
Appeal Decision

Site visit made on 1 November 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/F0114/D/21/3276532

Eagle Farm House, Northend, Batheaston, Bath BA1 8EW

- 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 Dr John Brophy against the decision of Bath & North East Somerset Council.
 - The application Ref 21/00411/FUL, dated 29 January 2021, was refused by notice dated 25 March 2021.
 - The development proposed is erection of a small timber barn for domestic storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The grounds of appeal make reference to discussions during the application process about reducing the size of the proposed building by deleting one of its bays. However, the Council made its decision based on the plans submitted with the original application and I have dealt with the appeal on the same basis.
3. Subsequent to the Council issuing its decision, a revised National Planning Policy Framework ('the Framework') was published. The parties have had an opportunity to comment on the implications for the appeal.

Main Issues

4. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework;
 - b) the effect on the openness of the Green Belt;
 - c) the effect on the setting of Eagle Farm House (a Grade II listed building) and the character and appearance of the wider area, having particular regard to the location of the site within the Cotswolds Area of Outstanding Natural Beauty (AONB); and
 - d) if the development is inappropriate, whether the 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 the development.

Reasons

Whether inappropriate development

5. The site is located in the Green Belt. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate but paragraph 149 of the Framework sets out various exceptions. The proposal does not fall within any of these categories of development. The Council mooted the possibility in pre-application advice that an outbuilding could be considered under exception c) which permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, I can see nothing within local or national policy which supports this approach.
6. Of course, there may be circumstances where the Council chooses to take a more flexible interpretation, for example where the proposed outbuilding is intimately associated with the dwelling. However, in this particular case the new building would be some 45 m away from the parent property. The degree of separation leads me to the view that this cannot be treated as an extension.
7. Policy GB3 of the Bath and North East Somerset Placemaking Plan (2017) ('Placemaking Plan') reflects the requirements of national policy in relation to extensions, but given that the proposal is not for an extension this policy is not relevant. That the volume of the proposed building may fall within the indicative parameters set out within the Council's Green Belt guidance¹ does not alter my view that the proposal must be considered as inappropriate development within the Green Belt.

Effect on openness

8. Eagle Farm House is located on the fringes of Batheaston where the character becomes more rural. The property has extensive grounds which run adjacent to the road and are visible from it. The proposed barn would be positioned at the western end of the residential curtilage, furthest from the house. The building would sit within an area of the site which has an open character and it would be clearly visible from the road above a stone boundary wall, notwithstanding its siting on the lowest part of the site. The structure would have even greater prominence in the street scene, were the Council to secure the removal of an existing unauthorised fence which extends above the height of the wall.
9. The appellant has attempted to keep the height of the building to a minimum. Nevertheless, there would be built form where none previously existed and the footprint of the barn would give it a relatively large volume. The mass of development would therefore result in some loss of openness of the Green Belt. This adds to the harm arising from inappropriateness.

Character and appearance of area and setting of listed building

10. The significance of Eagle Farm House as a Grade II listed building is derived from its history as a local farmhouse. The property is architecturally attractive, built in coursed rubble with a clay double roman tile roof between coped raised

¹ The 'Existing Dwellings in the Greenbelt' Supplementary Planning Document (2008) states that in many circumstances a well-designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable.

verges. The lawn and orchard to the front of the house form an integral part of the setting to the listed building. The site as a whole makes a significant positive contribution to the character and appearance of the area, and by extension of that the landscape and scenic qualities of the Cotswolds AONB.

11. The proposed building would be timber framed with oak cladding above a shallow stone plinth and an oak shingle roof. Although these materials are not uncommon in rural areas, they are not characteristic of the locality of the site where buildings are predominantly constructed using local Oolitic Limestone. The use of this material is identified within the Council's Landscape Character Assessment² as one of the major unifying elements of the landscape of the Cotswolds Plateaux and Valleys Character Area.
12. The materials proposed within the appeal scheme would be at odds with those prevailing in the surrounding area, but they would also be out of keeping with the property in whose grounds the new building would sit. There would be no visual link with Eagle Farm House and as such the development would appear incongruous. This harm would be exacerbated by the scale of the barn and its prominent location at the front of the site.
13. The appellant contends that the site is well-screened by vegetation and existing trees to the roadside boundary. In my view, this greenery would only provide partial mitigation but in any event the Council has no control over the retention of this. There is no arboricultural report to support the application and therefore I cannot be certain that the health of retained trees will not be affected in the longer term, even if they are not being directly removed as a consequence of construction. Although the Arboricultural Officer does not consider the trees to be worthy of preservation orders, they contribute collectively to the established sylvan character which is a positive attribute of the site.
14. Overall, I consider that the proposal would be detrimental to the character and appearance of the area, including the landscape of the Cotswolds AONB, and it would also result in harm to the setting of Eagle Farm House as a listed building. The harm to the significance of the designated heritage asset would be less than substantial, but it would not be outweighed by any public benefits.
15. I conclude that there would be conflict with Policy CP6 of the Bath and North East Somerset Core Strategy (2014) ('Core Strategy') and Policies HE1 and NE2 of the Placemaking Plan in relation to their objectives to protect heritage assets and local landscape character. There would also be conflict with Policies D2 and D5 of the Placemaking Plan insofar as these require new development to respond to the site context and local character and distinctiveness, including in relation to the use of materials.

Green Belt Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt and it would cause harm to the openness of the Green Belt. Harm would also arise in relation to the impact on the setting of the listed building, the landscape of the AONB and the character and appearance of the local area.

² Rural Landscapes of Bath and North East Somerset: A Landscape Character Assessment - Supplementary Planning Guidance (2003)

17. The Framework states that substantial weight will be given to any identified harm to the Green Belt, and that 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.
18. The proposed development would be used to park a vehicle and to store tools and garden equipment used in connection with the orchard and bee keeping. However, this benefit does not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt have not been demonstrated and the scheme would conflict with Core Strategy Policy CP8 which states that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.
19. The appeal scheme would conflict with the development plan taken as a whole and there are no material considerations to indicate a decision otherwise than in accordance with the development plan. For the above reasons and having taken all matters into account, including the Council's pre-application advice, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR