
Appeal Decision

Site visit made on 26 August 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/F0114/W/20/3254941

Commercial Parking Site, Box Road, Bathford, Bath BA1 7QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Doric Developments (Bath) Ltd against the decision of Bath and North East Somerset Council.
 - The application Ref 20/01423/VAR, dated 15 April 2020, was refused by notice dated 23 June 2020.
 - The application sought planning permission for the erection of a small car preparation centre and associated external works without complying with a condition attached to planning permission Ref 19/04793/FUL, dated 13 March 2020.
 - The condition in dispute is No 9 which states that: *The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below. Plans List: BXB-001 Existing Plan, Elevations & Section; BXB-003 Existing Site Plan; BXB-006 Proposed Site Plan; BXB-007A Indicative Landscape Plan; BXB-002 Existing Site Location; BXB-008 Proposed Plans Option 1; BXB-009 Proposed Elevations and Sections Option 1.*
 - The reason given for the condition is: *To define the terms and extent of the permission.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site is located within the Bristol and Bath Green Belt and is recognised as being previously developed land by both parties. The appeal site is currently a vacant plot of land which has been used for the display for sale of motor vehicles, and the like, and associated storage¹. Planning permission was recently granted for the erection of a small car preparation centre and associated external works over the site² based on the exceptions under Paragraph 145 of the National Planning Policy Framework (the Framework).
3. The appellant is seeking to vary Condition 9 which defines the terms and extent of this permission by listing the approved plans of development. The proposal is to revise the listed plans of development with an amended set which would allow a taller building to be erected than that originally permitted. The purpose of the revised proposal is to adhere to the regulatory requirements for ramped access for vehicle inspections and maintenance. The extent of hardstanding over the whole site is also proposed to be reduced and replaced with landscaping.

¹ Certificates of Lawfulness for an Existing Use - LPA Ref: 10/01603/CLEU and 13/01687/CLEU

² LPA Ref: 19/04793/FUL

4. On this basis, the main issue is whether the condition is necessary having regard to the aims of local and national policy to protect the Green Belt, including:
- whether the proposal is inappropriate development in the Green Belt, having regard for openness; and
 - if the proposal is 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 necessary to justify the development.

Reasons

Inappropriateness of development and effect on openness

5. Great importance is attributed to Green Belts under Paragraph 133 of the Framework. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, which are the defining characteristics of Green Belts. Policy CP8 of the Bath and North Somerset Core Strategy (CS) (adopted July 2014) similarly reflects this objective and applies it within the local context.
6. The Framework states that inappropriate development is by definition harmful to the Green Belt under Paragraph 143. Paragraph 145 expands upon this by specifying that the construction of a new building should be considered inappropriate, noting specific exceptions. Criteria under item g) of Paragraph 145 formed the basis for the original planning permission being granted over the appeal site. The exception specifically allows for partial or complete redevelopment of previously development land, whether redundant or in continuing use (excluding temporary buildings) where it would not have a greater impact on the openness of the Green Belt than the existing development. Openness has both a spatial and visual dimension.
7. The low lying characteristics of the appeal site and the existing built form on it, the elevated position of Box Road to the front and the railway line to the rear, and the landscaped frontage of the appeal site contribute towards the current levels of openness achieved within the appeal site. The proposal would maintain an approximate building footprint to that originally permitted but would significantly increase the overall height and volume of the building by adding a second storey. As such, the second storey of the proposed development would appear more visually prominent within the street scene than the building originally permitted, consequently having a greater impact to the openness of the Green Belt both spatially and visually.
8. I note that the proposed revisions include a planted landscape buffer which would reduce the overall hardstanding area on the site used for the parking and manoeuvring of vehicles. While this would reduce the potential area for these activities to occur across the whole site it would have limited effect on preserving openness. This is attributed to the temporary nature of parked and manoeuvring vehicles on the site, as well as this area being the lowest lying and least visible part of the site from the street scene, particularly given the overall permanent intensification of built form at the most prominent end of the

appeal site. The same applies to the appellant's suggested fallback position to display for sale of motor vehicles, and the like, across the site³. Furthermore, although the height of the revised proposal would remain below the railway embankment to the rear of the appeal site, it does not correlate that the increased height and volume of the proposed building would not result in a greater impact on the openness of the Green Belt than originally permitted.

9. The appeal proposal would therefore represent inappropriate development within the Green Belt, having regard for openness. Accordingly, the proposed increased height and volume of the small car preparation centre would harm the openness of the Green Belt. It therefore conflicts with Policy CP8 of the CS and Paragraph 145 of the Framework. Paragraph 144 of the Framework requires me to attribute substantial weight to this harm.

Other considerations

10. The appellant indicates that the revised proposal would create an estimated seven full-time jobs. I note that under the original planning permission the creation of jobs was described as comprising of four full-time and two part-time jobs. No substantive evidence has been submitted as part of this appeal to verify the validity of these estimated job numbers. Nevertheless, and having regard for the economic challenges posed by the COVID-19 global pandemic, the suggested public benefit would attract limited weight given the scale of the contribution. Furthermore, whilst the appellant has suggested there is a limited availability of employment land for development within the city of Bath this would not outright justify the scale of the revised proposal given its location within the Green Belt, which is attributed great importance under the Framework.

Conclusion

11. In accordance with Paragraph 143 of the Framework I have determined that the appeal proposal would be inappropriate development and would by definition harm the Green Belt. The proposal would have an adverse effect on openness and therefore conflict with Policy CP8 of the CS and Paragraph 145 of the Framework. In accordance with Paragraph 144 of the Framework I have therefore attributed substantial weight to this harm.
12. The proposed landscape buffer, described fallback position, suggested economic benefits of the anticipated jobs created, and availability of other employment land all attract limited weight. Consequently, the very special circumstances necessary to justify the revised development do not exist.
13. Accordingly, Condition 9 and the approved plans currently listed under it remain necessary to define the terms and extent of this permission in accordance with advice in the Planning Practice Guidance (PPG) and the Framework, and to protect the Green Belt as per local and national policy.
14. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR

³ Certificates of Lawfulness for an Existing Use - LPA Ref: 10/01603/CLEU and 13/01687/CLEU