



Appeal Decision

Site visit made on 14 March 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/D0121/W/21/3276355

Land to the South of Birdcombe Farm Cottage, Tower House Lane, Wraxall, BS48 1JR

- 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 Keely Avery against the decision of North Somerset Council.
 - The application Ref 21/P/0340/FUL, dated 4 February 2021, was refused by notice dated 5 May 2021.
 - The development proposed is new single storey three bedroom residential dwelling on land to the south of Birdcombe Farm Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). I am satisfied that the main parties are aware of this matter and all references to the Framework within my decision are to the 2021 version.

Main Issues

3. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - b) the effect of the proposal on the openness of the Green Belt,
 - c) whether the site would be suitably located for the development proposed, having regard to local and national planning policies and its proximity to local services and facilities, and
 - d) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether these would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless they fit within a list of exceptions. The list

includes proposals that replace a building or those that constitute limited infilling, subject to certain criteria.

5. The exception set out at paragraph 149 d) cannot apply as the proposed dwelling would be in a different use to the agricultural buildings that it would replace.
6. The exception set out at paragraph 149 g) can also not apply as the appeal site is currently in agricultural use and cannot therefore be considered previously developed land (PDL), with reference to the definition set out within the Framework glossary.
7. In summary, the proposal would not be a replacement building in the same use as the existing buildings and would not be on PDL. There are no other exceptions set out in the Framework or the development plan that could apply. The proposal would therefore be inappropriate development in the Green Belt, contrary to Policy DM12 of the North Somerset Sites and Policies Plan Part 1 2016.

Green belt openness

8. A fundamental aim of Green Belt policy is to keep land permanently open as defined in the Framework. The essential characteristics of Green Belts are their openness and their permanence. The openness of a Green Belt has a visual and a spatial aspect.
9. The proposal would see the existing agricultural buildings replaced with a dwelling. The proposed dwelling would have a simple singular form and would appear to be single storey in scale, although first floor accommodation would be provided within the roof void. It would be physically smaller than the existing buildings, in terms of its footprint and overall dimensions. The proposal would not harm the spatial aspect of Green Belt openness, as a result of the smaller scale of the proposed building.
10. In terms of the visual aspect of Green Belt openness, the site abuts agricultural land to the south and east, and is highly prominent to view from the track to the south and nearby public footpaths. From these perspectives the scale and form of the existing buildings can be easily appreciated. The larger southern building is the most prominent and presents itself as part of a farmstead. It has a functional appearance with limited openings and is clad in plain materials that are well weathered.
11. Although the replacement building would be smaller, it would not have the same simple appearance as the existing buildings. It would have large openings, including a significant number of rooflights facing out over the adjacent fields. It would sit within an area that would serve as a large domestic garden, separated from the adjacent fields by only a post and rail fence. It is likely that the large garden of this family sized dwelling would be used for various items of domestic paraphernalia, including children's play equipment and garden furniture.
12. Unlike the existing agricultural buildings, the proposed dwelling would appear unrelated to the farmstead. This, coupled with the domestic appearance of the building and its curtilage, would draw the eye and have a greater visual presence than the plain and functional appearance of the existing buildings,

thus causing a modest degree of harm to the visual aspect of Green Belt openness.

Location

13. The appeal site is outside a settlement boundary and the Council therefore consider it to be in the open countryside in the context of its development plan. Policy CS33 of the North Somerset Council Core Strategy 2017 (CS) establishes that development outside of its urban areas, including its towns and service villages, will be strictly controlled. The proposal would not fall within any of the exceptions set out in this Policy.
14. The appeal site is close to the edge of Nailsea. The appellant suggests that the site is within easy walking distance of a range of services, and that the site is close to bus stops that would provide access to Bristol and Clevedon.
15. However, travel into Nailsea or to the bus stops would involve the use of a length of private lane that is unlit. At my visit to the site I also saw that it was not properly surfaced and would thus be difficult for someone pushing a buggy or using a wheelchair to use. It is therefore unlikely that future occupiers of the dwelling would choose to walk or cycle along this lane on an everyday basis to access employment, education or local services.
16. Furthermore, there is no evidence to suggest that this is land that is within the appellant's control. There is therefore no guarantee that it would remain available for future occupiers to use, and it would not appear necessary to rely on it as most vehicles appear to enter the site from Tower House Lane. Footpaths exist that would provide access between the site and the road, however these pass over fields and would thus not provide access that could be relied upon in all weathers for day to day travel.
17. For these reasons it is likely that future occupiers would be dependent on a private car to meet their every day needs, and there are no characteristics of the site that would allow me to conclude that it would be suitably located for the development proposed. The proposal would be contrary to Policies CS14 and CS33 of the CS, which together set out the Council's settlement strategy and seek to ensure that development proposals in countryside areas are strictly controlled to prevent unsustainable development.

Other considerations

18. The proposal would deliver a dwelling, which would boost local housing supply. As the proposal relates to one dwelling this matter would attract moderate weight. There would be some short term economic benefits from the construction process and long term benefits from future occupiers of the dwelling making use of local services and facilities. These matters also attract modest weight, limited by the scale of the proposal.
19. It is suggested that the existing buildings have no economic use and are in a poor state of repair, and that the redevelopment of the site would make efficient use of the land. I give some weight to this matter, but it is limited, as the existing buildings have a simple agricultural appearance that is to be expected in a rural area associated with an existing farmstead. I am not satisfied that they are harmful to the character and appearance of the area, so thus cannot agree that their demolition and replacement should weigh in favour of the proposal.

20. It is suggested that the proposal would be better than the prior approval scheme previously granted to convert one of the barns into a dwelling¹. Details of this proposal are not before me, so I am unable to make a comparison between the two schemes. Furthermore, the date by which this approval could be lawfully implemented passed in 2018, so there is therefore no real prospect that this fallback position could be implemented. As such I give this matter limited weight.
21. Information before me refers to the personal circumstances of the appellant, however the case is not made that the dwelling would be for an agricultural worker or that it should be located in this area to address an essential need. It is also suggested that the proposal would be a self-build scheme, however there is no legal mechanism before me to ensure that it would be brought forward as a genuine self-build scheme. I therefore give these matters little weight.
22. The appeal site is close to a grade II* listed building, known as Birdcombe Court and Birdcombe Court Farmhouse. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
23. I have reviewed the comments from Historic England and the appellant's heritage statement. Based on this, and my own observations on site, I see no reason to disagree with the Council's position and am thus satisfied that the proposal would not harm the setting of the listed building. However, for the reasons already given, I am not satisfied that it would improve the building's setting. This matter should not therefore weigh in favour of the proposal.
24. The appeal site is within consultation zone C of the North Somerset and Mendip horseshoe bat Special Area of Conservation (SAC). The Council suggests that the proposal is unlikely to affect features used by bats, and thus would be unlikely to have a significant effect on the features and interest of the SAC. In any case, as I am dismissing the appeal for other reasons, a significant effect cannot occur in any event, and this matter does not therefore need to be considered further.

Conclusion

25. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. In addition, I have found that the scheme would also have a modest impact on the openness of the Green Belt and would not accord with the Council's settlement strategy. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
26. Whilst the other considerations before me carry weight, even if considered together they are not sufficient to amount to the very special circumstances necessary to justify the development. There are no material considerations that

¹ Council Ref: 15/P/1615/CUPA

indicate that the appeal should be determined other than in accordance with the development plan. For the reasons above, I therefore conclude that the appeal should be dismissed.

A Tucker

INSPECTOR