
Appeal Decision

Site visit made on 19 October 2020

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 November 2020

Appeal Ref: APP/P0119/D/20/3257190

The Barn, Old Gloucester Road, Winterbourne Bristol BS36 1RT

- 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 Josh Fletcher against the decision of South Gloucestershire Council.
 - The application Ref P20/00804/F, dated 5 November 2019, was refused by notice dated 3 July 2020.
 - The development proposed is to relocate gateway and access approximately 40m to the north including new stone boundary walls and raise existing stone boundary walls to 2m high.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development as proposed on the application form mentions the relocation of a gateway as well as the new and raised boundary walls. However, the drawings accompanying the planning application do not show this relocated gateway, and consequently I have made my decision only in relation to the new and raised walls and the proposed pedestrian gateway.

Main Issues

3. The appeal site lies within the Bristol and Bath Green Belt, and the walls in question form part of the curtilage of a Grade II listed barn. It follows that the main issues are:-
 - a) Whether or not the proposed development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - b) The effect of the proposed development on:-
 - i. The openness of the Green Belt.
 - ii. The setting of a heritage asset.
 - iii. The character and appearance of the area, and

- c) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. Paragraph 336 of the Town and Country Planning Act 1990 makes clear that the definition of a building includes any structure or erection. The proposed new and extended walls can therefore be defined as a building or buildings.
5. Paragraphs 145 and 146 of the Framework make clear the forms of development that are not inappropriate within the Green Belt. One such development is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The proposed works would result in a significant length of the existing wall being raised to 2m, which would be approximately double its height. There would also be a new section of wall, considerably longer than that which currently exists on that side of the gateway, constructed at the new height. The overall result would therefore be over double the amount of walling that currently exists. To my mind this can only be seen as disproportionate.
7. The proposed development would therefore be inappropriate development in the Green Belt, and the Framework makes clear in paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. There would also be conflict with policy CS34 of the South Gloucestershire Local Plan: Core Strategy adopted 2013 (CS), which seeks to ensure, amongst other things, that the Green Belt is protected from inappropriate development.

Openness

9. Openness can be defined as a lack of built form. The proposed development would increase the amount of built form and consequently openness would be affected, although in my view to a very minor degree.

Heritage asset

10. The Grade II listed barn is relatively well hidden. It is set into the site and the existing stone walls have well established vegetation directly behind them that means that the barn can only be glimpsed through the existing vehicular iron gates. Nonetheless, the walls to either side of the gateway are seen with the barn and consequently have an effect on its setting.
11. The barn itself is made of stone and as such is in keeping with the boundary walls. To my mind the setting of the barn is dictated by the stone and particularly by the lush vegetation that partially hides it.
12. There are some anomalies with the application, in that the Council indicate that vegetation would be lost and the appellant denies this. Equally, the appellant states that the new section of wall will be completely hidden from public view, whilst the submitted drawings clearly show that the raised wall and new section

of wall would be visible from the road, with the latter being on the same line as the former.

13. From the evidence of my site visit and the submitted drawings, I consider that the proposed walling could be achieved with only a small loss of vegetation. It follows that the only effect upon the listed barn would be the raising in height of the walls either side of the existing vehicular access. This would make the setting of the barn somewhat starker, particularly in the short term on the assumption that at least some of the vegetation would have to be removed to facilitate construction of the wall.
14. There would therefore be some harm to the setting of the barn, although in my view this would be less than substantial. Paragraph 196 of the Framework indicates that where less than substantial harm to the significance of a heritage asset occurs, that harm should be weighed against the public benefits. In this case no public benefits have been put forward to support the proposal. I note that the proposed walling would help with the security of the appeal site but this in itself cannot be considered to be a public benefit. There is therefore nothing to weigh in the balance against the harm to the heritage asset, small though this may be. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I give special regard to the desirability of preserving the setting of a listed building. It follows that I give considerable weight to the harm identified.
15. Policy CS9 of the CS seeks to ensure, amongst other things that heritage assets are conserved or enhanced. Conflict would therefore exist with this policy.

Character and appearance

16. In the vicinity of the appeal site, Old Gloucester Road has a rural aspect, with hedges and trees to either side and fields on the opposite side of the road to the appeal site. I have already found that the setting of the barn would become starker due to the increase in stone walling and the loss of some vegetation. This would also affect the character and appearance of the area, making it slightly less rural. Whilst such harm would be relatively minor, conflict would nonetheless occur with policy CS9 of the CS which seeks to ensure, amongst other things that, new development conserves and enhances the character and quality of the landscape.

Other considerations

17. The proposed walling would help with the security of the site, but this is the only matter put forward as being a benefit of the proposed development.

Planning balance

18. I have found that the proposed walling would be inappropriate development in the Green Belt and would, to a very minor degree, harm the openness of the Green Belt. It is incumbent upon me to give great weight to this harm. I have also found that less than substantial harm would be occasioned to the setting of a heritage asset, and once again significant weight has to be attached to this harm. Against this the factors in favour of the development (other considerations) are very slight. Consequently, the very special circumstances necessary to justify the appeal do not exist.

Conclusion

19. Therefore, in light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector