



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/21/3286219

Breezelands, Walton Bay, Walton-in-Gordano, BS21 7AZ

- 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 Mr Roger Hobley against the decision of North Somerset Council.
 - The application Ref 21/P/1836/PIP, dated 23 June 2021, was refused by notice dated 25 August 2021.
 - The development proposed is permission in principle for the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle stage') establishes whether a site is suitable in-principle and the second ('technical details consent') stage 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 permission in principle 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 if permission in principle is granted. I have determined the appeal accordingly.
4. A plan showing how the site could be developed is before me. However, as this appeal does not relate to technical details, I have taken the submitted plan to be illustrative only.

Main Issues

5. Whether the site is suitable for residential development, having regard to 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 National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - b) the effect of the proposal on the openness of the Green Belt,

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

- 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

- 6. Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless, amongst other things, they constitute limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
- 7. Policy DM12 of the North Somerset Sites and Policies Plan Part 1 2016 (SPP Part 1) refers to redevelopment and infilling on previously developed sites, referring to the Framework definition. The Framework glossary definition of PDL excludes land in built-up areas such as residential gardens. The appeal site is part of an existing residential garden. There is no definition of built-up area in the Framework.
- 8. Walton Bay is a small hamlet that is mostly comprised of park homes. These are divided into separate park home sites, but they all abut each other and, along with a small number of traditionally constructed dwellings, form a well-defined built-up area. Whilst it may not be appropriate to describe the area as urban as the settlement is without typical urban features such as streetlights and pavements, it is nonetheless a well-defined area of contiguous and tightly packed development that should be described as built-up. I cannot therefore conclude that the appeal site constitutes PDL, and the exception set out at paragraph 149 g) of the Framework cannot therefore apply.
- 9. Although I have found that the settlement constitutes a built-up area, it is primarily made up of a group of park home sites. The parties agree that it lacks any meaningful facilities or other characteristics that would ordinarily be associated with a village. I find no reason to disagree with this position. The proposal cannot therefore be considered favourably against paragraph 149 e) of the Framework.
- 10. In summary, the proposal would not be on PDL or constitute limited infilling in a village. There are no other exceptions set out in the Framework or the development plan that could apply, and it would therefore be inappropriate development in the Green Belt, contrary to Policy DM12 of the SPP Part 1.

Green Belt openness

- 11. 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.

12. The appeal site is within a built-up area with development presence on all sides. The site is not prominent to view and is currently occupied by a garage and other modest domestic structures. The existing garage is a low structure with a shallow pitched roof. Full details of the proposed dwelling are not before me as this is a proposal for permission in principle, however, as suggested by the indicative plan, any dwelling at the site would be larger than the existing garage and would have a greater presence at the site than the modest scale of the various domestic structures. Furthermore, owing to the steep slope across the site, it is likely that the building would be elevated well above the level of the lane to the north. For these reasons a dwelling at the site would have a greater impact on the spatial aspect of Green Belt openness when compared with the modest structures that currently occupy the site.
13. In terms of the visual aspect, a dwelling at the site would not be prominent to view or visible across a wide area. However, from a limited localised area to the north of the site, a dwelling would have a greater impact on the visual aspect of Green Belt openness than the modest scale of the existing structures.
14. The appellant has drawn my attention to an appeal at Warrington². This appears to offer little comparison with the appeal scheme before me, as the appeal at Warrington relates to a building that would appear to be more modest than the structure that it would replace.
15. In summary, the proposal would have an impact on the spatial and visual aspects of Green Belt openness; however, taking into account the built-up character of the area around the site, the impacts on the openness of the Green Belt would be modest.

Location

16. 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. The appellant refers to an appeal decision at Nailsea³, suggesting that the Council's settlement boundaries are time expired. However, they have been upheld by subsequent development plan documents and I am therefore satisfied that they should attract full weight.
17. The appeal site is between Portishead and Clevedon, and is not far from the edge of either settlement. However, the distance between the site and a range of services and facilities to meet the everyday needs of future occupiers of the proposal is much further. The Council recognises that the minor road that connects Walton Bay to either settlement is suited to most cyclists. Indeed, at my visit I saw that it provides a pleasant leisure route for cycling. However, as an unlit rural road with areas of limited visibility and variable widths, cycling would not be a reasonable or convenient method of transport for future occupiers for everyday journeys to access employment, education or local services.
18. The area was served in the past by a bus service. Although it is expected that this would be reinstated there is no evidence before me to suggest when this

² APP/M0655/W/19/3221877

³ APP/D0121/W/18/3212682

might happen, or whether the service provided would be frequent enough to meet the day to day needs of residents of Walton Bay. An hourly bus service can be accessed from the village of Walton-in-Gordano, however accessing the village from the site would still require a significant journey on foot or by bicycle along the minor road, which is unlikely to be convenient for many on a day to day basis.

19. I have reviewed the appeal decisions highlighted by the appellant. The Abbots Leigh appeal⁴ relates to a site with bus stops close by and a footway that links the site to adjoining areas that include a village centre. Similarly, the appeal at Long Ashton⁵ relates to a site that is connected to nearby services and facilities by a footway with a dedicated cycle lane. For both of these appeals future occupiers would have a convenient and practical alternative to the private car to access local services and facilities to meet their day to day needs, which I have found would not be the case for the proposal subject of this appeal.
20. 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 or its location that should cause me to conclude that the site would be suitably located for the development proposed. The proposal would be contrary to Policies CS1, CS13, CS14 and CS33 of the CS and Policy SA2 of the Sites and Policies Plan Part 2 Site Allocations Plan 2006-2026, 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.
21. The Council referred to Policy CS32 of the CS in its first refusal reason. This relates to development associated with service villages. The proposal does not relate to a service village. I am of the view therefore that this Policy is not relevant to the proposal.

Other considerations

22. The proposal would, subject to a successful technical details consent, deliver a dwelling, which would boost housing supply locally. 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.
23. I agree that the proposal is not in direct conflict with any of the five purposes of the Green Belt set out in paragraph 138 of the Framework. It would be in a location that is surrounded by existing development and would not extend the existing built-up area into the countryside. However, I have found that the proposal would be inappropriate development which the Framework establishes at paragraph 147 is, by definition, harmful to the Green Belt. This matter therefore attracts little weight.
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 have a significant effect on the features and interests of the SAC. In any case, as I am dismissing the appeal for other reasons, a

⁴ APP/D0121/W/18/3212672

⁵ APP/D0121/W/20/325758

significant effect cannot occur in any event, and this matter does not therefore need to be considered further.

Conclusion

25. At the time that the Council refused the application it was unable to demonstrate a 5 year supply of deliverable housing sites (5YHLS). The Council now suggests that it does have 5YHLS. The appellant has provided some information to challenge this. However, an exception is provided to paragraph 11 d) of the Framework where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes Green Belts. The proposal would be inappropriate development in the Green Belt and would therefore not accord with the Framework. Consequently, the tilted balance could not apply in any case.
26. 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.
27. Whilst the other considerations before me carry weight, taken together they are not of sufficient weight to amount to the very special circumstances necessary to justify the development. There are no material considerations that 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