



Appeal Decision

Site visit made on 8 June 2020 by Ben Phillips Bsc Msc

Decision by Zoe Raygen Dip URP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/P0119/W/19/3242714

Tockington House, Upper Tockington Road, Tockington BS32 4LQ

- 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 & Mrs Winson against the decision of South Gloucestershire Council.
 - The application Ref PT18/6001/F, dated 6 December 2018, was refused by notice dated 3 July 2019.
 - The development proposed is described as the Demolition of existing outbuilding and the erection of 1no. detached dwelling with associated works (resubmission of app: PT18/0881/F)
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for Recommendation

Whether Inappropriate Development

4. Policy CS34 of the South Gloucestershire Local Plan: Core Strategy adopted 2013 (CS) and Policy PSP7 of the South Gloucestershire Local Plan – Policies, Sites and Places Plan adopted 2017 (LP) require the Green Belt to be protected from inappropriate development. CS Policy CS5, requires that proposals for development in the Green Belt comply with the provisions in the Framework, or relevant local plan policies in the CS.
5. Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. Part e) of this paragraph lists limited infilling in villages, as one such exception. There is no definition of limited infilling within the Framework, however the Council point to their CS as setting out and defining the term as 'a relatively small gap between existing buildings, normally within a built-up area'. This is consistent with one of the Green Belt purposes as set out in the Framework of safeguarding the countryside from encroachment.
6. The parties agree that the appeal site is located outside (but adjacent to) the defined settlement boundary of Tockington. This is a useful guide to the consideration of village boundaries but not exhaustive. In this case, I saw on my site visit that the proposed dwelling would be located within the well-defined garden area of Tockington House and would clearly be within easy reach of the village's services and facilities. As such the proposed dwelling would not necessarily appear disconnected from the settlement.
7. However, the proposed dwelling would represent backland development, sited as it would be behind the host property, Tockington House, a large detached dwelling set back from Upper Tockington Road. Whilst there are similar backland dwellings to the east, between the appeal site and these dwellings is an open parcel of land, the use of which is unclear. To the north, apart from the greenhouse within the appeal site, lies open undeveloped countryside with a dwelling visible on the horizon, and to the west lies agricultural land, save for a single storey agricultural building and beyond, tennis courts or single storey outbuildings located at the northern end of the gardens of properties fronting Upper Tockington Road. These ancillary structures, like the boundary treatment to the appeal site, are read as low-level buildings/development and are not comparable to the impact of a new independent dwelling visually and in the context of the established pattern of development. Furthermore, the gap between them is not relatively small. Consequently, I do not consider that development as proposed represents infilling as envisaged by the Framework or the CS.
8. The appellant has provided a number of appeal decisions to support the position of limited infilling. Whilst I have concurred that it is necessary to assess 'on the ground' the position of a site in relation to the extent of a village, these examples are materially different to that in front of me (from what I can see from the images provided or in reading the appeal decision), as these either were small gaps in otherwise built up existing frontage¹,

¹ Appeal reference APP/P0119/W/16/3151719

surrounded on 3 sides by dwellings² or clearly and visually between two existing dwellings³. Notwithstanding this, the granting of planning permission elsewhere in the District for a similar type of development does not justify harmful development. Each planning application and appeal is determined on its individual merits.

9. In light of the above I consider that the proposal would comprise inappropriate development in the Green Belt and would be contrary to CS Policies CS5, CS34 and LP Policy PSP7, in addition to Paragraph 143 of the Framework which states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness of the Green Belt

10. The Framework (paragraph 133) states that the essential characteristics of Green Belt are their openness and their permanence. The construction of a 1.5 storey dwelling on the site would result in built development where there is presently some single storey outbuilding/greenhouse and small swimming pool. I note that there is also a certificate of lawfulness for a single storey outbuilding to form an enclosure to the pool⁴. These structures do not compare in scale and visual impact with a dwelling set over two floors and there would inevitably be a loss of openness.
11. The proposed dwelling would be visible from the public footpaths to the north, and whilst the dwelling would be viewed in the context of the existing property behind it, it would present prominent development encroaching on open space when viewed from the north west. While the loss would be small in the context of the Bristol/Bath Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.
12. The Council also reference CS Policy CS4A in this reason for refusal. However, this is a general policy advocating the principle of sustainable development as contained in the Framework. It has not therefore been determinative here.

Location

13. The appeal site is located in close proximity to, but outside of the settlement boundary for Tockington. Therefore, for planning policy purposes, it is located within the open countryside. The proposed dwelling does not accord with the type of residential development listed within LP Policy PSP40 that would be acceptable in order to provide development in accessible locations and protect the character and appearance of the countryside.
14. Nevertheless, as stated above, the proposed dwelling would be located within easy reach of the village's services and facilities, including a bus stop. The intended future occupiers of the new dwelling therefore would be likely to support local services within the village and further afield, which could be accessed by transport modes other than the private car.
15. In this regard there would be no conflict with the general objectives of CS Policy CS8 or the Framework. Furthermore, there would be no conflict with paragraph 78 of the Framework which requires that housing in rural areas is

² Appeal reference APP/P0119/W/16/3165039

³ Appeal reference APP/P0119/W/18/3214856

⁴ P/19/12340/CLP

located where it will enhance or maintain the vitality of rural communities. The appeal site is therefore in an accessible location in this regard.

16. The council suggests that the appeal site contributes to the rural setting of Tockington, which is likely to be the reason it was not included within the settlement boundary in the first instance. However, in my view the appeal site forms part of a well contained garden, clearly distinguishable from the surrounding open countryside. Therefore, although the appeal site is open in character, the proposed house would not materially harm the countryside setting of Tockington.
17. While acceptable in these respects, CS Policy CS5 establishes the type of development that is considered acceptable to deliver the Council's Strategy for Development. Part 6 of that Policy outlines where development should be located within the Green Belt. The proposed house does not comply, being inappropriate development outside the settlement boundary and, as I have already found, would not be development within the Green Belt which complies with the Framework or other CS policy.
18. The appellant asserts that full weight cannot be given to any conflict with restrictive housing policies due to the Council's overall flexible approach to settlement boundaries. Even if I were to accept that is the case, the policy seeks to resist inappropriate development within the Green Belt whether in the settlement boundary or not. Therefore, I conclude that the location of the appeal site is not suitable for a new dwelling as proposed due to its location contrary to CS Policies CS5.

Other Considerations

19. The Framework advises that inappropriate development in the Green Belt should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The Council state that they currently have a five-year supply of housing land and no evidence has been provided to the contrary. Nevertheless, the dwelling as proposed would contribute towards local housing provision on a relatively accessible site.
21. It is further stated by the appellant that a planning application has been submitted⁵ and is currently being considered by the Council for the '*erection of 1 No alpaca barn with associated works*'. This development has not been determined by the Council and as such I can give it little weight in terms of a fallback position.

Other matters

22. It is noted that the appeal site is located close to the Tockington Conservation Area (CA), with its boundary running along the rear boundary of Overwater. No detail is provided regarding this designation; however, it is evident that its significance lies with its special architectural and historic interest. Given the limited scale of the proposed dwelling and simple design, subject to conditions securing appropriate materials, the development would preserve the setting of

⁵ Planning application reference P19/11853/F

the CA, in accordance with paragraph 194 of the National Planning Policy Framework (the Framework).

23. I note that the appellants comments on the council's determination of the application, in addition to the previous issues raised by the council and addressed. However, this is not a matter for consideration under this appeal.

Conclusion

24. The appeal proposal would constitute inappropriate development in the Green Belt. Further harm would be caused as a result of loss of openness. These matters attract substantial weight. The conflict with the development plan indicates that the location of the appeal site is also not suitable for the proposed dwelling.

25. An additional dwelling would be located in an accessible position. However, even if I were to consider it would be on previously developed land, this at most carries moderate weight. The fallback position as outlined above also carries limited weight. Therefore, I conclude that the other considerations do not clearly outweigh the harm the proposed development would cause to the Green Belt and the other harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR