



Appeal Decision

Site visit made on 12 October 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/D0121/W/20/3255105

Barns at Valley View Farm, Highridge Road, Dundry BS41 8JU

- 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 Liam Hopkins against the decision of North Somerset Council.
- The application Ref 20/P/0303/FUL, dated 5 February 2020, was refused by notice dated 16 April 2020.
- The proposed development is demolition of existing agricultural barns and erection of residential dwelling and ancillary works.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing agricultural barns and erection of residential dwelling, and ancillary works at Barns at Valley View Farm, Highridge Road, Dundry BS41 8JU, in accordance with the terms of the application, Ref 20/P/0303/FUL, dated 5 February 2020, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Liam Hopkins against North Somerset Council. This application is the subject of a separate Decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. The appellant has provided revised drawings as part of their appeal submission. While neighbouring occupants have not had the chance to provide comments on these revised drawings, I consider that they would not be prejudiced by my acceptance of them as the proposal would remain broadly unchanged. I therefore accept the revised drawings and have considered the proposal on this basis.

Main Issues

5. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework 2019 (the NPPF) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
-

- the effect of the proposal on the character and appearance of the site and surrounding area; and
- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

6. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that new buildings in the Green Belt are inappropriate, although there are certain exceptions. Policy DM12 of the Sites and Policies Plan Part 1 2016 (the SPP) states that inappropriate development will not be approved except in very special circumstances, and so is consistent with the NPPF.
7. The proposed development would not fall within any of the exceptions listed in paragraph 145 of the NPPF. In particular, as the dwelling allowed for under Ref 18/P/3576/CQA has not been built, the development could not comprise a replacement building in the same use as the one it replaces. Nor would it constitute the redevelopment of previously developed land, as the current agricultural use of the site means it does not meet the definition of previously developed land set out in Annex 2 of the NPPF. Consequently, it would constitute inappropriate development as defined in paragraph 145 of the NPPF. As such, the proposal would be contrary to Section 13 of the NPPF and Policy DM12 of the SPP as set out above unless it can be shown that very special circumstances exist.
8. The Council also state that the proposal would conflict with Policy CS6 of the Core Strategy 2017 (the Core Strategy). However, this policy relates specifically to the boundaries of the Green Belt and does not make any reference to inappropriate development. As such, I do not consider that there would be any conflict with Policy CS6.

Openness

9. Openness is an essential characteristic of the Green Belt as set out in paragraph 133 of the NPPF and can comprise spatial and visual aspects.
10. The Council state that the proposed development would have a floor area of 430sqm, measured externally, and, based on the figures in their appeal statement, the existing barns measure 408sqm. However, this does not appear to include the sizeable lean-to structure on the western side of the southern barn. The appellant calculates the internal floor area of the proposal to be 377sqm and that the floor area of all the existing structures is 494sqm. Using the appellant's figures, as they are complete, the development would have a smaller floor area than the existing buildings to be removed.
11. The two existing barns have a combined volume of 1978 cubic metres. In comparison, the proposal would have a volume of 1260 cubic metres. These figures are not disputed by the Council. This is a significant reduction in volume and is more indicative than the floor area figures (which do not account for the

substantial height of the existing barns) of the improved openness of the site. In any case, whether using volume or floor area, the proposed development would be smaller than the existing development on site and so the proposal would improve the spatial openness of the Green Belt.

12. Although the proposal would be two-storeys in height, and appear marginally taller than the existing barn on the northern side of the appeal site, the lower-ground floor would be partly sub-terranean and largely hidden in long views from the north by the natural topography, supplemented by a low bund. As a landscaping scheme could also be secured by condition to further ensure that the lower-ground floor would remain hidden, the proposal would not appear as a two-storey dwelling within views from the north and so would not cause visual harm to the openness of the Green Belt. While the formation of the proposed bund may be an engineering work, it would have a very limited height above the existing ground level, as shown on the submitted section drawings, and would not introduce any additional built form to the Green Belt. As such it also would not cause harm to visual openness.
13. I acknowledge that the proposed area of car parking on the southern side of the site would be visible from the road. However, the parking area could be suitably screened from public views as part of a landscaping scheme secured through condition, hence negating any adverse visual impact. Furthermore, as the resultant built form would be consolidated within one single building that would be set back further from the northern boundary of the site than the existing northern barn, the proposal would result in less encroachment compared to the existing arrangement.
14. While there may be some domestic paraphernalia within the proposed garden area, I observed during my site visit that there were agricultural vehicles and materials around the site. Given that the proposal would result in a single family dwellinghouse, I do not consider that the amount of domestic paraphernalia within the garden area would be much greater than the amount of agricultural paraphernalia around the site already, and so the proposal would cause no greater harm to the openness of the Green Belt in this respect.
15. Overall, for the above reasons, I consider that the proposal would greatly improve the openness of the Green Belt.

Character and Appearance

16. While the appeal site lies within the open countryside, the immediate surroundings are characterised in part by the varied form and design of the several single-storey and two-storey dwellings to the southeast of the appeal site. Within this context, the proposed design would not appear particularly incongruous. As the proposal would appear as a single-storey dwelling within public views from the road, it would not appear over-scaled or bulky, particularly as it would be seen within the context of visibly larger two-storey dwellings nearby. From the submitted drawings and materials before me, I am satisfied that the resultant property would appear as a well-balanced, suitably contemporary dwellinghouse that would both respond positively to the characteristics of the site and preserve the rural appearance of the surrounding landscape.
17. Furthermore, I do not find it likely that there would be so much domestic paraphernalia associated with a single dwelling within the proposed garden

area that the rural character of the surrounding area would be unduly compromised.

18. I note the Council's concerns regarding the effect of the proposal on the wider landscape. However, views from the nearest footpaths would be negligible and, in any case, with a suitable condition in respect of landscaping, I consider that the proposal would not appear as an obtrusive feature within the landscape and so would preserve its rural character.
19. For the above reasons, I consider that the proposed development would not cause harm to the character and appearance of the site and surrounding area. It would therefore comply with Policies CS5 and CS12 of the Core Strategy 2017 (the Core Strategy) which, amongst other things, state that the design of development should protect and enhance North Somerset's landscape and be of a high quality. It would also comply with Policies DM10 and DM32 of the SPP which state, amongst other things, that development should be carefully integrated into the natural environment and should demonstrate sensitivity to local character.
20. The proposal would also comply with the North Somerset Landscape Character Assessment Supplementary Planning Guidance 2018, as it would conserve the appearance of a rural pastoral landscape.

Other Considerations

21. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I therefore need to balance any other considerations against the harm.
22. As set out above in detail, the proposal would substantially improve the openness of the Green Belt compared to the existing volume of development on the site. I attribute significant weight to this consideration.
23. The appellant has asserted that a fallback position is established by the dwelling granted under application Ref 18/P/3576/CQA, where prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) was granted for the conversion of the southern barn to provide a single dwellinghouse. From the evidence before me, I consider that there is a realistic prospect that this fallback could be implemented if this appeal is dismissed. In comparison to the proposal before me, the approved scheme would not involve the demolition of the northern barn. While the lean-to element of the southern barn would be demolished, the scheme would not improve the openness of the Green Belt to the same extent as the appeal proposal, based on its volume.
24. Furthermore, as the extant scheme would result in a converted barn adjacent to a barn remaining in agricultural use, the site would become an especially incongruent and incoherent arrangement of conflicting uses, to the detriment of the character and appearance of the site. In comparison, the proposal before me would introduce a single, architecturally meritorious building that would respond positively to the topography and context of the site and surrounding landscape.
25. Relative to the fallback position, the proposal would clearly have a significantly better effect on the openness of the Green Belt and the character and

appearance of the site and surrounding area. For the above reasons, I regard the appellant's fallback position as having significant weight.

26. I note the appellant's proposal to seed the proposed bund in a manner compatible with the surrounding area and I acknowledge the environmental benefits that would result from the proposed energy efficiency measures. The landscaping scheme would mainly mitigate the effect of the development and the energy efficiency measure should be expected of all new housing. Nonetheless, they are beneficial compared to the extant consent, and so I give them moderate weight.
27. While I agree that the proposal would not cause harm in terms of highway safety, the absence of harm is not a benefit in itself, and so I attribute neutral weight to this consideration. For the same reason, I do not consider that the site's location within Flood Zone 1 weighs in favour of the proposal.

Planning Balance and Overall Conclusion

28. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. The proposal would cause in-principle harm to the Green Belt by virtue of its inappropriateness. The lack of harm to the character and appearance of the site and surrounding area is a neutral factor which does not weigh in favour of the proposal.
29. However, the proposal would greatly improve the openness of the Green Belt whether considered against the volume of the existing buildings or if the extant permission were implemented. This benefit to openness, along with the superior layout, appearance, landscaping and energy efficiency of the proposal compared to the extant scheme lead me to consider that the other considerations in this case would clearly outweigh the harm to the Green Belt that I have identified. Looking at the case as a whole, I therefore consider that very special circumstances exist. The proposal would therefore comply with Policy DM12, as set out above, and Section 13 of the NPPF.
30. Although I note the Council's comments regarding Policies CS1 and CS33 of the Core Strategy and Policies DM44 and DM45 of the SPP, the fallback position means that the principle of housing development on the site has already been established. Furthermore, as I have assessed this appeal strictly on its own merits, I am not convinced that allowing this appeal would either set a precedent for any hypothetical future development proposals elsewhere or undermine national or local policy.
31. As the Council cannot demonstrate a 5-year supply of deliverable housing land, paragraph 11 d) of the NPPF is engaged. As very special circumstances exist, there is no clear reason for refusing the proposal as per paragraph 11 d)i. Under paragraph 11 d)ii, the benefits of the scheme are not significantly and demonstrably outweighed by the harms when assessed against the NPPF as a whole. A presumption in favour of sustainable development therefore applies.
32. I therefore conclude that the appeal should be allowed.

Conditions

33. The conditions imposed are those suggested by the appellant, but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the NPPF and Planning Practice Guidance.

34. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. This differs from the appellant's suggested condition in that I have omitted certain drawings which contain perspective images rather than detailed, scaled plans and elevations. I have also required the submission of material samples to be approved by the Council prior to development so as to safeguard the character and appearance of the area.
35. However, I have not found it necessary to impose a condition requiring that the access gate from the road should be repositioned. There is already adequate space within the existing area for vehicles to temporarily park off of the road. Furthermore, there would be sufficient space within the appeal site for vehicles to turn, so no vehicles would have to reverse onto Highridge Road. This condition is therefore unnecessary in the interests of highway safety.
36. I have imposed a condition requiring that details of a landscaping scheme must be submitted to and approved by the Council prior to the occupation of the proposal in order to ensure that the proposal would have an acceptable effect on character, appearance and ecology.
37. Also in the interests of ecology, I have imposed a condition requiring that details of the proposed bat box must also be submitted to and approved by the Council prior to occupation.
38. The appellant has suggested a condition that would restrict demolition work and clearing of scrub from taking place outside of the bird nesting season. However, in the same condition, the appellant also suggests that such work could be done during the bird nesting season following an onsite check survey carried out by a suitably qualified ecologist. Under this arrangement, however, this survey could be carried out without the oversight of the Council. I have therefore altered the condition so that the Council are required to approve the check survey in writing, in the interests of ensuring that the proposal would not cause unacceptable harm to the ecology of the site.
39. The appellant has suggested a condition restricting some permitted development rights available under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). However, under their suggested wording, the appellant would still have permitted development rights under Classes B, D and H of Schedule 2, Part 1 of the Order and so would be able to further extend the roof, build a porch and add microwave antennae.
40. Paragraph 53 of the NPPF states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this particular case, the positive effect of the proposal on openness has been a key consideration in determining that very special circumstances exist to justify the proposal. Given the specific circumstances of this appeal and the detailed design of the proposal before me, I therefore consider that the restriction of permitted rights would be necessary in order to ensure that the openness of the Green Belt would be improved. In addition to the Classes of Schedule 2, Part 1 of the GPDO to be restricted as suggested by the appellant, I have also required that permitted development rights under Class B, Schedule 2, Part 1 of the GPDO shall be restricted. This would ensure that the roof could not be extended in such a manner whereby the resultant bulk would

cause harm to the openness of the Green Belt and so undermine the very special circumstances that exist to justify the proposal.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

41. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plans: Site Location Plan (Ref: 13272_5000A Rev C), Existing Site Plan (Ref: 13272_5001), Existing Plans North Barn (Ref: 13272_5003), Existing Plans South Barn (Ref: 13272_5004), Existing Elevations North Barn (Ref: 13272_5005), Existing Elevations South Barn (Ref: 13272_5006), Existing Elevations South Barn (Ref: 13272_5007), Proposed Site Plan (Ref: 13272_6000), Proposed GF Plan (Ref: 13272_6001), Proposed LGF Plan (Ref: 13272_6002), Proposed Short Section (Ref: 13272_6003A), Proposed Site Section (Ref: 13272_6004A), Proposed East Elevation (Ref: 13272_6005A), Proposed North Elevation (Ref: 13272_6006A), Proposed North Elevation (within bund) (Ref: 13272_6007A), Proposed West Elevation (Ref: 13272_6008A), Proposed South Elevation (Ref: 13272_6009A) and Proposed Roof Plan (Ref: 13272_6013).
- 3) Notwithstanding the details indicated on the drawings, prior to the commencement of the development above DPC level, a schedule of materials and samples shall be submitted and agreed in writing by the Local Planning Authority.
- 4) Prior to the occupation of the development, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved hard and soft landscaping scheme shall be carried out strictly in accordance with an approved timetable of implementation and shall thereafter be protected, managed and maintained in accordance with the approved scheme.
- 5) Prior to the occupation of the development, details of the bat box to be provided on the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The bat box shall be installed as approved before the occupation of the dwelling
- 6) Demolition of the existing barns and removal of the areas of scrub should only be undertaken outside of the nesting bird season, or only following a check survey performed by a suitably qualified ecologist and approved in writing by the local planning authority immediately prior to works taking place. The bird nesting season is the start of March to the end of August.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2, Part 1 shall be undertaken without the express grant of planning permission:
 - (a) Class A
 - (b) Class B
 - (c) Class C
 - (d) Class E
 - (e) Class F
 - (f) Class G