



Appeal Decision

Site visit made on 5 November 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Appeal Ref: APP/P0119/W/19/3235899

Land at the Grange, Road, Rangeworthy, South Gloucestershire GL12 8BD

- 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 B Grandfield against the decision of South Gloucestershire Council.
 - The application Ref PT18/4992/F, dated 26 October 2018, was refused by notice dated 27 March 2019.
 - The development proposed is erection of 3 no dwellings, formation of new access and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for housing having regard to the development plan and any relevant national policies.

Reasons

3. The appeal site is a triangular shaped paddock adjacent to Bagstone Road and is bounded by hedgerows. It lies alongside the garden area of the existing property the Grange and is located to the south west of the existing dwelling. To the north east of the existing dwelling there is a recent development of 3 detached dwellings fronting Green Lane. The site lies outside the defined settlement boundary of Rangeworthy and is thus located in the open countryside as defined by Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (2013) (Core Strategy).
4. Policy CS5 sets out the spatial approach for the location and distribution of growth. Whilst it states that small scale development may be permitted within the settlement boundaries of villages defined on the policy map, in the open countryside development will be strictly limited. Policy CS34 of the Core Strategy seeks to protect the distinctive character of rural areas with the supporting text to this policy reiterating that development in the open countryside will be strictly controlled.
5. Policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (PSP Plan) sets out the circumstances where development outside settlement boundaries would be acceptable. The proposal does not meet any of these identified circumstances. However, the supporting text to the policy

states that where a five-year housing land supply (5-year HLS) cannot be demonstrated then Policy CS5 in so far as it relates to the supply of housing will be considered out of date. Furthermore, in such circumstances where proposals are contrary to Policy PSP40; applications will be assessed in line with all relevant development plan policies and the National Planning Policy Framework (the Framework).

6. The Council indicate that whilst development outside of settlement boundaries should be resisted, they consider it may be suitable in a few circumstances for approval of dwellings outside the settlement boundary. For this to apply they state the site should lie close to the edge of the defined settlement boundary and have a direct relationship with it and this should only apply to very small development proposals of one or possibly two dwellings. However, I find no Policy support for such an approach in the evidence before me. Whilst I acknowledge the support in Policy CS5 for small scale development in certain circumstances within villages that do not have defined settlement boundaries, Rangeworthy has a defined settlement boundary within which small scale development may be permitted where it meets a local need and supports existing services. The proposal lies outside the boundary and in line with Policy CS5 lies in the open countryside where development should be strictly limited.
7. I recognise the location of the site is in close proximity to the edge of the defined settlement boundary to the south and is situated approximately 38m from it. However, the existing boundary represents a logical boundary at the end of the built form along this road. There is a change in character to the open common land and the appeal site thus representing a transition to the open countryside setting. The Grange lies some distance from the settlement boundary and the appeal site and the adjacent land acts as a transitional point between the urban form of Rangeworthy and the more dispersed forms of development. Given this, I do not consider the proposal would form a logical extension of the settlement boundary. Therefore, whilst in close proximity I do not consider the site is visually well related to the existing settlement and would encroach further built development into the countryside contrary to the policies of the development plan. Whilst I acknowledge there is a property opposite the site on the other side of Bagstone Road this appears as a fragmented dwelling unrelated to the settlement boundary.
8. I note the recent development of 3 detached houses¹ to the north east of the Grange which lie further away from the settlement boundary than the appeal site. However, I do not have the full details of this case before me nor the planning circumstances at the time the decision was made. On this basis I give this limited weight.
9. Therefore, whilst acknowledging the site is in close proximity to the settlement boundary and the site is within reasonable walking distance to local facilities, the site is located outside a defined settlement boundary and would not satisfy the exceptions for housing development outside settlement boundaries. It would thus be in clear conflict with the aims to strictly control development in the open countryside and I therefore conclude that the proposed development would conflict with Policies CS5 and CS34 of the Core Strategy and Policy PSP40 of the PSP Plan.

Housing Land Supply

¹ PT16/5668/F

10. Paragraph 73 of the Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
11. The Council consider they can demonstrate a 5-year HLS. On the basis of the evidence before me, the Annual Monitoring Report indicates a housing land supply of between 6.26 and 6.28 years. This appears to have been calculated against the Local Housing Need (LHN) given the Core Strategy policies are more than 5 years old in line with the Framework. The appellant identifies that at the time of the application the Council could not demonstrate a 5-year HLS. However, whilst this may be the case it is the position at the time of determination of a planning application that should inform decision making.
12. The appellants' do not indicate that the Council cannot demonstrate a 5-year HLS or offer an alternative housing land supply figure. The appellants' refer to a recent appeal decision² for Bovis Homes which they state the Council failed to convince the Inspector of their 6.21 year land supply but the Inspector did conclude they could demonstrate a 5-year supply, but the surplus was marginal. However, I have not been provided with a copy of this decision. In any event, it is not clear whether the Councils latest evidence supersedes this decision. Thus, on the basis of the absence of alternative evidence from the appellants', I find the Council can demonstrate a 5-year HLS and has calculated this in line with the Framework.
13. However, the appellants' assert that even if the Council can demonstrate a 5-year HLS, as they are relying on LHN to calculate their HLS and have instigated a new Local Plan this means that the Core Strategy is out of date. Thus, they consider the policies which are most important for determining the application are out of date and thus Paragraph 11 d) of the Framework should be engaged. The appellant further states that even if they are not considered out of date, they consider that the policies seek to restrict housing supply and thus the weight that should be attached to them should be reduced as they relate to a plan that is under review including the locational strategy for development and development boundaries.
14. Paragraph 33 of the Framework requires that policies in local plans should be reviewed to assess whether they need updating at least once every five years. Thus, the local authority is statutory bound to undertake this review and just because a review of the plan has commenced this to my mind does not necessarily make the policies out of date. The most relevant policies for the determination of the appeal are Core Strategy Policies CS5 and CS34 and PSP Plan Policy PSP40. Given the Council can demonstrate a healthy housing land supply and whilst accepting a 5-year HLS is not a ceiling, I consider the policies for the delivery of housing are clearly not restricting housing supply and are operating effectively and facilitate opportunities for appropriate small-scale housing development. On review of these policies I consider them to be consistent with the Framework aims to significantly boost the supply of homes. Therefore, on balance I find the most important policies for the determination of this appeal are not out of date and Para 11d of the Framework is not engaged.

² APP/P0119/W/17/3189592

15. The proposal would provide a benefit of 3 dwellings to the overall housing supply and I also recognise that the site would be within walking distance to a number of local services such as school, pub, village hall and church via an existing footpath. Whilst acknowledging this, considering the Council can demonstrate a healthy 5-year HLS, these limited benefits do not provide overriding reasons to justify undermining the development strategy and departing from the adopted development plan, for which I do not find the policies out of date. For these reasons, I conclude the site is not a suitable location for housing.

Other Matters

16. The appellants' refer to previous decisions³ for housing permitted outside of the defined settlement boundaries which are further away from the respective boundaries than that of the appeal site. However, I do not have the full details or locations of these cases before me, or indeed the planning circumstances at the time which informed the decision to grant planning permission. I therefore give these decisions limited weight. Nevertheless, I have in any event determined this appeal on its own merits and on the basis of the evidence before me.

Conclusion

17. For the reasons above, the appeal is dismissed.

S Thomas

INSPECTOR

³ PT18/2740/O and PT18/2785/O