



Appeal Decision

Site visit made on 21 July 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/F0114/D/20/3252191

Poole Farm, Sunnymead Lane, Bishop Sutton, Bristol BS39 5UW

- 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 Campbell Gregg against the decision of Bath & North East Somerset Council.
 - The application Ref 19/04452/FUL, dated 3 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is the erection of a triple garage for domestic use.
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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.

Procedural Matters

3. At the site visit, I observed that a triple garage was in the process of construction. However, it is not clear if the resulting building would be of the same form and design as that proposed in this appeal. For the avoidance of doubt, this decision only relates to the proposed development as shown on the submitted appeal plans.
4. The Council's decision notice refers to Policy SSHP03 of the Stowey Sutton Neighbourhood Plan (2015 to 2029) (Made Version) ('NP'). However, that policy relates to housing development, which is not proposed in this appeal, and therefore that policy is not relevant to my assessment of the proposed development and the determination of the appeal.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the surrounding area, having particular regard to the effect on the Mendip Hills Area of Outstanding Natural Beauty ('AONB'); and
 - the effect of the proposal on protected species and habitats.

Reasons for the Recommendation

Character and appearance

6. The appeal site is located at the end of a fairly secluded tree-lined access way. The site is in a relatively enclosed position, at the bottom of a valley. The proposal would be located adjacent to a farmhouse which largely consists of stone, with a tiled roof. The farmhouse boasts attractive architectural features, including fine stonework and relatively modest but distinctive dormers which contribute to its traditional character and appearance.
7. The proposed triple garage would be a substantial structure, measuring approximately 9.75 metres by 6.57 metres, with a height of approximately 6.09 metres. The use of stone on the principal elevation would complement the farmhouse, as would the parapet wall details. The loft space incorporated in the proposal is intended to be used as an ancillary games/playroom and a condition could be imposed to ensure that the use of the garage remained ancillary to the host dwelling. As the proposed garage would be situated on existing hardstanding, it would not affect any trees.
8. However, the garage would be augmented with external stairs, a Juliette balcony, and a large dormer window which due to its size would have a 'top heavy' appearance. These elements would appear as unduly prominent and urbanising features in this rural location and would be at odds with the rustic and traditional appearance of the farmhouse. Overall, due to the combination of its size and imposing appearance, the proposed garage would not be subordinate in scale or appearance to the host dwelling and would be harmful to its traditional form and character.
9. In the context of the wider landscape, the proposal would be seen in conjunction with the existing dwelling and would not have a wider adverse effect on the landscape of the Mendip Hills AONB. In this respect the proposal would comply with Policies NE2 and NE2A of the Bath and North East Somerset Local Plan 2011-2029: Placemaking Plan (adopted July 2017) (the 'Placemaking Plan'), which collectively require that development should seek to conserve and enhance the landscape setting of settlements.
10. However, the proposal would have an unacceptable and harmful effect on the character and appearance of the host property. For this reason, there would be conflict with Policy CP6 of the Bath and North East Somerset Core Strategy (Part 1 of the Local Plan) (adopted July 2014) which promotes high quality design which reinforces and contributes to its specific local context. The proposal would also conflict with Policies D1, D2, D3 and D5 of the Placemaking Plan, which collectively seek to ensure that development proposals contribute positively to and do not harm local character and distinctiveness, and with paragraph 127 c) of the National Planning Policy Framework ('the Framework') which requires that planning decisions should ensure that developments are sympathetic to local character.

Protected species and habitats

11. The second reason for refusal indicates that insufficient information has been submitted in relation to the impact of the proposal on protected species and habitats. Representations refer to the potential for harm to owls and bats due

to disturbance to commuting routes to foraging habitat and from additional lighting. Bats and barn owls are protected species under the Wildlife and Countryside Act 1981, and bats are a European Protected Species (EPS) under The Conservation of Habitats and Species Regulations 2017. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat.

12. Although the site of the proposed garage was an area of hardstanding, the appeal site is located in open countryside between blocks of woodland. The open space around the existing house has the potential to be a commuting route between areas of woodland, including for foraging bats. In the absence of survey work to understand the potential effects on protected species including any effect from additional lighting, I have no substantive evidence before me to reach a conclusion that the proposal would not cause harm to protected species. It follows that I cannot be certain that the mitigation measures put forward by the appellant would be effective in avoiding or mitigating adverse effects.
13. In the circumstances, I must take a precautionary approach which requires that planning permission cannot be granted in the absence of evidence demonstrating that there would be no adverse effects on protected species, including an EPS, or that mitigation measures would be effective. There would be conflict with Policies NE3, NE5 and D8 of the Placemaking Plan which collectively seek to protect sites, species and habitats and ensure that lighting does not harm ecology, and with NP Policy SSHP06 which seeks to ensure that lighting schemes do not have a negative impact on woodland or hedgerow used by bats for foraging. There would also be conflict with the Framework's requirement that planning decisions should contribute to and enhance the natural and local environment.

Conclusion and Recommendation

14. For the reasons outlined above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

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

Sarah Housden

INSPECTOR