
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: 3rd August 2020

Appeal Ref: APP/F0114/W/20/3249512

Land to the west of Hanny's Lane/Norton Lane, Chew Magna BS40 8RW

- 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 Hamilton-Davies against the decision of Bath & North East Somerset Council.
 - The application Ref 19/03530/OUT, dated 2 August 2019, was refused by notice dated 1 October 2019.
 - The development proposed is outline planning permission for 5 no dwellings (C3). All matters reserved except for access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect on openness;
 - the effects of the proposal on the character and appearance of the area;
 - the implications of the proposal on surface water management;
 - the implications of the proposal for wildlife and;
 - if the proposal is found to be inappropriate development, 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 required to justify the development.

Reasons

Whether or not inappropriate development

3. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

4. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in Paragraphs 145 and 146 of the National Planning Policy Framework (The Framework). Criterion (e) of does make an exception for limited infilling in villages. However, the site is next to a farm and there is one dwelling to the north but that appears isolated and does not define the built-up extent of the village particularly as there are no houses on either side. Furthermore, the site is outside and distanced from the identified settlement boundary as shown in the submitted Design and Access Statement. Consequently, the site is part of the countryside and not within a village.
5. I note the appellant's reference to a recent appeal¹ for residential development at the neighbouring Old North Chew Farm. Whilst the Inspector accepted that that site was accessible to services, this does not mean that the appeal site would be within the village: it means that the site would be within accepted walking distance to facilities. In any event that appeal was dismissed on grounds of harming Green Belt openness.

Openness

6. Furthermore, whilst 5 houses do not constitute major development, the land on which they would be constructed would close a large gap between buildings and therefore, it would not be "limited".
7. Therefore paragraph 145 e) does not apply. The development would encroach into the countryside contrary to Paragraph 134 of the Framework which states that one of the purposes of the Green Belt is to avoid such encroachment.
8. Similarly, paragraph 133 states the fundamental aim is to keep the openness of the area, and the presence of 5 houses would curtail the openness. The proposal would conflict with these key principles.
9. I therefore conclude that the proposal would harm the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. Policy CP8 of the Bath and North East Somerset Core Strategy (CS) protects the Green Belt from inappropriate development and maintains openness, whilst Policies GB2 and GB3 of the PP limit residential development within the Green Belt. The proposal would be contrary to these policies.

Character and appearance

10. The site is on the edge of Chew Magna. It lies between a group of traditional farm buildings and an isolated dwelling. To one side is a lane lined by a dense hedge, to the other are fields.
11. A footpath traverses the site and extends onto the hills beyond. Another footpath just to the north also extends onto the hillside and offers views of Chew Magna church tower and the village nestling amongst trees, with the Mendip Hills on the skyline. Judging by the eroded surface I saw on my site visit these footpaths are well used.
12. The proposal is in outline, and the actual layout would be a reserved matter, but the space needed for the proposed 5 dwellings, together with the new access, turning and parking would occupy much of the site. The indicative

¹ APP/F0114/W/18/3194889

layout and the submitted Design and Access Statement show the likely extent of such elements. The proposal would fundamentally change the site from a grass field to hard surfaces and domestic paraphernalia.

13. The changes would not be particularly discernible from the nearest road as the dense hedge intervenes. However, the footpath across the site would become a route through a housing development rather than countryside.
14. The site is visible from the footpath to the north as it forms the foreground to views to the church and the surrounding countryside. The change from a green field to housing, would undermine the setting of the village in the landscape as the development would be overly dominant and would be seen to be extending the village up the hillside.
15. Whilst the site is not formally designated for its landscape importance, it is attractive countryside, nonetheless.
16. I therefore conclude that the proposal would harm the character and appearance of the area. Policies NE2, NE2A and GB1 of the Bath and North East Somerset Local Plan Core Strategy and Placemaking Plan (PP) conserve and enhance the local landscape, and similarly the setting of settlements including views and features. I consider that these are general criteria which are helpful to assess character and do not need to be specified within areas designated on a Local Plan proposals map as the appellant suggests. The Chew Valley Neighbourhood Plan (NP) policy HDE3 has similar aims to the PP. The proposal would be contrary to these policies.

Surface water management

17. The site is in a Flood Zone 1 which indicates that the new houses themselves would not be susceptible to flooding. It is approximately halfway up a hillside. There is a stream/ravine at one side of the site where the land appears dip towards. The site is currently an open grass field which allows for some absorption of surface water.
18. The proposal would undoubtedly involve considerable hard surfaces including the access, turning areas, parking, houses and perhaps patios. At least some of these surfaces would be likely to be impermeable thereby reducing the site's water absorption from the hillsides above. In addition, the speed of the surface water runoff would also be likely to cause flooding to the houses below.
19. No assessment of the site ground conditions and resulting measures to slow up remediation has been submitted. Moreover the 5 houses and access arrangements would occupy much of the site thereby leaving little space for the retention of surface water. The appellant has indicated a willingness to accept a condition, however without a proper assessment, the principle of development cannot be assumed to be satisfactory. Accordingly, the proposal would be likely to increase the speed of surface water runoff which would cause flooding in times of heavy or sustained rain.
20. I conclude that the proposal would result in an unacceptable risk to flooding. Consequently, it would conflict with Policy CP5 of the CS which aims to reduce surface water runoff and policies HDE9a and HDE9b of the NP which promote SUDS and avoidance of flooding.

Wildlife

21. The site is not within a formal designated area of significance. However, it is likely to be supportive for various species in the wider area. The site is rough unmanaged grassland close to a ravine which has densely covered sides with trees and shrubs and at sometimes of the year accommodates a stream. It is also amongst open fields divided by hedges and trees, with an adjoining farm outbuilding: collectively these provide a diverse range of habitat. From my observations on site, the site is likely to have potential as a foraging area and allows the movement of wildlife.
22. No wildlife survey has been undertaken to consider the site's potential and whether or how it contributes to the value of adjacent habitats. Without a survey its role and significance cannot be fully appreciated, and the proposal would be likely to jeopardise the wider ecosystem as grassland would be lost. Disturbance would result through domestication and lighting would be likely to be incompatible with wildlife.
23. Without an assessment of the ecological value of the site, I therefore conclude that the proposal would present an unacceptable risk to wildlife.
24. Policy NE3 of the PP seeks to maintain biodiversity and similarly Policy HDE 14a of the NP, which includes a plan showing the wildlife interest in the area. The proposal would be in conflict with these policies.

Green Belt balance and conclusion

25. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
26. In addition, I have found harm in respect of openness, character and appearance, flooding and ecology which all weigh significantly against the proposal. I give only modest weight to the addition of additional dwellings.
27. All these other considerations do not clearly outweigh the totality of the substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist.
28. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR