



Appeal Decision

Site visit made on 19 May 2020

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2020

Appeal Ref: APP/F0114/C/19/3242834

Beechwood Farm, 2 Kelston Road, Kelston, Bath BA1 9AF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Dinham against an enforcement notice issued by Bath & North East Somerset Council.
- The enforcement notice was issued on 11 November 2019.
- The breach of planning control as alleged in the notice is without planning permission the erection of two outbuildings.
- The requirements of the notice are: Dismantle the two outbuildings in their entirety, including any structural supports down to ground level and remove all resultant materials from the land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Ground (a) appeal

Main Issues

1. The appeal property is located within the Bristol and Bath Green Belt. Therefore, the main issues in this appeal are:
 - Whether the outbuildings are inappropriate development in the Green Belt.
 - The effect on the openness of the Green Belt.
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify granting planning permission for the outbuildings.

Reasons

Whether inappropriate development

2. The property contains an end of terrace cottage of traditional character and materials. Two freestanding outbuildings have been erected in part of the property's generous rear garden. The larger outbuilding is a substantial, part open-sided structure of timber construction, with a dual pitched roof. A more modest open-fronted outbuilding with unfinished block walls and a dual pitched roof covered in tiles has been erected immediately behind. During my visit, I observed that the larger outbuilding was being used as a covered area for

outdoor relaxation, with seating as well as facilities for preparing food and drinks. Gardening equipment and bikes were being kept within the smaller structure, which also contained a toilet.

3. Policy CP8 of the Bath and North East Somerset Core Strategy (CS) seeks to protect the openness of the Green Belt from inappropriate development in accordance with national policy. At paragraph 145, the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the limited exceptions listed in paragraph 145 where a new building is not inappropriate is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original structure.
4. Both outbuildings are used for purposes associated with the cottage. Nevertheless, the outbuildings are of substantial size and bulk, both in themselves and when compared with the scale of the cottage. The outbuildings are physically separate from the nearest part of the cottage, being situated deep within the rear garden, several metres away. Due to these factors, in physical terms the outbuildings lack the attributes of subordination and a close relationship with the dwelling that would usually be associated with a normal domestic adjunct. Therefore, as a matter of fact and degree, I do not regard the outbuildings as an extension to the cottage and I shall not treat them as if they were part of it. The outbuildings do not fall within any of the other exceptions listed in paragraph 145. As a result, erection of the outbuildings has involved inappropriate development.
5. At paragraph 143, the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I afford substantial weight to the harm to the Green Belt caused by the outbuildings by reason of their inappropriateness.

Effect on openness

6. The Framework paragraph 133 advises that openness is an essential characteristic of the Green Belt. The Planning Policy Guidance¹ advises that Green Belt openness can have both spatial and visual aspects.
7. In addition to having a considerable overall size and bulk, the outbuildings have a substantial footprint. As far as I was made aware, no part of that footprint had been previously occupied by built development. Therefore, I must assume that previously, built development was largely absent from the property's rear garden. The effect of erecting the outbuildings however is that a significant part of the rear garden is now occupied and enclosed by, or adjacent to, substantial built forms. The resulting erosion in openness is apparent in views of the property from Kelston Road. Accordingly, the outbuildings have caused an appreciable reduction in and a significant degree of harm to, the openness of the Green Belt.

Other considerations

8. A substantial garage has been erected in the grounds of an adjacent residential property, following the grant of planning permission in 2017². However, the garage replaced structures of a similar volume and siting. Replacing a building

¹ Paragraph: 001 Reference ID: 64-001-20190722.

² Council Ref: 17/01866/FUL.

where the new structure is in the same use and not materially larger than the one it replaces, is another of the limited exceptions in paragraph 145. Therefore, the existence of this garage does not weigh in favour of granting permission.

9. The cottage is a Grade II listed building. The rest of the terrace is also listed. Additionally, the property forms part of the Kelston Conservation Area (CA), an intact and unaltered estate village dating from the 19th Century, as well as being located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Provided the external walls of the smaller structure were to be finished in natural local stone, the outbuildings would preserve the setting of the listed structures, preserve the CA character and appearance and conserve the AONB landscape and scenic beauty. Moreover, the outbuildings have not adversely affected the living conditions of occupiers of adjoining residential property. Be that as it may, the absence of harmful impacts in respect of the above matters does not weigh in favour of granting permission.
10. As there is no other covered domestic storage at the property, erection of the smaller outbuilding has clearly provided a benefit to the appellant. However, this only slightly weighs in favour of granting permission.
11. The Council's procedures for determining planning applications, events leading up to and following the issuing of the enforcement notice and the reasons why express planning permission was required for the outbuildings have no relevance to the planning merits.

Green Belt balance

12. Erecting the outbuildings has involved inappropriate development in the Green Belt and does not preserve its openness. The other considerations do not clearly outweigh the totality of the harm to the Green Belt. As a result, the very special circumstances required to justify granting permission do not exist.

Conclusion

13. The harm to the Green Belt is inconsistent with the Framework and fails to accord with CS Policy CP8. Prejudicing the visual amenities of the Green Belt also fails to accord with Policy GB1 of the Council's Placemaking Plan (LP). However, as LP Policy GB2 concerns infilling in Green Belt villages, it has limited relevance to the outbuildings.
14. For the above reasons, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

15. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR