



Appeal Decision

Site Visit made on 12 January 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/F0114/D/20/3258088

6 Mill Cottages, The Shallows, Saltford BS31 3EY

- 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 Ms Mandy Mabbs against the decision of Bath and North East Somerset Council.
 - The application Ref 19/04441/FUL, dated 4 October 2019, was refused by notice dated 29 May 2020.
 - The development proposed is described as garden gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The gates the subject of the appeal have been erected and the appellant indicates that the gates' design has been amended – with the frame painted black and the composite boards replaced with rustic timber – since the Council refused planning permission. At the time of my site visit, I observed that the gates in situ reflected the submitted drawing referred to as 'A5a1' by the appellant¹ with the exception of the material within the four elements of the gates' metal frame. That material now broadly reflects the natural timber shown in the submitted drawing referred to as 'A5a2' by the appellant². I have determined the appeal on this basis and on the submitted evidence.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on openness of the Green Belt;
 - The effect of the proposal on designated heritage assets; and
 - If the proposal is inappropriate development, whether any 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 it.

¹ The Council's reference for this drawing is 'gate plan (revised)'.

² The Council's reference for this drawing is 'gate 1'.

Reasons

Inappropriate development

4. The development involves the provision of what is described as garden gates, which are already in place on the appeal site. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Subject to exceptions set out in paragraphs 145 and 146 of the Framework, the construction of new buildings and other development should be regarded as inappropriate in the Green Belt.
5. The term building is defined as follows in section 336 of the Town and Country Planning Act 1990 (as amended): "building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. Accordingly, the proposed gates fall within the definition of a building and with the submitted evidence not indicating that any of the exceptions in paragraphs 145 and 146 of the Framework apply, the appeal proposal constitutes inappropriate development in the Green Belt.

Openness

6. The gates now in place are relatively large, prominent features and, when closed, prevent views into the site from the highway due to their solid design and height. The submitted evidence indicates that there was previously a five bar gate on the site which was lower and allowed views through it towards the river. Accordingly, and as I observed on my site visit, the appeal scheme reduces the openness and visual amenity of the Green Belt.
7. Given the scale of the proposed development, the extent of the effect would be relatively localised and therefore limited. Nevertheless, the proposed development would harm the visual amenity and openness of the Green Belt, contrary to Policy CP8 of the Bath and North East Somerset Core Strategy (CS) and Policy GB1 of the Bath and North East Somerset Local Plan 2011-2029 (Placemaking Plan, PP). Amongst other aspects, these seek to protect the openness and visual amenities of the Green Belt. It would also be inconsistent with the Framework in relation to the fundamental aim of keeping land permanently open in the Green Belt.

Designated Heritage Assets

8. The site is within the Saltford Conservation Area (CA) and 6 Mill Cottages is a grade II listed building. Given the limited degree of separation to the listed cottage, the gates are situated within its setting. The site, the surrounding area and this part of the CA have a relatively rural and open character, with much of the built environment being situated within a verdant, riverside setting and having a traditional design and appearance. Boundary treatment in the locality generally consists of wooden or metal bar gates with an open design and positioned in stone walls of a similar height.
9. Dating from the early 18th century, the significance of the listed building stems from its historic character, traditional appearance and its relatively open, verdant setting. The significance of the CA, and particularly the Brassmills section of it, which the site is within, stems from its various historic and listed

buildings and structures, the common use of building materials and the generally lower scale of built form in the riverside area.

10. Even with the natural rustic timber set within the metal frame, the proposed gates have a relatively modern design and a solid, stark appearance. They are significantly taller than the stone wall on either side and have a notably greater and visually impermeable form than other boundary gates in the locality. Accordingly, they have a prominent presence, erode the area's open character and read from the public realm as incongruous features that do not respect their surroundings, including the CA and the setting of the listed cottage. In coming to this view, I have taken into account that the wood used on the gates matches the pedestrian gate on the site.
11. For the above reasons, I conclude that the proposed development would harm designated heritage assets. I therefore find that it conflicts with CS Policy CP6 and PP Policies HE1 and D2. Amongst other aspects, these: seek to protect, conserve and sustain the District's historic environment including the character and setting of designated heritage assets; and support development that contributes positively and does not harm local character and distinctiveness and reflects boundary treatments that are appropriate to the area.
12. In failing to preserve the setting of the listed cottage and the character and appearance of the CA, I find that the appeal proposal would, given its scale, result in less than substantial harm to the significance of the listed building and the CA as a whole. In such circumstances, the Framework and PP Policy HE1 set out that the harm should be weighed against the public benefits of the proposal. In this case, the submitted evidence indicates that the gates have been installed to provide security at the property. However, that is a private benefit and no public benefits have been put forward to weigh against the harm, nor do I find any exist.

Other considerations

13. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The site is located at the end of the Shallows, with no streetlighting in the vicinity. The site is therefore said to be an easy target for thieves due to its isolated and dark situation. It has been broken into several times in the past year, with various items stolen and damage being caused to the appellant's property, and the police have advised the appellant to secure the boundaries and install lighting and security cameras.
15. I recognise the appellant's concerns with the break-ins at her property and that if the gates were to be removed she would fear for her personal safety and that her property would be more vulnerable to theft. However, given the gates were installed in 2018/2019 and the break-ins detailed in the appellant's appeal statement all occurred in 2020, the appeal scheme does not appear to be successfully securing the site. Even if the gates were providing the security and safety that the appellant requires, such benefits would be limited to the private interests of the occupiers of the site and I am mindful of the advice contained

in Planning Practice Guidance that in general planning is concerned with land use in the public interest. Accordingly, I attach moderate weight to the security and safety benefits of the appeal scheme.

16. The proposed gates do not affect access to surrounding properties or the living conditions of adjoining occupiers, none of whom have objected. It has also been put to me that the original metal field gate did not fit the opening of the driveway and was not in keeping with the cottage. Be that as it may, the lack of specific objection carries limited weight, the lack of harm on neighbours and access is neutral and the previous gate is no longer in situ.

Other matters

17. I note the appellant's frustration regarding their attempts to discuss changes to the proposal in order to overcome the concerns of the Council, the level of advice and information provided by the Council and the delay in determining the planning application. However, these issues are not determinative as to the acceptability of the appeal proposal. I have therefore considered the proposal on its merits, based on the submitted plans and evidence before me.

Overall balance and conclusion

18. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and all development must preserve the openness of the Green Belt.
19. I have determined the appeal on the basis of the information before me and have found that it would be inappropriate development. The Framework establishes that substantial weight should be given to any harm to the Green Belt by reason of inappropriateness. I have also found that the proposed development would harm openness and designated heritage assets. Although the harm would be respectively limited and less than substantial, the Framework sets out that substantial weight should be given to any harm to the Green Belt and that great weight should be given to the conservation of designated heritage assets.
20. In contrast, the other considerations carry moderate to limited weight. These other considerations do not outweigh the totality of the harm which is the test they have to meet, and do not amount to very special circumstances. Therefore, although I recognise and sympathise with the appellant's desire and needs to secure her property and personal safety, the harm by reason of inappropriateness and the other harm identified is not clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt. The development conflicts with the development plan and the Framework, and therefore the appeal is dismissed.

T Gethin

INSPECTOR