
Appeal Decision

Site visit made on 27 May 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/P0119/W/20/3245947

Southview, Church Road, Rudgeway, Thornbury, Bristol BS35 3SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs John Young against the decision of South Gloucestershire Council.
 - The application Ref P19/12218/O, dated 27 August 2019, was refused by notice dated 30 October 2019.
 - The development proposed is demolition of existing workshop offices. Construction of 4 No Dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application subject of this appeal was submitted in outline with approval sought for access and layout with the matters of appearance, landscaping and scale reserved. I have therefore determined the appeal on this basis.

Main Issues

3. The site falls within the Bristol and Bath Green Belt. Accordingly, the main issues are:
 - Whether or not the proposal is inappropriate development within the Green Belt including its effect upon openness;
 - the suitability of the location having regard to local and national planning policy;
 - character and appearance of the area;
 - living conditions of future occupiers with regard to noise; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development including the effect upon openness

4. The appeal site is a strip of land to the north-east of the dwelling of Southview that is currently utilised in association with a transport/haulage business. The site is largely laid to hardstanding with workshop buildings to the south-west corner and a smaller building to the north-east. Both parties indicate that the site can be considered as previously developed land and I have no reason to differ from this view.
5. The National Planning Policy Framework (the Framework) states in paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. One such exception is detailed within criterion g) that allows for limited infilling or the partial or complete redevelopment of previously developed land; whether redundant or in continuing use. This is permissible where such development would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
6. Openness can be defined as an absence of built form. The existing development is largely contained within the south-western corner, whereas the appeal proposal would introduce four additional dwellings spaced along the site. The appellant contends that the dwellings would have a commensurate floor area to the existing structures within the site and would be contained within the existing yard. Whilst this may be the case, and existing enclosure serves to screen the existing hardstanding and buildings to some degree, the surroundings are essentially verdant and rural. I consider that the introduction of development of the proposed linear form and its likely massing, would extend built development across the site in a manner that would be detrimental to the generally open context within which the appeal site falls. Whilst noting comparative floor areas, to my mind such development would have a greater impact than existing built form upon the openness of the Green Belt and diminish the sense of openness both visually and spatially to some degree.
7. Having regard to the evidence before me it has not been demonstrated that the proposal would meet an identified affordable housing need and as such I am not persuaded of any compliance with the second criterion of exception g).
8. Policy CS5 of the South Gloucestershire Local Plan Core Strategy 2013 (CS) allows for specified development within the Green Belt, including small scale infill development within settlement boundaries of villages shown on the policies map; development under Community Right to Build Orders and that development within the Green Belt accords with the provisions of the Framework and the development plan. Policies PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017 (PSP) and CS34 of the CS, are also of relevance. These policies seek to protect the Green Belt from inappropriate development and I consider them to accord with the aims of the Framework. Having regard to the evidence before me, the appeal proposal would not meet the exceptions or provisions of these policies.

9. For the above reasons, whilst the appeal site may constitute previously developed land, I consider that the appeal proposal would not meet the additional requirements that such development should not have a greater impact on openness or meet an identified affordable housing need. As such I consider that the development is not covered by the exceptions specified within the Framework or the development plan. Consequently, it would be inappropriate development.

Suitability of location

10. The appeal site lies within a countryside area within a loose-knit pattern of development of dispersed dwellings and groups of buildings, with varying relationships with the highway. There is open farmland to the north, south and west of the site. The appellant suggests that the site marks the extreme edge of Rudgeway although from my observations it is physically separate and distinct from the settlement itself.
11. Policy PSP40 of the PSP seeks to restrict residential development in the countryside to a number of forms, including rural workers dwellings and conversion and re-use of existing buildings. Having considered the evidence before me the proposal does not meet any of the identified criteria of this policy. Policy CS5 of the CS is a criteria based policy that seeks to control the location of development to assist in delivering the strategy for development. The proposal does not meet the identified criteria or exceptions of this policy.
12. Policy PSP11 of the PSP identifies that development proposals which generate a demand for travel will be acceptable in certain instances. These include that residential development proposals are located on safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities and if some services are not accessible by walking and cycling have sufficient access to public transport providing access to such facilities.
13. There are no footways or cycle routes provided to the front of the site on Church Road connecting the site with nearby settlements. The lack of a such routes coupled with vehicular speeds, would not be conducive to pedestrian or cyclist movements to and from nearby settlements including Rudgeway. I acknowledge that the site has a long-established use associated with the haulage business, that by its nature results in a number of vehicular movements to and from the site. However, no comparison has been provided to allow an objective assessment of existing and potential vehicular trips. As such although I note that the proposal may result in a reduction in heavy vehicular movements, given the nature of development and lack of adequate pedestrian or cycling facilities and access to public transport, I consider it highly likely that future occupiers would be reliant on the private car to access a number of day-to-day activities and local facilities. Therefore, I consider that the appeal site does not represent a suitable location for residential development and would be at odds with the provisions of Policy PSP11.
14. For the reasons outlined above, the proposed development would not accord with the requirements of Policy PSP40 of the PSP, Policy CS34 of the CS that seeks that development proposals take into account the vision for rural areas, and would fail to provide a suitable, sustainable or accessible location for housing having regard to Policy CS5 of the CS and PSP11 of the PSP and the Framework, including paragraphs 78 and 79.

Character and appearance

15. Whilst matters of appearance, scale and landscaping are reserved, it is evident from the submitted layout that the appeal proposal would introduce dwellings within a linear, suburban arrangement. Although the topography of the surrounding landscape, coupled with existing vegetation and enclosure serve to minimise significant views towards the site, it is nevertheless partly visible from the surrounding highway network and from public rights of way. As such, whilst I note the appellants comments with regard to the single storey height of the proposals, I consider the proposed addition of four additional dwellings in the layout proposed, coupled with associated roof form and paraphernalia would likely be evident from the public domain. Although detailed design would be subject of future applications and noting comments of the appellant with regard to their orientation, I am not persuaded that the appeal proposal could be achieved in a manner that would respect the generally rural sense of place currently evident. To my mind the introduction of the appeal proposal across the site would represent a conspicuous and discordant form at odds with the general pattern of surrounding development, detrimental to the character and appearance of the countryside.
16. Whilst surrounding trees currently serve to screen the appeal site to some degree, the appeal development would introduce four dwellings and associated garden areas in close proximity to site boundaries. Whilst offering a degree of visual relief these trees are of limited public amenity value and I am not aware of any formal protection afforded to them. Therefore, the future health and screening benefits of these trees could not always be relied upon. I also acknowledge that further planting including native trees could be introduced although, I do not consider that this would be effective, particularly in the short to medium term or that this would successfully alleviate the harm identified above.
17. Consequently I find conflict with the requirements of Policies PSP1 of the PSP and CS1 of the CS, that seek amongst other things that proposals respect and enhance the character of the site and its context, and would also be at odds with Policy CS34 of the CS that seeks to protect, conserve and enhance rural areas distinctive character. I also find conflict with the landscape aims of Policies PSP2 of the PSP and CS9 of the CS and the advice contained within the Framework including that within Chapter 12.

Living conditions

18. To overcome concerns raised during application stage, the appeal is accompanied by an environmental noise assessment (ENA) undertaken in February 2020, at seven points through the site. The ENA concludes that freefield noise levels were not unduly high, if continued throughout the whole daytime period, and are well within the guidelines for residential development and could be mitigated subject to acoustic double glazing. In terms of garden areas it suggests that the freefield levels are above recognised guidelines of 50dBA and 'the site would probably benefit from acoustic fencing or walls on its northern boundary, as well as the southern boundary.'
19. However, the ENA was carried out for a short period of time (2 hours) on one day only, Sunday 23rd February 2020, that the report also indicates was the last day of the half term holidays. Given this, I am not persuaded that the recorded measurements are truly representative of typical background noise

levels including those at different times of the week or day when the potential for disturbance could be more likely and any noise from the M5 could be higher. Consequently, from the information before me I am not satisfied that an adequate assessment of potential noise impact for future occupiers has been provided. As such, while the report is of some value, I consider it to be limited in that it is insufficiently robust to demonstrate that the living conditions of future occupiers would not be unacceptably harmed by noise. Furthermore I am not satisfied that suggested indicative forms of mitigation would be adequate to safeguard living conditions or not have other potential impacts.

20. As such, I conclude that it has not been demonstrated that the appeal proposal could be developed in such a manner that would adequately safeguard the living conditions of future occupiers, particularly with regard to noise. Consequently, the appeal proposals would not accord with the living conditions aims of Policies PSP8 and PSP21 that, amongst other things, require that development proposals do not create unacceptable living conditions from noise. I also consider the appeal development to be contrary to the advice contained within the Framework including that within chapter 15, including Paragraph 170 e).

Other considerations

21. My attention has been drawn to a number of other approvals near to the appeal site. However, I am not persuaded that the circumstances and types of development allowed are directly comparable to that proposed under this appeal. Although limited details have been provided, from the information before me, the quoted examples relate to change of use of existing buildings, development allowed under prior approval applications, extension and alteration to existing properties and erection of agricultural buildings. I also acknowledge that existing buildings larger than that proposed under this appeal including agricultural buildings and commercial development referred to as Briarland Court in Rudgeway, are visible within the landscape. However, I am not fully familiar with the specifics of each individual case quoted and from the information before me, they are materially different to the appeal development. Nor, to my mind, does the visibility of other development justify allowing a proposal at odds with the aims of green belt policy. In any event, I have determined the appeal on its individual planning merits and within its particular context. As such the referenced examples do not alter my findings and I afford these limited weight in the planning balance.
22. Details of a previous approval for an extension to the workshop and the erection of a summerhouse at the appeal site have also been brought to my attention. Although I acknowledge the comments of the appellant and the submitted details, both are a materially different form of development to that currently proposed. The details provided also suggest that the consent for the extension to the workshop was granted prior to the adoption of the 2019 Framework and the PSP and has not been implemented. I do not find therefore that these alter my findings and I afford this limited weight in the planning balance.
23. The appellant contends that alternative industrial or commercial uses may require larger buildings at the site that could in turn result in greater harm to the openness of the Green Belt. However, no such proposal is before me and I have been given no evidence that it is a likely fall-back position. It has also not

been demonstrated that all alternative uses would be less suitable than the residential use proposed under this appeal. Consequently, these matters do not amount to a benefit in favour of the proposal.

24. It is suggested that the development of the proposal would have a number of benefits, including the release of equity from the property to allow further expansion and a move to a location with better facilities including drainage infrastructure. However, whilst I acknowledge that this may be the case, little detail has been provided to demonstrate any such benefits and as such I attach limited weight to this.
25. The appellant indicates that the proposal would not impact upon heritage assets, no objections have been received with regard to highways and that the site is within an area of low flood risk. These factors are however to be expected in such situations and are to my mind neutral in the planning balance.

Planning balance

26. I find that the proposal would be inappropriate development in the Green Belt owing to a greater impact upon openness. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm. There would also be conflict with Policy PSP7 of the PSP and Policies CS5 and CS34 of the CS and the advice contained within the adopted Development in the Green Belt SPD. These seek to protect the Green Belt from inappropriate development and I consider them to accord with the aims of the Framework. The proposed development would also be detrimental to the character and appearance of the area, would not be in a suitable location having regard to local and national policy and insufficient information has been provided to demonstrate the proposals would adequately safeguard living conditions of future occupiers.
27. Against this has to be balanced the factors in favour of the proposal (other considerations) which I have found to cumulatively carry limited weight. Consequently, these considerations do not clearly outweigh the identified harm to the Green Belt, suitability of the location, the character and appearance of the area and living conditions of future occupiers, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

28. Therefore, for all of the reasons given above I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR