

Appeal Decision

Site Visit made on 25 May 2021

by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/F0114/W/21/3268578

Manor Farm, North Stoke Lane, North Stoke, Bath BA1 9AT

- 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 and Mrs John Quinlan against the decision of Bath and North East Somerset Council.
 - The application Ref 20/01407/FUL, dated 17 April 2020, was refused by notice dated 14 August 2020.
 - The development proposed is erection of a 3no bedroom dwelling with vehicular access on land adjacent to Manor Farm.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address in the banner heading above from the application form. The description of development is taken from the decision notice, as the statement of common ground uses this.
3. The National Planning Policy Framework (Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. Given the stage that the Local Plan Partial Update¹ is at and uncertainty over any unresolved objections, it carries limited weight in my decision.

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposal on the character and appearance of the area, including the North Stoke Conservation Area (CA) and the setting of nearby listed buildings; and
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

Character and Appearance

5. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its

¹ Bath & North East Somerset Council Local Plan (Core Strategy and Placemaking Plan) Partial Update Consultation Document (Regulation 18 of the Town and Country (Local Plan) Regulations 2012)

character or appearance. In addition, there are several listed buildings² near the site and therefore I have had special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess.

6. From my observations, the significance of the CA lies, in part, in its winding lanes, irregular layout of buildings, verdant streetscene and backdrop, and the consistency of materials.
7. The significance of Manor House Farmhouse and The Manor House are partly from their grand appearance, scale and prominent location near the centre of the village. The significance of Naish's Cottages lies in their more simplistic but traditional form and appearance.
8. As well as extensive areas of greenery, the setting of the listed buildings currently includes a number of agricultural style buildings that appear to have been converted to residential use. While there is a consistency to the external materials of the built form, there is some variation to the scale and design of buildings along with the distribution and size of undeveloped areas.
9. The appeal site is one of several breaks between development in the village with mature landscaping and a stone front wall. It currently contributes positively to the spacious, sylvan appearance of the area, the significance of the CA and the setting of the nearby listed buildings.
10. The Arboricultural Impact Assessment refers to many of the larger trees being retained and tree protection measures are suggested. The majority of the trees to be removed are small in size and scattered across the site. While I have not been made aware of specific reference to these features in any conservation area appraisal or policy designation, the mature landscaping at the site forms part of the wider network of features.
11. Landscape features to the side and rear boundaries within and adjacent to the site are generally substantial in size and attractive specimens. The rising land means they are prominent in views along the road fronting the site and from nearby properties. They make a substantial and positive contribution to the visual amenity of the area.
12. The proposed dwelling would be set back in the plot close to a number of tall trees on the side and rear boundaries of the site. This would result in a largely enclosed outdoor space for future occupiers and there are several openings orientated towards these trees. From within the dwelling, given their scale and proximity, the trees would be imposing features.
13. Space to the front would be less private. Additional planting to the front, the driveway, parking and turning areas would further reduce the useable outdoor area. Consequently, the areas to the side and rear of the dwelling would become the main outdoor space. Due to the extent of the tree coverage along several boundaries of the site, it is likely that a shading effect would occur throughout large parts of the day. No assessment has been provided to demonstrate otherwise.
14. As a result of their size, proximity to the property and enclosing effect from their spread across much of the private outdoor space, I consider this would be

² Manor House Farmhouse, Naish's Cottages and The Manor House

- likely to lead to future pressure to lop, top, or fell trees at the site. Permission would be required for such works. However, their removal would bring about benefits to the occupiers that the Council would need to consider.
15. Conditions have been suggested. Nonetheless, works affecting the trees after the construction period is a concern. In addition, there would be direct impacts from the loss of the sizeable T18, which is seen as a pair with T19 in many views and is a positive feature in views of the site at present. There are also limited details regarding how above ground works and alterations to land levels at the access and across the site would affect other trees said to be retained.
 16. On the basis of the evidence before me, the scheme would erode the aesthetically pleasing influence the trees have on the area.
 17. While many buildings in the village are located close to the road, there is no consistent building line or scale of the built form in the village. The building would be of an agricultural style and use materials that reflect those found in the area. The property would be visible from the nearby properties and the road given the rising land levels. Nevertheless, being set back from the road would reduce its prominence in the streetscene as would planting to the front. These factors would prevent the building being visually imposing and ensure the listed buildings remain the prominent features in the streetscene.
 18. Part of the stone wall at the front of the site, that is a prominent feature, would be removed. Nonetheless, there are already several access points and driveways of differing sizes punctuating the frontage stone walls in the village.
 19. Therefore, the set back and appearance of the building and access arrangements of the scheme would not be incongruous with the varied pattern of development in the village.
 20. There is no regular separation distance between buildings or to the size of the irregular green spaces in North Stoke. Dwellings are frequently seen with buildings of an agricultural appearance of different sizes, some of which appear to have been converted to residential use and the domestic paraphernalia that comes with them. This includes ones that form part of the setting of the listed buildings. The agricultural association and setting of the listed buildings would not be diminished. As such, the presence of a building at the appeal site would not appear incongruous or unexpected.
 21. For the purposes of the Framework, the CA and listed buildings are designated heritage assets. Within the overall context, I consider that the proposal would lead to less than substantial harm to the significance of these. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
 22. The appellant indicates that the scheme would allow them to downsize, stay in the village and remain part of the community while freeing up an existing property. This would partly be a personal rather than public benefit. Moreover, there is no mechanism before me to control the occupation of either property. As the proposal is for a single dwelling, the contribution towards the housing supply and mix would be small.
 23. The Council have not included refusal reasons relating to highways, ecology, drainage, archaeology and accessibility. Even if I were to agree with this, the lack of harm is a neutral factor. There is limited information before me

regarding the energy efficiency of the scheme. The benefits of this and those associated with potential off-street parking or energy improvements for other buildings would be limited given the scale of the proposal.

24. As such, on the basis of the information before me, in this instance the public benefits would not outweigh the identified material harm to the designated heritage assets. The proposal is therefore contrary to the historic environmental policies contained within the Framework.
25. The scheme would fail to preserve or enhance the character or appearance of the area, the CA or the setting of the listed buildings. It would be contrary to Policies NE6 and NE2 of the Placemaking Plan³ where they seek to conserve or enhance local landscape character, landscape features and trees of amenity value. It would also fail to meet the requirements of Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Whether Inappropriate Development

26. The Framework outlines that the construction of new buildings in the Green Belt, other than in connection with a small number of exceptions as set out in paragraphs 145 and 146, should be regarded as inappropriate development. One of the exceptions is limited infilling in villages (paragraph 145 e). The Framework does not provide a definition of 'limited', 'infill' or 'villages'.
27. Policy GB2 of the Placemaking Plan states that developments in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development the proposal is within the defined Housing Development Boundary. As part of the Local Plan Partial Update, options have been put forward to amend the wording of Policy GB2 of the Placemaking Plan to align with Court judgements in respect of the reference to Housing Development Boundaries.
28. The Council define 'infilling' in this context as the filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage, the plot generally being surrounded on at least three sides by developed sites or roads.
29. The proposed development would conflict with Policy GB2 of the Placemaking Plan as the appeal site is not located within a Housing Development Boundary. The Framework however does not include such a requirement. The Placemaking Plan pre-dates the current Framework. Case law⁴ has established that when considering whether a settlement is a village or whether a site is in a village regard should be had to the situation "on the ground" as well as any relevant policies.
30. North Stoke is a group of properties and agricultural buildings, which while having variation to their spacing, represents a clear cluster of development. As such, I consider it is a village. The appeal site has properties opposite and to both sides with others in the wider area and a road to the front. While there is a looser knit pattern of development behind the site, given the proximity and distribution of the other buildings in North Stoke the appeal site is within the village. Although the dwelling would be set back further from the road than the adjacent properties, it would be between properties and therefore represent

³ Bath and North East Somerset Local Plan 2011-2029 Volume: Core Strategy & Placemaking Plan

⁴ Julian Wood v SSCLG and Gravesham Borough Council [2015]

infill development. Despite the plot being larger than some nearby, being for one dwelling the scheme would be limited.

31. Consequently, the proposal would be limited infilling in a village in accordance with the Framework and would not be inappropriate development within the Green Belt as defined in the Framework. Therefore, there is no need for the appellant to demonstrate very special circumstances exist or for me to go on to consider the effect of the proposed development on the openness or purposes of the Green Belt.
32. Paragraphs 212 and 213 of the Framework state plans may need to be revised to reflect policy changes that the replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
33. Restricting limiting infilling in villages to only locations within a Housing Development Boundary is not consistent with the Framework. Therefore, I give the conflict with Policy GB2 limited weight.

Other Matters

34. I do not have full details, plans or the policy considerations of permissions highlighted to me elsewhere in the village. Those at Naish's Cottages related to extensions or ancillary buildings to existing dwellings. Similarly, in the absence of further details of the schemes I cannot be sure that a dwelling at Church Farm or retrospective applications referred to represent a direct comparison to the proposal before me.
35. That there is some public support and community engagement was carried out for the proposal is not a reason in itself to warrant allowing the appeal. The conduct of the Council is not a matter that affects my findings on the main issues.
36. The Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Conservation areas and listed buildings are examples of such an area/asset and the proposal is contrary to the relevant policies of the Framework in regard to these.

Conclusion

37. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
38. For the above reasons, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR