



Appeal Decision

Site visit made on 9 September 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/P0119/W/21/3272294

Land at Baugh Farm, Fouracre Crescent, Bristol BS16 6PX

- 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 Daveene McCallion against the decision of South Gloucestershire Council.
 - The application Ref P20/23839/F, dated 30 November 2020, was refused by notice dated 25 February 2021.
 - The development proposed is for the change of use of land to residential use (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) in association with Baugh Farm and retention of hardstanding area (retrospective).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Daveene McCallion against South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary matter

3. The development is also the subject of an appeal under s174 of the Town and Country Planning 1990 Act as amended, against the enforcement notice issued by the Council on 5 October 2020 for the change of use of agricultural land to a mixed use comprising: agriculture, allotments, storage (including, but not limited to, vehicles and waste materials), commercial pet exercising, residential (through the residential use of caravans or other vehicles adapted for human habitation) and leisure/amenity uses; and the creation of hardstanding to facilitate the use by the importation and the laying of crushed stone/gravel. This is the subject of a separate decision under ref APP/P0119/C/20/3262533.

Background

4. The appeal site comprises a triangular shaped piece of land consisting of two visually separate areas which are divided by a tree lined watercourse. The site is grassed and benefits from mature vegetation within its boundaries. To aid the identification of different parts of the land, the appellant's statement provided a plan which labelled the site as areas 1 and 2. Since these have been used by both the appellant and the Council, I shall do likewise.
5. To the west the site adjoins residential properties whose rear gardens, being positioned on a higher level, overlook the site. To the southern corner is the

appellant's dwellinghouse Baugh Farm. The southern boundary of the site adjoins Baugh Cottage, an area of land covered with established natural vegetation, also within the appellant's ownership, and a dwellinghouse in a large plot. To the eastern tip of the site, residential development of a higher density extends into the surrounding built up area. To the north, and bounded by mature vegetation, is the A4174 ring road and adjacent pedestrian and cycle path. The site is accessed via a private driveway which passes close to the frontages of Baugh Cottage and The Barn, and the side of the appellant's grade II listed dwelling, Baugh Farm.

Main Issues

6. These are the effects of the development on: i) ecology; ii) the character and appearance of the area having special regard to the desirability of preserving the setting of Baugh Farm a grade II listed building; iii) the living conditions of occupiers of neighbouring properties; and iv) highway safety.

Reasons

Ecology

7. The northern edge of the Leap Valley Site of Nature Conservation Interest lies to the east of the site. The Council advised at application stage of a likelihood for the site harbouring protected species with the habitat looking suitable for otters, water voles, reptiles and amphibians. Additionally, it was considered that the watercourse which runs through the site may be suitable for white clawed crayfish although it was acknowledged that the proposed development would be unlikely to affect the crayfish.
8. The presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision¹.
9. It has not been demonstrated that the proposed development would not result in the loss or deterioration of irreplaceable habitats. The proposal therefore fails to comply with Policy CS9 of the CS and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (the PSPP) which seek to conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity and geodiversity.

The character and appearance of the area and the setting of a listed building

10. The appeal site falls within the area captured by Policy CS5 of the CS which is generally supportive of new development. To ensure that development proposals are of the highest possible standards of design, Policy CS1 of the CS requires that new development should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
11. The appeal proposal seeks consent for the retention of the area of hardstanding and to change the use of the land from agriculture to residential in association

¹ Circular 06/2005

- with the appellant's dwellinghouse. The appellant proposes to create "an eco-domestic garden enhancing wildlife and biodiversity" and describes how the proposed change of use will not entail new structures or development and will protect the present character of the land.
12. The importation of loose stone to form an area of hardstanding around the entrance to the site has been permeated with vegetation to a considerable extent, but it remains visible across the surface. The appellant advises that area 1 has a high level rock shelf close to the surface of the land and the imported stone is difficult to differentiate between it and the natural ground material. Nevertheless, at my site visit I observed the imported material and consider that its placement has a negative visual effect in an otherwise green and natural open space.
 13. Whilst I accept the appellant's intention, a change of use to extend the domestic use of land can result in changes to the character of the land even without the introduction of permanent structures. The site is open to public views and private views and, to me, the site is read as an area of tranquil verdant open space with rough grass and established natural vegetation. Allowing the domestic garden use could lead to more formalised landscaping with ornamental planting and maintained grass, along with means of enclosure and domestic paraphernalia, and its use for general domestic activities. These would introduce a land use that would entirely change the character of the site thereby eroding the positive contribution it makes to the character and appearance of the area.
 14. The proposal would be a visually disruptive and an uncharacteristic intrusion into an area of natural landscaping, which would be detrimental to the positive contribution that this open space makes to the quality and visual amenity of the area. The encroachment of a residential use would erode the open space and would not make a positive contribution to the distinctiveness of the rural setting, therefore causing harm to its character and appearance.
 15. Baugh Farm is a grade II listed farmhouse with origins in the late 17th/early 18th century. From the Council's submissions, there is no evidence that the field historically served the farmhouse in a domestic capacity, but rather as an orchard during the 20th century and pasture during the mid-19th century.
 16. The farmhouse and former traditional stone farm buildings form an attractive historic group on the edge of the wooded Leap Valley, in amongst the more modern suburban development of the expansion of Bristol towards the M4. The immediate area has a rural character, with historic buildings, extensive mature tree cover and narrow lanes. The open space of the Leap Valley leads into the appeal site providing relief from the suburban development that encloses it on either side.
 17. The lack of built form and the verdant nature of the site, with the established tree boundary to the north, that provides welcome screening to the ring road, reinforce the prevailing rural character of the valley and contributes positively to the historic group of former agricultural buildings. Whilst the significance of the listed farmhouse may be derived primarily from its architectural style, the former agricultural barns and open space are considered to make a positive historical and aesthetic contribution to its setting as a former farmstead and thus significance of the listed farmhouse.

18. Paragraph 199 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm² to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
19. The harm that would be caused by the proposal would be, in the parlance of the Framework, less than substantial. Paragraph 202 of the Framework confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed use of the site as an extension to the residential use of the property would undoubtedly provide benefits for the appellant. However, I am not aware of any public benefits to outweigh the less than substantial harm arising from the development.
20. Overall, I find that the development would harm the character and appearance of the area and fail to preserve the setting of Baugh Farm. Consequently, the significance of the designated heritage asset would also be harmed. I have had regard to the appellant's suggestion of imposing conditions to effectively remove certain permitted developments on the land and the proposed unilateral agreement. However, this would not adequately mitigate the harm caused by the proposed change of use of the land to a domestic use by making the development acceptable in planning terms.
21. The appeal proposal conflicts with the design and historic environment protection aims of Policies CS1, CS2 and CS9 of the CS, Policies PSP1, PSP2 and PSP17 of the PSPP, and the Framework. Policy PSP5 of the PSPP refers to development proposals on undesignated open space within the urban areas and settlements. The appeal site is not captured by this designation and accordingly the policy does not apply to this proposal.

The living conditions of occupiers of neighbouring properties

22. The proposed residential use of the site as an extension to the appellant's domestic garden would be unlikely to generate traffic that would be of a level likely to cause significant noise and disturbance over and above that which could be generated by the lawful agricultural use.
23. The site is relatively elevated in comparison to the garden belonging to Baugh Cottage and the boundary is partially open between them where it looks as though a boundary fence once stood. Nevertheless, the proposal is for the land to be used as garden land and the use of the area, being some distance from the host property would be unlikely to generate the level of activity that would be expected within a garden area which is physically connected and close to the dwellinghouse. Accordingly, I do not consider the living conditions of the occupiers of Baugh Cottage, or the properties in Bury View which are in an elevated position themselves with extensive views across the site, would be compromised to an extent that would cause detrimental harm.

² National planning Policy Framework paragraph 200

24. In this respect, as I consider that there would not be an unacceptable impact on the residential amenity of occupiers of nearby properties, the proposal would be compliant with Policy PSP8 of the PSPP.

Highway safety

25. The Council considered that the proposal would be likely to result in additional traffic movements which would be problematic because of limited space for turning and manoeuvring. Although I appreciate that the roadway into the site is narrow and that it runs close to the front windows of Baugh Cottage and The Barn, the access is existing and the land has an agricultural use meaning that it could be used by vehicles required for agricultural purposes. Furthermore, once in the site, there is sufficient space to manoeuvre to allow vehicles to safely exit the site in a forward gear.
26. I note the consultation comments from the Council's Highways Department who considered appropriate and safe access could be problematic particularly when vehicles are parked outside Baugh Cottage. However, as the use would be unlikely to generate significantly more traffic movements than the existing lawful use and with no convincing evidence to persuade me otherwise, I do not consider that the proposed use would have an unacceptable effect on highway and road safety. In this respect I find that the proposal would not compromise highway safety and, accordingly, would comply with Policy CS8 of the CS and Policy PSP11 of the PSPP.

Conclusion

27. The proposal would harm the character and appearance of the area and would not preserve or enhance the setting of the listed building. It would conflict with the development plan taken as a whole and the approach of the Framework. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

S A Hanson

INSPECTOR