



Appeal Decisions

Site visit made on 19 August 2020

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal A: APP/D0121/C/20/3245567

Appeal B: APP/D0121/C/20/3245569

10 Dial Lane, Felton, Bristol BS40 9YD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Ms S Wilkinson (Appeal A) and Ms C J Williams (Appeal B) against an enforcement notice issued by North Somerset Council.
 - The enforcement notice was issued on 6 January 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a barn.
 - The requirements of the notice are: Remove the barn and all resulting materials from the land.
 - The period for compliance with the requirements is three months.
 - The appeals are proceeding on the grounds set out in section 174(2) (a) in respect of Appeal A and (g) in respect of Appeals A and B of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C: APP/D0121/W/20/3245565

Summerleaze, 10 Dial Lane, Felton BS40 9YD

- 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 Sarah Wilkinson against the decision of North Somerset Council.
 - The application Ref 19/P/2390/FUL, dated 26 September 2019, was refused by notice dated 30 December 2019.
 - The development proposed is the erection of an agricultural building.
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Summary of Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B

2. I take no further action in respect of this appeal.

Appeal C

3. The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Application for Costs

4. An application for costs was made by Sarah Wilkinson against North Somerset Council. This application is the subject of a separate Decision.

Procedural Matters

5. I have adopted the Council's substantive description of development in respect of Appeal C for clarity, as retention or retrospective are not forms of development within the meaning of the Act.
6. As the enforcement notice and refusal of planning permission relate to the same building, namely a barn, I have considered Appeals A and C together below.

Appeals A and C – The ground (a) appeal and refusal of planning permission

Main Issues

7. The main issues are:
 - Whether or not the development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
 - If the development is inappropriate, 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 necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

8. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence.
9. Policies DM12 and DM51 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1, July 2016, both pre-date the Framework. They are however both consistent with the Framework in that they permit buildings necessary for agriculture and seek to resist disproportionate additions over and above the size of an original building. In the case of the appeals before me, as the Council notes, the building is separate to the one it adjoins, and cannot be considered as an extension. It therefore logically follows that Policy DM51 would be the main applicable policy.
10. Paragraph 145 of the Framework is concerned with buildings and lists exceptions to inappropriate development in this respect. The construction of new buildings for agriculture is accordingly not inappropriate development.
11. The barn was constructed in 2019 and is said to have replaced a barn, albeit in a different location, that was removed in 2013 after falling into disrepair. It is also said that it does not exceed 50% of the gross floor area of the original

barn although only limited evidence is before me to substantiate this assertion. The barn itself is of agricultural design, appearance and construction.

12. The Council is concerned that the barn was erected to house a wedding and was going to be put to an unauthorised use for airport parking. It is acknowledged by the appellant that a wedding was held. There is then evidence that part of the site has or is used for airport parking, but this is a separate planning matter as no evidence is before me that the barn itself has been used for such purposes. Rather, the evidence is that the barn is required to house livestock present at the holding and to store hay and straw associated with a hay and straw haulage business.
13. Whilst I therefore appreciate the Council's concerns following its site visits in 2019, the evidence now available persuades me that the barn is necessary for and ancillary to the use of the land for viable agricultural purposes. This is also consistent with that I observed during my site visit, although I appreciate this in itself only represents a snapshot in time. The barn therefore does not contravene the purposes for which the Green Belt serves and the purposes of including land within it.
14. Moreover, an effect on the openness of the Green Belt is not disputed between the parties and I have little evidence, including observations during my site visit, that would lead me to differ.
15. I therefore conclude the development is not inappropriate development and so by definition is not harmful or contrary to national and local policy to protect the Green Belt. Accordingly, I do not need to consider whether there are any very special circumstances necessary to justify the development.

Planning Conditions

16. Both the appellant and Council have suggested a planning condition that the barn only be used for agricultural purposes. I agree this is necessary and reasonable albeit I have amended the wording so that it reflects the barn only, given that is the development before me. I however have little evidence, in terms of policy or other basis before me, to require the barn then be taken down should an agricultural need cease. As the barn has already been completed, there is no need for a condition to ensure the barn is constructed in accordance with the submitted plans in respect of Appeal C.

Appeals A, B and C - Overall Conclusion

17. For the reasons given above I conclude that the appeal should succeed on ground (a) and against the refusal of planning permission and therefore planning permission will be granted. As the enforcement notice will be quashed, the appeals on ground (g) do not need to be considered and so I need not take any further action in respect of Appeal B.

Formal Decisions

Appeal A

18. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already

carried out, namely the erection of a barn on land at 10 Dial Lane, Felton, Bristol BS40 9YD referred to in the notice, subject to the following condition:

1. The building the subject of this permission shall be used for agricultural purposes only and for no other purpose unless otherwise first agreed in writing by the Local Planning Authority.

Appeal B

19. I take no further action in respect of this appeal.

Appeal C

20. The appeal is allowed and planning permission is granted for the erection of an agricultural building at Summerleaze, 10 Dial Lane, Felton BS40 9YD in accordance with the terms of the application, Ref 19/P/2390/FUL, dated 26 September 2019, subject to the following condition:

1. The building the subject of this permission shall be used for agricultural purposes only and for no other purpose unless otherwise first agreed in writing by the Local Planning Authority.

Paul T Hocking

INSPECTOR