open field with only a small building adjacent to the fence along the boundary of the field to Siston Lane. The other side of Siston Lane from the appeal site is open land and woodland. Although the existing dwelling, Gooseacre, is to the north of the appeal site, there are other residential properties further to the south and a plantation prevents long-distance views to the east, the vicinity of the appeal site is generally open and contributes to the openness of the Green Belt.
15. From the appellant's evidence, the ground floor of the proposed development would be of approximately the same overall footprint as the former piggery albeit in a longer but narrower form. The proposed first floor extension would result in an increase in the bulk of the proposed dwelling from the original piggery and the approved scheme. However, I have concluded above that the increase in bulk would not be disproportionate to the original building. The increase in height of the development would not be substantial.
16. The proposed dwelling would be largely screened from Siston Lane by the existing hedge and fence to the frontage of the site and by the proposed garage in views through the access to the property from the lane. Although the proposed first floor element would be visible from Siston Lane, particularly when approaching from the north-east, the proposed dwelling would be set back in the plot such that it would not be prominent in the street scene. The visual impact of the development would therefore not be significant.
17. I therefore conclude that the proposed development would preserve the openness of the Green Belt. It would not conflict with the five purposes of including land within the Green Belt as set out in paragraph 134 of the Framework. Consequently, the development would accord with the general requirements of paragraph 146 of the Framework and so would not be inappropriate development in respect of this paragraph. It would also comply with Policy CS5 of the Core Strategy and Policy PSP7 of the PSPP in this respect.

Character and appearance

18. Siston Lane serves a number of dwellings of varying ages, design and form. The appellant draws my attention to the delegated report in respect of a proposal for another property on Siston Lane in which it is acknowledged that there is no defined character in the area, other than detached properties in large plots¹. This accords with my own observations during my site visit.
19. The proposed first floor extension would result in an increase in the bulk of the building and a change in its appearance. As a consequence, the proposed development would be markedly different to the existing building and approved conversion, which retained the modest proportions of the original piggery.
20. However, the former piggery, from the evidence before me and my observations during my site visit, is of no particular architectural or historic merit such that it is particularly desirable to retain it substantially unaltered. The proposed first floor extension would add interest to the building and would increase the south-facing elevation, allowing greater advantage to be taken of natural light and warmth. The proposed verandah along the western elevation would be a continuation of the verandah along the southern elevation in the approved scheme. Given the variety of styles and designs of properties on Siston Lane, the design and appearance of the proposed dwelling would not be harmfully at odds with the character of development in the area.
21. The residential garden associated with the dwelling as shown on the submitted block plan would largely be screened by the existing fence to the front boundary and the proposed hedge and tree planting along the southern and eastern boundaries. Accordingly, the garden would not be significantly harmful to the character and appearance of the site or area. The hedge and the trees would be an enhancement of the appearance of the area.
22. The principle of a dwelling on the appeal site has been established. The majority of the proposed development, in terms of volume, would still be as previously approved. The development would therefore not be tantamount to the erection of a new dwelling to a significantly greater extent than the approved scheme.
23. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the original building or the area. Accordingly, the proposal would conform in this respect with Policy CS1 of the Core Strategy which sets out that development will only be permitted where the highest possible standards of design and site planning are achieved, with development proposals required, amongst other things to demonstrate that they respect and enhance the character, distinctiveness and amenity of both the site and its context and help achieve energy conservation.
24. I also find that the proposed development would not conflict in this respect with Policy PSP1 of the PSPP which requires development proposals to demonstrate an understanding of and respond constructively to the buildings that make a particularly positive contribution to the distinctiveness of the area / locality.
25. Neither, having regard to my conclusions above on the proportionality of the proposed development to the original building, would the development conflict

¹ Greenways, reference PK/17/0585/F

with Policy PSP40 of the PSPP. This policy sets out the Council's approach to residential development in the countryside and allows the conversion and reuse of existing buildings where, amongst other things, any extension as part of the conversion or subsequently is not disproportionate to the original building and does not have a harmful effect on the character of the area. The proposed development would therefore accord in this respect with the requirement of Policy CS5 of the Core Strategy for compliance with relevant local plan policies in the Core Strategy.

26. The proposal would also comply in respect of this matter with paragraph 127 c) of the Framework, which requires planning decisions to ensure that planning decisions are sympathetic to local character.

Conditions

27. The Council has suggested conditions were permission to be granted. I have used these as the basis for the conditions set out in my decision. However, I have not attached a condition restricting permitted development rights as suggested by the Council as the Planning Practice Guidance advises that these rights should be withdrawn only in exceptional circumstances, and there is no indication in the Framework that such circumstances apply to development within the Green Belt.
28. From the evidence before me, the development has already been commenced and so the standard time-limit for commencement is not necessary. A condition requiring compliance with the approved plans is necessary in the interests of certainty. A limitation on working hours is necessary in the interests of the living conditions of the occupiers of nearby properties.
29. Condition 3 is necessary in the interests of highway safety and a landscaping condition is necessary in the interests of the character and appearance of the area. I have amended this condition from that suggested by the Council by the addition of a requirement for aftercare to ensure the retention and maintenance of the approved planting.

Conclusion

30. For the reasons given above, the appeal is allowed and planning permission is granted subject to conditions.

Martin Small

INSPECTOR