



Appeal Decision

Site visit made on 4 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2020

Appeal Ref: APP/F0114/W/20/3248349

Wyndrush, Tilley Lane, Farmborough, Bath BA2 0BE

- 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 King against the decision of Bath & North East Somerset Council.
 - The application Ref 19/04809/FUL, dated 4 November 2019, was refused by notice dated 18 December 2019.
 - The development proposed is the erection of 1 storey new build dwelling with rooms in the roof and changes to the existing house's parking arrangements.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness.

Reasons

3. Wyndrush is prominent from the A39 road where it is seen in conjunction with an open meadow. The appeal site lies partially behind Wyndrush and several semi-mature trees on the edge of the site provide some screening. The proposed dwelling would be low height and bearing in mind the dwelling's siting behind Wyndrush, it would not be prominent from the main road, particularly when the aforementioned trees are in leaf.
4. There is a public footpath which traverses the open meadow, and I noted on my site visit that the surface was well worn indicating its popularity. The proposed dwelling would appear prominent at certain points along this route because there would be a gap between Wyndrush and the aforementioned trees. The views of the proposed dwelling would be likely to be even more extensive in winter without the leaf coverage of the trees.
5. At the other side of the meadow is Tilley Lane, on to which the site has an open frontage and the proposed house would be forward of Wyndrush, so from various points it would be prominent, particularly closest to the site. This would be a sensitive location as the lane connects the village to the open countryside and is verdant as trees and hedges predominate.

6. The appellants have produced photomontages of the proposal. This does show that trees and Wyndrush would provide some shielding of the proposed dwelling at some points, however I have found that there are other points where it would be apparent.
7. The site is within the Green Belt and the National Planning Policy Framework (the Framework) affirms the implications. Paragraph 133 states that the fundamental aim of Green Belt is to maintain openness. The proposal would be contrary to this aim as the openness of the site would be lost by the presence of the proposed dwelling.
8. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt. There are exceptions and criterion (g) allows for limited infilling in villages, provided there is no loss of openness, which I have not found to be the case. In any event, from Tilley Lane, the site would not appear to be within a built-up part of the village as only Wyndrush would be prominent and the environs would be perceived as countryside, which is confirmed by the site being outside the settlement boundary designated by the Council. The proposal would not be infilling within the village and the development would be inappropriate.
9. Policies CP8 and DW1 of the Bath and North East Somerset Core Strategy seek to protect the Green Belt from inappropriate development, maintain its openness and confirm its extent. Policies GB1, RA1 and RE4 of the Bath and North East Somerset Core Strategy and Placemaking Plan seek to protect the visual character of the Green Belt, only allowing infilling in particular locations or rural workers dwellings. The proposal would be contrary to these policies.

Other matters

10. The third parties make comment on light pollution and harm to living conditions, as well as ground water being diverted. I have considered these concerns but found that they would not be significant.

Conclusion

11. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and very special circumstances are needed to justify development. Whilst the proposed new dwelling would have economic and social benefits these are not outweighed by the harm of the proposal. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR