



Appeal Decision

Site visit made on 3 February 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2020

Appeal Ref: APP/P0119/W/19/3241139

Caples Close, The Naite, Oldbury-on-Severn, Thornbury, South Gloucestershire BS35 1RU

- 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 D Rugman against the decision of South Gloucestershire Council.
 - The application Ref P19/09296/F, dated 29 July 2019, was refused by notice dated 22 October 2019.
 - The development proposed is resubmission of application P19/3328/F change of use of converted agricultural building from office to single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development meets both the Sequential Test and the Exceptions Test as required by the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 (CS) and the National Planning Policy Framework (The Framework); and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Flooding

3. The Framework requires that a Sequential Test relating to flood risk should be applied to the identification of land for development, to ensure that there are no alternative sites available in areas with a lower probability of flooding that would be appropriate to the type of development proposed. Departures from this approach will only be justified in exceptional circumstances where it is necessary to meet the wider aims of sustainable development. The Framework explains that a sequential approach should be used in areas known to be at risk from any form of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development, in areas with a lower probability of flooding. The CS explains that Sequential and Exceptions tests should be used to direct development to areas with the lowest possibility of flooding.

4. The appeal site is located within Flood Zone 3. When assessed against The Framework the existing office use is identified as a 'less vulnerable' development, with the proposed residential development classified as being 'more vulnerable'.
5. No sequential test is before me with the appellant submitting that The Framework and the accompanying Planning Policy Guidance identifies that applications for minor development and changes of use should not be subject to the Sequential or Exceptions Tests. On the other hand, the Council consider that a Sequential Test should have been carried out due to the presence of the extension to the building. Having considered the evidence before me and reviewed The Framework, I agree with the Council and conclude that, despite the small nature of the extension, the development needs to satisfy the Sequential Test. In the absence of a Sequential Test, the proposal fails to accord with the flood risk requirements of the Framework and Policy CS5 of the CS'
6. The Framework identifies that for 'more vulnerable' development, the Exceptions Test is required. To meet the Exception Test, proposals must provide wider sustainability benefits to the community to outweigh flood risk and also demonstrate that the development would be safe for its lifetime.
7. The supporting Flood Risk Assessment provides details of finished floor levels in comparison to predicted sea level rise. It concludes that the finished floor level of the proposed refuge area would be above these levels. On the basis of the evidence before me, I see no reason to disagree with this and consider that development would be safe for its lifetime and therefore meets the second part of the Exceptions Test.
8. Turning to the first bullet point of the Exceptions Test, I note that the building is in a rural location and is a reasonable distance from nearby services and facilities. The proposal would provide a new dwelling that would support local services and could potentially provide a house for use by someone from the local community. Whilst these are benefits of the proposal, I consider them to be relatively modest and do not amount to the significant sustainability benefits that the Exceptions Test requires. On this basis, the first bullet point of the Exceptions Test is not passed.
9. For the reasons outlined above, I conclude that the proposal fails to meet the requirements of the Framework and Policies PSP20 (Flood Risk, Surface Water and Watercourse Management) of the Policies Sites and Places Plan (Adopted) November 2017; and Policy CS5 (Location of Development) of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 in respect of passing the Sequential Test and Exceptions Test. Consequently, I am unable to conclude that the proposal would be acceptable in flood risk terms.

Character and appearance

10. The existing building is a single storey structure, with a simple gable roofline. The building is set roughly within the middle of the plot, with the surrounding area laid mainly to grass. A single width track runs from The Naite, past the southern elevation of the site and continues to the west, providing access to the existing bungalow to the west.

11. The proposed would add a gable extension to the western elevation of the existing building. The ground floor would provide a garden room, with a flood refuge area provided within the roof space above.
12. To ensure the floor level of the flood refuge area is above the necessary AOD level, the height of the extension would be taller than the existing building. This would result in an extension that would be out of proportion with the overall height, scale and massing of the existing building. I note that the building is set away from the road, with intervening fields. Nonetheless, the site is visible in views from The Naite and, furthermore, any lack of visibility from public areas does not justify the Framework's requirement to achieve good design. I consider that the proposed extension would amount to an incongruous and poorly designed form of development which fails to appear subordinate in scale to the host property.
13. The Council's third reason for refusal includes a reference to the size of the proposed residential curtilage around the building and the effect that additional residential paraphernalia would have upon the character and appearance of the area. The Council have however, acknowledged that this refusal reason was omitted in error from a previously refused application for the same development (P19/3328/F) and therefore feel it would be unreasonable to introduce an additional refusal reason under this resubmitted, almost identical proposal.
14. Whilst the above may not have been raised as a reason for refusal by the Council in respect of a previous planning application on the site, I am not bound by such a decision and it is necessary that I consider this appeal on the basis of the reasons for refusal as outlined in the Council's refusal notice. The outside amenity space for the property would be large and would be visible from The Naite and as such, any additional residential paraphernalia would be visible within the landscape. The site falls within land designated as countryside. The presence of residential paraphernalia within views of the area would introduce urban features that would detract from the essentially rural character of the area.
15. For the reasons outlined above, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area and, in this respect, would be contrary to Policies PSP1 (Local Distinctiveness), PSP2 (Landscape) and PSP40 (Residential Development in the Countryside) of the Policies Sites and Places Plan (Adopted) November 2017 and Policies CS1 (High Quality Design) and CS34 (Rural Areas) of the South Gloucestershire Core Strategy and The Framework, which amongst other things seek to protect the landscape and deliver quality design.

Conclusion

16. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR