



Appeal Decision

Site Visit made on 7 September 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/P0119/W/21/3276047

Land at Moorhouse Lane, Hallen, South Gloucestershire, BS10 7RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Alvis Bros Ltd against the decision of South Gloucestershire Council.
The application Ref P21/02210/PIP, validated by the Council on 1 April 2021, was refused by notice dated 11 May 2021.
 - The development proposed is Permission in Principle – erection of up to 2 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of up to 2 dwellings at Land at Moorhouse Lane, Hallen, South Gloucestershire, BS10 7RT, in accordance with the terms of the application, Ref P21/02210/PIP, validated by the Council on 1 April 2021.

Preliminary Matters

2. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has 2 stages: the first stage (or 'permission in principle stage') establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application (TDC) if PiP is granted. I have determined the appeal accordingly.
4. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
5. The submitted site plan shows how the development could be laid out. However, as this appeal does not relate to technical details, I have taken this plan to be illustrative only.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

6. Whether the site is suitable for residential development, in terms of its location, land use and amount of development, with particular regard to:
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and
 - b) The effect of the proposal upon the character and appearance of the area.

Reasons

Green Belt

7. Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless, amongst other things, they constitute limited infilling in villages. There is no definition of 'limited infilling' or 'village' within the Framework. Where the Framework is silent it is appropriate for a local plan to provide guidance on how this policy should be applied locally.
8. Policy CS34 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (CS) establishes that development proposals will protect the Green Belt from inappropriate development. Policy PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017 (PSPP) clarifies that inappropriate development is harmful to the Green Belt. Policy CS5 of the CS establishes that small scale infill development may be permitted within the settlement boundaries of villages. The appeal site is within the settlement boundary of Hallen. I am therefore satisfied that the appeal site can be considered to be within a village in the context of the Framework. I also need to consider whether the proposal constitutes limited infilling.
9. The Council's Supplementary Planning Document 'Development in the Green Belt' (SPD) advises that acceptable infilling is unlikely to be more than the filling of small gaps within built development, where it does not significantly impinge upon the openness of the Green Belt. However, part e) of paragraph 149 of the Framework does not require the effect on openness to be considered in the context of limited infilling in villages. Accordingly, I give this SPD little weight.
10. The appeal site fronts Moorhouse Lane with existing development to either side. The existing commercial garage immediately to the west of the site has received planning permission to be replaced with a two storey dwelling. To the east a pair of cottages face towards the northern part of the appeal site. Further dwellings stand beyond these cottages, fronting Hallen Road.
11. The appeal site forms the only meaningful gap in a continuous line of buildings fronting Hallen Road and the northern end of Moorhouse Lane. The buildings are varied in terms of appearance, scale and siting, with most positioned close to the road but some set further back. The position of two dwellings set out on the submitted plan is indicative. The appeal site could be developed in a number of ways. This could include a pair of small narrow fronted dwellings facing Moorhouse Lane on the site's narrower part. These would be similar in scale to the nearby terrace on the other side of Moorhouse Lane to the northwest of the site that are grouped as a terrace of three. Alternatively, and perhaps making better sense of the alignment of the existing dwellings to the

east and the proposed dwelling to the west, two dwellings could be set back within the appeal site. In either position the development of the site would be limited and would fill in a gap that is between existing buildings.

12. In summary, the proposal would constitute limited infilling within a village, and would thus meet the exception provided for within paragraph 149 e) of the Framework. It would therefore not be inappropriate development in the Green Belt. It would accord with Policies CS34 and CD5 of the CS and Policy PSP7 of the PSPP, which together seek to ensure that the Green Belt is protected from inappropriate development.

Character and appearance

13. The area is characterised by an informal arrangement of individually designed buildings. Some are set back and some address the road side on. Front boundaries are commonly enclosed by low stone walls topped with a cock and hen coping. The narrow road frontage of the site and existing development including the presence of the large stable building beyond the site, in combination with the intrusion of the nearby motorway, are all factors that restrict the potential for the site in its current form to contribute to the character and appearance of the area.
14. I consider it likely that the site could be developed in various ways without harming the character or appearance of the area. I cannot agree that the development of the site in principle, which is all I can consider at this stage, would fail to acknowledge the settlement pattern of the area.
15. In summary, the proposed development of the site would not harm the character or appearance of the area. It would accord with Policy CS1 of the CS and Policies PSP1 and PSP2 of the PSPP, which together seek to ensure that development proposals are of a high standard of design that contribute to the distinctiveness of an area and conserve landscape character.

Other Matters

16. The Council included three further reasons for refusal on its decision notice. These relate to the potential archaeological interest of the site, highway safety and its effect on the living conditions of the occupiers of nearby dwellings.
17. I am mindful of the Council's view that the site is within the historic core of Hallen which may be medieval, and within the Lower Seven Vale Levels, archaeology for which can be nationally important. However, the PPG is clear that only 'in principle' matters should be assessed at the PiP stage. It advises that other statutory requirements, which would include the need to consider the potential archaeological interest of the site, are matters to be considered at the TDC stage². There is no planning permission until TDC has been granted and no requirement for this to be given automatically following the grant of PiP.
18. Part of the site bounds Moorhouse Lane and is used for the parking of vehicles across its entire length with a dropped kerb to the pavement. For the purposes of an application for PiP and 'in principle' matters I am satisfied that access between the site and the highway can be achieved. The detailed design of the site access, including whether it can be provided in a safe manner with an adequate level of visibility, are matters that would be dealt with at the TDC

² PPG Paragraph: 003 Reference ID: 58-003-20190615

stage. These could include matters of land ownership and the retention of an access to the adjacent field.

19. I am not satisfied that erecting dwellings at the site would have an overbearing impact on the living conditions of the occupiers of existing nearby dwellings as an 'in principle' matter. This is because the position, scale and design of the proposed dwellings is not before me.
20. For these reasons I am of the view that refusal reasons 3, 4 and 5 set out on the Council's decision should not be main issues of this appeal.

Conditions

21. The Council has not suggested any conditions in the event that the appeal is allowed, as the PPG³ advises that it is not possible for conditions to be attached to a grant of PiP. However, it has suggested several details that it would like to see submitted at the TDC stage, should this be forthcoming. This accords with the PPG⁴, which advises that local planning authorities can provide information on the decision notice where PiP is granted about what they expect the detailed proposals to include at the TDC stage. The Council has suggested that it would like to see details submitted that cover potential land contamination issues at the site, archaeological matters and landscaping. Its comments are set out in full at the end of the its appeal statement.

Conclusion

22. For the reasons above, and having regard to all other matters raised, the appeal should be allowed.

A Tucker

INSPECTOR

³ PPG Paragraph: 020 Reference ID: 58-020-20180615

⁴ PPG Paragraph: 045 Reference ID: 58-045-20180615