



Appeal Decision

Hearing Held on 10 August 2020

Site visit made on 11 August 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2020

Appeal Ref: APP/D0121/W/19/3233568

Sprigg Farm, Clevedon Road, Weston-in-Gordano BS20 8PR

- 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 Paul Harris against the decision of North Somerset Council.
 - The application Ref 19/P/0887/FUL, dated 8 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is the erection of a dwelling house, including demolition of 2no. barns and 1no. residential dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. As the site lies within the Green Belt, the main issues are:
 - whether or not 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 of the proposal on the openness of the Green Belt,
 - whether the development plan would support the location of the dwelling,
 - the effect of the proposal on the character and appearance of the area, and
 - the effect of the siting of the dwelling on the living conditions of future occupiers.

Reasons

Green Belt

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 of the Framework.
4. The proposed dwelling is advanced on the basis that the development would comply, in terms of paragraph 145 of the Framework, with both the exception for limited infilling in villages (paragraph 145e) and, in summary, for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than

- the existing development (paragraph 145g). It is necessary to demonstrate that only one exception would be met for the proposal to be not inappropriate development.
5. In terms of the Council's approach to whether a proposal would be limited infilling in a village, as defined by the Framework, and notwithstanding that Policy CS33 of the North Somerset Council Core Strategy (January 2017) (the CS) does not name Weston-in-Gordano as an infill village, two examples have been drawn to my attention which I consider are relevant to the considerations at the appeal site.
 6. With the case at land west of 28 Clevedon Road, Tickenham¹, the planning report explains that Tickenham, which is located within the Green Belt and is not a named infill village, does not have a settlement boundary. Consequently, the report explains that the proposed construction of a dwelling would not comply with Policy DM12 of the North Somerset Council Sites and Policies Plan Part 1 (July 2016) (the SPP Part 1) regarding limited infill development in the Green Belt (and is a policy which complements Policy CS33 of the CS). However, the Council when referring to the approach advised in *Julian Wood v SSCLG & Gravesham BC 2015* assessed the situation on the ground and came to the view that the scheme would fall within a village, constitute limited infilling and therefore would not be inappropriate development within the Green Belt.
 7. The other example concerns land adjacent to Bay Tree Cottage, Hill Lane, Weston-in-Gordano². This proposal concerned the construction of a new dwelling and the Council concluded in its planning report that the proposal would be limited infilling within the village of Weston-in-Gordano and meet the requirements of paragraph 145e of the Framework in this respect. The Inspector who considered the appeal found no reason to disagree with this conclusion. This site is in general proximity to the present appeal site.
 8. Weston-in-Gordano has the appearance and feel of a village, with a reasonable size and concentration of built development including dwellings, a church and a public house. Consequently, and having regard to the Council's general approach as set out in the two fairly recent examples above³, I consider it is a village for the purposes of considering the exception in paragraph 145e of the Framework. It therefore follows that limited infill development, as a matter of principle, could be acceptable.
 9. Weston-in-Gordano has a generally linear form with buildings often facing the road through the village. However, there are examples of development set back from the main road and this forms part of the character and appearance of the village when viewed within the wider landscape. While there is some tapering off of the built form at some edges, generally the village has a clear demarcation between the buildings within the village and the adjoining open countryside.
 10. Sprigg Farm is accessed from the main road in a location close to existing dwellings within the village. The group of farm and other buildings within the wider site adjoin, without any meaningful separation on the ground, the nearby

¹ Council reference Application 18/P/5124/OUT

² Appeal Reference APP/D0121/W/19/3227625 dated 25 October 2019

³ I have also taken into account the appeal at 3 Dundry Lane, Dundry (APP/D0121/W/19/3220619). In that case, notwithstanding the policy considerations, the Inspector did not consider the site fell within a village.

residential properties. Although the Sprigg Farm buildings have a functional appearance and therefore a different character to the nearby housing, in wider landscape views, they have a clear built and physical presence that assimilates closely with the built form of the village rather than appearing detached and part of the open countryside. In the circumstances of the buildings on the Sprigg Farm site and its relationship to the surroundings, I consider that the appeal site for the proposed dwelling falls to be considered within the village.

11. The scheme would involve the demolition of a group of buildings which are predominantly surrounded by built form. The proposed dwelling would replace these existing buildings and be located in a space, again broadly surrounded by other development, such that it would not encroach into open land. In my view, the proposal would provide a scheme that was limited in extent and infill the space between existing buildings within the confines of the village.
12. Notwithstanding Policy DM12 of the SPP Part 1, the proposal would therefore meet with the exception for limited infilling in a village as defined by paragraph 145e of the Framework. There is no requirement to consider the impacts on openness as this is implicitly taken into account within this exception⁴. Consequently, I conclude that the proposal would not be inappropriate development within the Green Belt.
13. Furthermore, as the scheme would replace existing buildings and be within part of the village generally surrounded by other buildings, I do not consider that the proposal would conflict with any of the Green Belt purposes, including the need to assist in safeguarding the countryside from encroachment.
14. As I have found that the proposal would not be inappropriate development, I do not need to consider whether the scheme would also meet with the other exceptions for the development of buildings in a Green Belt, including the policy tests set out in paragraph 145g of the Framework.

Location of the development

15. Policy CS33 of the CS sets out the strategy for the location of development across the plan area in regard of infill villages, smaller settlements and the countryside. Weston-in-Gordano is not named as an infill village listed in Policy CS33 of the CS. As a consequence, there is no settlement boundary and development in Weston-in-Gordano is therefore subject to the limited development opportunities as set out for "residential development elsewhere" in Policy CS33. The site is therefore considered to be countryside in terms of the application of development plan policies and an additional permanent dwelling would conflict, as a matter of principle, with the strategy for the location of new housing.
16. Although outside the red lined application site, the description of the proposal includes the demolition of the existing dwelling on the land. This dwelling is subject of a personal planning permission and therefore does not have a permanent unfettered planning permission for a dwelling. Nevertheless, even if the proposal was to be considered as a replacement dwelling, and this could be conditioned accordingly in any permission, then amongst other criteria, it would not accord with the size increase criterion of Policy DM44 of the SPP Part 1.

⁴ Having regard to the approach set out in *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404*.

17. The scheme is not advanced as an agricultural/rural worker's dwelling, although this matter was discussed at the hearing and I examine this in more detail later. Nevertheless, on the basis of the submitted scheme it would not meet with Policy DM 46 of the SPP Part 1 which concerns the policy circumstances for the provision of rural workers' dwellings.
18. Based on the above analysis, I conclude that the development plan would not support the location of the dwelling in this case, and in particular the proposal would not accord with Policy CS33 of the CS and Policies DM44 and DM46 of the PPS Part 1, which seek, notably that development in such locations will be strictly controlled in order to prevent unsustainable development.

Character and appearance

19. This part of the village is set on a gentle slope. The land rises from the road, through the site of the nearby housing and up across the site of the building group at Sprigg Farm. Beyond these buildings the land rises more steeply and there are some views from adjoining rights of way across the fields towards this part of the village.
20. While 2 The Tynings is more apparent, generally the ridges of the dwellings near the Sprigg Farm site are not overly prominent and the buildings themselves are softened by the surrounding landscaping. Within the wider Sprigg Farm site, the fairly large agricultural buildings are clearly visible but their shallow sloping roofs, with some buildings cut into the slope of the land, mean that they have a moderate influence on the wider landscape.
21. The buildings within the appeal site itself are generally low in height and are largely screened by the surrounding buildings. However, the curved roof of the Dutch barn is higher and is a reasonably noticeable part of the wider building group. From parts of the right of way that angles across the fields broadly to the east and the area by the upper style along the right of way broadly to the north west, the curve of the Dutch barn is a feature of the site that draws the eye, although its height is broadly similar to some of the ridges of the adjoining dwellings.
22. The proposed dwelling would be quite a substantial building. The design itself, and if it was to have a clay tile roof rather than the proposed slate, would be broadly typical of the mix and style of buildings within the village. The footprint and volume of the buildings to be removed would be greater than those of the new dwelling, however, much of the existing buildings to be removed are reasonably low and screened from wider view. In contrast, the height of the new dwelling would be greater than the existing structures. The dwelling would have 3 different ridge heights, and even the lowest ridge over the garage area would be taller than the ridge of the existing Dutch barn. The height of the building together with the extent and bulk of building across the site would result in a conspicuous addition. The overall height and bulk of the proposed dwelling, and its prominence from parts of the rights of way network, would not sit sympathetically with the slope of the land and would be out of keeping with the general form of development in this part of the village.
23. Accordingly, I conclude that the proposal would harm the character and appearance of the area. As a consequence, it would not comply with Policies CS5 and CS12 of the CS and Policies DM10 and DM32 of the SPP Part 1 which

seek, amongst other things, that development be carefully integrated into the natural and built environment aiming to respond to local character.

Living conditions

24. The front of the dwelling would be orientated to face the adjoining stable building. Furthermore, it would be in the vicinity of agricultural buildings housing livestock and the access to parts of the site for farm machinery would be in proximity to the dwelling. In these circumstances, the presence of the working farm and equestrian site would have an immediate and adverse effect on the living conditions of occupiers of the dwelling. It would not be appropriate for someone to occupy the dwelling independent of the wider Sprigg Farm buildings.
25. The Council indicated that to address this matter, were I minded to allow the appeal and without prejudice to their case and with reservations, that the dwelling could be subject of an agricultural worker's occupancy condition. However, the wider site is in a mixed use, the dwelling is much larger than allowed for under Policy DM46 of the PPS Part 1, there is little information before me on the functional need on the holding (because this is not the case made by the appellant) and in the past the Council has refused proposals for agricultural worker's dwellings. Presumably this was, in part, because it was not satisfied that the need was demonstrated on the holding. In these circumstances, I am not satisfied that such a condition would be reasonable.
26. Other suggestions were put to me at the hearing, including that the occupation of the dwelling be limited to a rural worker or be limited to a person employed or last employed at Sprigg Farm. However, I am not satisfied that such conditions would provide the necessary certainty to protect the living conditions of the occupants of the dwelling in the long term. The stables are already operated by a person not resident on the site (albeit by a relative at the moment) and there would be little control over parts of the land and/or buildings being rented or sold to others with the potential for activities that may cause disturbance. In these circumstances, I do not consider that I have a mechanism before me that would be precise and enforceable to address the harm to the living conditions that would result from the juxtaposition of the proposed dwelling and the adjoining buildings and their related uses.
27. In these circumstances, I conclude that the siting of the dwelling would not be compatible with providing adequate living conditions for the future occupiers of the dwelling. In this way the scheme would not comply with Policy DM32 of the PPS Part 1 and the Framework which seeks in this respect to create places with a high standard of amenity for future users.

Other Matters

28. I have taken into account the support for the scheme, including the letters of representation, and I am conscious that there are no local objections to the proposal. However, these matters do not outweigh the harm I have identified which leads me to my conclusions.
29. The site adjoins, but is outside, the Weston-in-Gordano Conservation Area (CA). Part of the significance of the CA derives from the relationship of vernacular buildings to the road. As the proposal would be sited behind a substantial hedge and effectively face the other Sprigg Farm buildings, and be

associated with this group, the proposal would preserve the character and appearance of the CA and its setting. Its impact would be neutral and therefore there would be no benefit or enhancement to the CA and its setting from the proposal.

Planning Balance and Conclusion

30. The proposal would not comply with the locational strategy for the provision of residential development, it would harm the character and appearance of the area and would not provide adequate living conditions for future occupiers. These are matters that would conflict with the development plan when considered as a whole.
31. It is accepted by the main parties that the Council is unable to demonstrate a 5 year supply of deliverable housing land. I have found that the proposal would not be inappropriate development in the Green Belt and would have a neutral impact on the setting of the CA. Therefore, the application of policies in the Framework that protect areas of particular importance do not provide a clear reason for refusing the development. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. Due to the Council's housing supply position, the location of the site outside a settlement boundary is not definitive in this case. The location is such that there is access to some local services in the village such as the church, public house and the motor repair garage. The evidence indicates that there is a fairly regular bus service to local centres and that the services and facilities of parts of Portishead are not far away. While some residents may use the car, the bus service appears to be a practical alternative to the private vehicle. The B3124 road is reasonably narrow but for some, considering the modest distance, cycling to parts of Portishead would be a reasonable alternative to the car. Taking all these matters into account I consider that the site has adequate access to local services and facilities. Consequently, the conflict with Policy CS33 of the CS and the overall locational strategy of the development plan carries limited weight.
33. The proposal would provide a sizeable dwelling which would be able to meet the needs of several generations of the same family who have resided at the site and been part of the wider village community for many years. The occupation would assist in maintaining the wider agricultural land and local habitats, and would help ensure best management of the livestock on the site. It is argued that the existing functional buildings would be removed and the volume and footprint of development on the site would be reduced. The case is made in detail that the site constitutes previously developed land such that the reuse of the land would have the strong policy backing of the Framework to support the redevelopment.
34. There is already a somewhat substandard dwelling on the site that would be replaced such that there would not be an increase in the authorised residential units on the site.

35. In terms of the Green Belt, the proposal would not be inappropriate development and would not conflict with the purposes of including land within the Green Belt.
36. Drawing all these matters together, the harm resulting from the conflict with the locational policies of the development plan affords limited weight. The harm to the character and appearance of the area is reasonably localised but nevertheless significant and I attribute this moderate weight. The harm by reason of the adverse living conditions that would result to future occupiers affords substantial weight. Overall, the combined harm that would result from the scheme should be attributed substantial weight. The benefits of the scheme which I have summarised above, while valuable, are reasonably limited in extent given the scale and nature of the proposal and afford moderate weight in favour of the scheme.
37. In the circumstances, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would not constitute sustainable development and this weighs heavily against the scheme.
38. For the reasons given above, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Christopher Stokes

Stokes Morgan Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ms Judith Porter

North Somerset Council

Mrs Karen Bartlett

North Somerset Council

INTERESTED PERSONS

Ms Penny Roberts

Local Resident