
Appeal Decision

Site visit made on 7 July 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/D0121/W/20/3251160

Paddock Lakes, Sheepway, Portbury, Bristol BS20 7TF

- 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 John Wlaznik against the decision of North Somerset Council.
 - The application Ref 19/P/1030/FUL, dated 24 April 2019, was refused by notice dated 21 November 2019.
 - The development proposed is removal of existing shed and construction of storage barn to house equipment, machinery and materials for use in the maintenance and operation of the fishing lakes, and the extension of the hardstanding area to accommodate 14 car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the header above has been amended from that shown on the application forms, and instead accords with the description of development provided by the appellant in their document titled 'Justification-2819457' and accompanying drawing revisions that were submitted after the application was made but considered at the Council's Planning and Regulatory Committee before it was determined. The appeal has proceeded accordingly.
3. The evidence submitted by the appellant suggests that the storage barn could help accommodate some agricultural equipment currently elsewhere. This would appear at odds with the description of development, which seeks planning permission for the storage barn in connection with the recreational use of the fishing lakes and not agricultural use. The proposed use of the storage barn is important when determining whether the building constitutes inappropriate development in the Green Belt. For the avoidance of doubt, the appeal has proceeded on the basis of the description of development (as amended) applied for by the appellant.
4. Some of the application plans suggest that buildings elsewhere in the wider ownership or control of the appellant are to be removed. However, on the evidence before me, these buildings are not included within the red line of the application site and neither are they included within the description of development. Consequently, I have determined this appeal on the basis of the above description of development and the proposals indicated on the plans shown within the red line of the application site.

Main Issues

5. The main issues are:

- (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies including the effect on its openness; and
- (b) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

- 6. The site comprises land used in connection with recreational fishing lakes, which are located in the Bristol and Bath Green Belt. Paragraph 145 (b) of the Framework indicates that new buildings for the purposes of recreational facilities are not inappropriate development if it can be demonstrated that they preserve the openness of the Green Belt.
- 7. Policy CS6 of the North Somerset Council Core Strategy 2017 (CS) establishes the strategic approach to managing development in the Green Belt, whilst Policy DM12 of the North Somerset Council, Development Management Policies, Sites and Policies Plan, Part 1 2016 (DMP) requires that (among other things) recreational provision is subsidiary to the main outdoor use and designed to minimise harm to the openness of the Green Belt.
- 8. The openness of the Green Belt has a spatial aspect as well as a visual aspect. The appeal site is currently occupied by a storage shed, hard standing, vehicles and other ancillary equipment. The site is adjacent to a field boundary, which comprises mature vegetation and a large gate, running parallel with the highway to the north east.
- 9. The wider site is occupied by a number of small storage sheds, some of which are said to be used in connection with the recreational fishing lakes. From the evidence before me it would appear that a number, or potentially all, of these are unauthorised and are the subject of existing enforcement action.
- 10. Although the appellant suggests that the proposed storage barn would subsume the equipment currently stored in these other storage sheds elsewhere on the wider site; as explained in the procedural matter, I am not satisfied that this forms part of the appeal proposal before me. In any event, I have no detailed plans of these other buildings that would allow a comparison as to the relative floor space and volume to be assessed.
- 11. The proposed development would be used in connection with the operation and management of the recreational fishing lakes through the storage of equipment for maintenance and expanding parking for customers and workers.
- 12. The proposed storage barn would be substantially larger than the existing building and in a similar context the expansion of the hardstanding areas would also be materially larger than the existing parking area. Consequently, the spatial effects of the development on the openness of the Green Belt would be greater than the prevailing conditions and this would result in harm.

13. The site is currently screened by mature natural boundary features which obscure views into the site and into the Green Belt when in full leaf. During winter there would be additional views into the site, but these would still be limited because of the high density of branches.
14. The site is relatively close to the boundary (including the highway adjacent and other development to the north east) and the development would not protrude into the open landscape of the Green Belt. The siting of the development would be similar to the existing building and this would limit the extent of visual change. Altogether, the development's visual effects on the Green Belt would be limited and in my judgement in itself would not harm its openness.
15. However, the development's spatial effects would still persist and cause harm through a loss of openness. Paragraph 144 of the Framework is clear that any harm to the Green Belt should be given substantial weight in the decision making process. Accordingly, having regard to Paragraph 145 b) of the Framework and Policy DM12 of the DMP, the appeal proposal would constitute inappropriate development in the Green Belt.

Other Considerations and the Green Belt Balance

16. Given that the appeal proposal constitutes inappropriate development in the Green Belt, paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt.
17. Consequently, very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I now turn to these other considerations.
18. The appellant suggests that the proposed storage barn provides an opportunity to rationalise storage on the wider site including the opportunity to remove buildings and structures that are currently unauthorised. As I have already explained I am not satisfied that this forms part of the actual appeal proposal that is before me.
19. In any event, I note that the Council states it intends to take enforcement action relating to these other buildings and structures. As the lawfulness of these storage sheds is not established, their suggested amalgamation into the development proposed does not constitute a very special circumstance in favour of the appeal.
20. The Bat and Bird Assessment confirms that the existing building had no evidence of species and negligible potential to support bat roosts in particular. Consequently, it is unlikely that removing the building to facilitate the development would be unacceptable, and mitigation measures such as those for bird and bat boxes could have potentially been subject to a planning condition to make the development acceptable. However, this has not changed my conclusions on the main issue and has not been determinative in the outcome of the appeal.

21. Overall, the development is inappropriate development in the Green Belt, and I find that the other considerations in this case do not clearly outweigh the harm I have identified. The very special circumstances necessary to justify the development do not exist. Consequently, the development would be contrary to Paragraphs 143, 144 and 145 of the Framework, Policy CS6 of the CS and Policy DM12 of the DMP, which seek to control inappropriate development in the Green Belt.

Conclusion

22. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR