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## Appeal Decision

Site visit made on 7 September 2020

**by Rachael Pipkin, BA (Hons), MPhil, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> September 2020**

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**Appeal Ref: APP/P0119/W/20/3254913**

**Ashlands, 67 London Road, Warmley, BS30 5JH**

- 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 Roland Tanner against the decision of South Gloucestershire Council.
  - The application Ref: P20/01671/O dated 27 January 2020, was refused by notice dated 1 April 2020.
  - The development proposed is described as 'outline planning application for the erection of 4 dwellings on land adjacent to'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The original application was made in outline with all other matters reserved for future determination. I have had regard to the existing and proposed site plans and the indicative layout of the proposed development as shown in these drawings but have regarded all elements of these drawings as indicative.

### Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and development plan policies;
  - the effect of the proposal on the openness of the Green Belt;
  - whether or not the appeal site is a suitable location for housing, having regard to local and national policy for the delivery of housing; and
  - if the appeal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

4. The appeal site forms part of the extensive grounds to Ashlands, a large detached house on the edge of the village of Warmley. Ashlands is on the north

side of London Road, outside the defined settlement boundary of the east fringe of Bristol, which includes Warmley, which runs along London Road to the south. The site is located within the Bath and Bristol Green Belt, the boundary of which also runs along the southern edge of London Road.

*Whether inappropriate development in the Green Belt*

5. The National Planning Policy Framework 2019 (the Framework) states at paragraph 143 that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Paragraph 145 of the Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a limited number of exceptions. Two of these exceptions are relevant in this case: e) limited infilling in villages and g) limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017 (PSPP) sets out that inappropriate development is harmful to the Green Belt. Policy CS5 of the South Gloucestershire Local Plan Core Strategy 2013 (Core Strategy) sets out that small scale infill development may be permitted within the settlement boundaries of villages within the Green Belt. These policies are consistent with the approach set out in the Framework.
7. The terms 'limited' and 'infilling' are not defined in the Framework and these will be essentially a question of fact and planning judgement for the planning decision-maker. However, the Core Strategy defines infill development as 'the development of a relatively small gap between existing buildings, normally within a built up area'.

*a) Limited infilling in villages*

8. The appeal site is a large, broadly rectangular parcel of land within the grounds of Ashlands and set back from London Road behind a wide strip of trees. It is positioned between Number 87 London Road (No. 87), which forms the end of a linear row of residential development to the east of the site, and Ashlands which is positioned downslope from the site. To the south, on the opposite side of London Road, there is linear residential development within the defined settlement.
9. The gap between No. 87 and Ashlands is wide. The proposed houses would be next to the rear gardens but not aligned with the ribbon of development to the east of the site, due to the site being set back from London Road behind a tree protection zone. More fundamentally, the proposed development would retain a sizeable gap between the western edge of the appeal site and Ashlands which would be downslope, and both physically and visually separated from it. For this reason, despite its proximity to the urban area, it would not amount to an infill of the site as it is neither adjacent to Ashlands nor No. 87.
10. The indicative drawings for the proposed development show four detached houses with garages and an access road. Numerically the addition of four houses on a large site would not be a significant development, nevertheless, it would not be limited given the width of the plot that would be occupied by

buildings and hard surfaced areas. The proposal would therefore not meet the exception set out in paragraph 145(e) as it would neither be limited nor infill development.

*b) Redevelopment of previously developed land*

11. The Framework defines previously developed land (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land. It specifically excludes land in built-up areas such as residential gardens from this definition. The appeal site, whilst close to the built up area, is outside the settlement boundary. As it falls within the grounds of a residential property, it could be considered as PDL. Paragraph 145(g) allows for the partial or complete redevelopment of PDL in certain specific circumstances.
12. With the exception of the existing driveway to Ashlands which crosses the appeal site, the site is lawned and not occupied by any structures. Even if the site is considered PDL, its redevelopment would nevertheless have a greater impact on the openness of the Green Belt because it would introduce development where there is none, as I set out in my reasoning below. It would also not provide affordable housing. It would therefore not meet the exception set out in paragraph 145(g).

*c) Findings*

13. For all these reasons, I conclude that the proposed development would be inappropriate development in the Green Belt. It would conflict with national policy to protect the Green Belt and would be contrary to Policies PSP7 of the PSPP and Policy CS5 of the Core Strategy. In accordance with the Framework, I attach substantial weight to this harm.

*Effect on the openness of the Green Belt*

14. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development and has both spatial and visual effects.
15. The land forming the appeal site is undeveloped other than the driveway. In spatial terms, the proposed development of four houses would result in development in the form of buildings, structures and additional areas of hard surfacing where there is currently only a driveway. This would permanently extend the urban area into open land which would cause a significant loss of openness.
16. The appeal site is enclosed by trees on its eastern and southern boundaries and in an elevated position within the grounds of Ashlands, which gently slope downwards to the west and towards open fields to the north. The proposed development would be positioned between the area identified as a tree protection zone and hedging and trees to the rear of the site. This would partially screen it from the public realm along London Road although it would be visible through the access off this road. Furthermore, due to the elevated position of the site the proposed development could be visible in long range views from the north. It would therefore visually impact on the surrounding area, which would also contribute to the loss of openness.

17. Consequently, I conclude that the development would result in significant harm to the openness of the Green Belt conflicting with the Framework's aims in that regard. I give significant weight to that harm.

*Location of development*

18. The Council's strategy for housing development is set out in Policy CS5 of the Core Strategy. This guides most new development to the defined urban fringes of Bristol and other larger settlements within the district. As the appeal site is outside the settlement boundary, it is within the countryside for planning purposes where new development will be strictly limited.
19. The appeal site is immediately opposite development within the settlement boundary and benefits from a similar level of access to services as these properties. The proposed development, due to its proximity to existing development would relate well to the existing urban area however, due to its set back it would have little relationship with the street. Furthermore, this stretch of London Road has a semi-rural character with fields and development limited to Ashlands and The Coach House. Neither of these properties are prominent within the streetscene due to the high wall and vegetation along their boundary and both are unrelated and quite separate from the small stretch of ribbon development to the east.
20. Regardless of the development being within the residential curtilage of Ashlands, all of this property and the appeal site falls outside the settlement boundary. The site contributes to the transition between the urban and rural areas which would be eroded by the addition of four houses. It would extend the urban form into the countryside, yet it would bear little relation to the urban area as the houses would be set back from the street behind the tree protection zone.
21. I conclude that the location would not be a suitable location for housing development, having regard to local and national policy for the delivery of housing. It would therefore conflict with Policy CS4A, CS5 and CS34 of the Core Strategy which together seek sustainable development, strictly controls development outside defined settlement boundaries and protect rural areas and the setting these provide to urban areas. It would also not accord with the housing supply objectives of the Framework.

*Other considerations*

22. The provision of four houses close to the existing urban area and accessible to services and facilities by means other than the private car would be benefits of the scheme.
23. The lack of objections on highways, conservation and public open space grounds and the lack of objection from the Parish Council are neutral factors in the balance.

*The Green Belt Balance*

24. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause significant harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 144 of

the Framework. I have also found that the site would not be suitable for housing development due to its location outside the settlement boundary.

25. The appellant has not forwarded any very special circumstances and I have found that there are no other considerations, including the provision of four houses in an accessible location, that clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
26. As such the proposed development would be contrary to the Framework. It would also conflict with Policies CS5 and CS34 of the Core Strategy and PSP7 of the PSPP which set out that the Green Belt should be protected against inappropriate development.

### **Conclusion**

27. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Rachael Pipkin*

INSPECTOR