



---

# Appeal Decision

Site visit made on 29 March 2022

**by A Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 April 2022**

---

**Appeal Ref: APP/P0119/W/21/3288893**

**Land South West of Bella Vista, Westerleigh Road, Westerleigh, South Gloucestershire, BS37 8QH**

- 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 Garry Mawer against the decision of South Gloucestershire Council.
  - The application Ref P21/06177/PIP, dated 22 July 2021, was refused by notice dated 19 November 2021.
  - The development proposed is permission in principle for the erection of up to 6 no. self-build dwellings at land to the rear of Bella Vista.
- 

## Decision

1. The appeal is dismissed.

## 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 permitted<sup>1</sup>. 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. I have used the site address that the Council used on its decision notice as it is more accurate and detailed than the site address entered on the application form.

## Main Issues

5. 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 National Planning Policy Framework (the Framework) and any relevant development plan policies,

---

<sup>1</sup> PPG Paragraph: 012 Reference ID: 58-012-20180615

- b) the effect of the proposal on the openness of the Green Belt,
- c) whether an adequate access can be secured,
- d) the effect of the proposal on the living conditions of the two dwellings adjoining the proposed access, known as Bella Vista and Sunnyside,
- e) 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 in villages. There is no definition of 'limited infilling' or 'village' within the Framework. Where the Framework is silent it is appropriate to consider whether a local plan provides guidance on how this policy should be applied locally.
7. 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 Council advises that the appeal site is outside of a settlement boundary.
8. 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. 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. Whilst this limits the weight I should give to the SPD, clarifying the approach to limited infilling within the area is helpful. The SPD also states that infill development is small in scale and fits into an existing built up area, and that it is normally in between existing buildings and in a linear formation.
9. I accept that the provision of up to six dwellings would be limited insofar as it would be a modest addition to the existing built form that makes up the settlement of Westerleigh. I also accept that the development could be well related to the existing developed area of the settlement, occupying a linear site area that would align with the edge of an existing housing estate. However, with reference to the exception test set out at paragraph 149 e) of the Framework, I also need to consider whether the proposal would constitute infilling.
10. The appeal site is described as an area of garden serving Bella Vista. The grass that forms most of the area is mown, however there is nothing further to give the impression that the excessively large area should ordinarily be viewed as a garden. It is offset and not well related to Bella Vista. It is enclosed with

boundaries that include hedges, mature trees and post and wire fences, with large overgrown areas of vegetation that include bramble against the boundary with the development to the south. The area is also devoid of any domestic planting or other features that could give the impression of an area of garden. On the basis of these characteristics that I observed at the site visit, the area of the appeal site has an appearance more akin to a paddock or small field.

11. This impression is confirmed by the site's relationship with open areas of undeveloped land to the north and west. The area of land to the north of the site is also described as a garden, however, other than also being mown, it could more appropriately be described as a small field or paddock, with very similar characteristics to the area of the appeal site.
12. Although the site abuts existing development to the south and east it does not fit into an existing built-up area, but rather adjoins that area. The position of the railway line to the west has no significant bearing on this matter as existing development only extends up to this line in the context of the residential estate to the south. The proposal would not infill a gap between areas of existing development. Instead it would extend built form, beyond the existing developed area of the settlement, into an area of land that holds a strong visual relationship with undeveloped rural land beyond, to the north and west.
13. In summary, the proposal would not be limited infilling within a village. It would not meet any of the Green Belt exceptions provided for within the Framework and the Development Plan, and would be inappropriate development in the Green Belt, contrary to Policies CS5 and CS34 of the CS and Policy PSP7 of the PSPP.

#### *Openness of the Green Belt*

14. 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. I have already established that the appeal site is best described as a small field or paddock that is outside of the built-up area of the village; and that it holds a strong visual relationship with the undeveloped land to the north and west.
15. The construction of up to six dwellings at the site would give the appeal site a built-up appearance, extending the developed area of the settlement into the appeal site. Taking into account the open character of the existing site and its relationship with adjoining areas of open land to two sides, to the north and west, the proposal would have a significant adverse impact on both the visual and spatial aspects of Green Belt openness.

#### *Access*

16. The plan shows that access to the site would be achieved by demolishing the existing garage and forming a road to the south of Bella Vista. The plan shows that this would be narrow, and at my visit to the site I could see that this would be a constrained route, particularly in the area close to the road where it could be no wider than the modest gap between the side of the dwelling and the boundary.
17. The proposal is for PiP. Securing full details of the access to a site, such as matters relating to visibility splays, is a matter for the TDC stage. However, it is within the remit of the PiP assessment to consider whether a safe access to

the site can be achieved as a matter of principle, as part of an assessment as to whether the location of the site is suitable for the development.

18. The Council is of the view that the access would need to be at least 6 metres wide, and that the width shown on the submitted plan is 4.5 metres. I accept that the proposal at this stage does not benefit from an accurate topographical survey, however it is clear that the space between the side of the dwelling and the opposite boundary is too narrow for two vehicles to pass each other. It is therefore possible that a vehicle entering the site at the same time that one is emerging would need to be stopped on the highway, or reversed out onto the highway to give way to an emerging vehicle. Neither scenario would create a safe situation and, given the tight width of the access defined by the red line area, it is difficult to see how a safe solution could be developed at the TDC stage.
19. In summary, the proposal would not secure an adequate access, which would harm highway safety. It would thus not accord with Policy PSP11 of the PSPP and Policy CS8 of the CS, which together seek to ensure that development proposals provide safe access that does not compromise highway safety.
20. The Council referred to Policy PSP16 of the PSPP in its second refusal reason. This sets out the Council's parking standards, which is not a matter relevant to this proposal for PiP. This Policy has not therefore been determinative.

#### *Living conditions*

21. Regardless of the final design of the access, it would be between the side elevation of Bella Vista and the southern boundary, and, owing to the narrow gap between the properties, would take up the whole width. There would be a small gap between the side of the access and Sunnyside, which is already separated from the site by two parallel fences. However, there would be no opportunity to create any refuge or margin between the proposed access and the side of Bella Vista. Vehicles using the access would pass close to the side of this dwelling and would use a route that follows the length of the narrowed garden, with an access from the road that would be difficult to separate successfully from the existing area at the front of Bella Vista.
22. Thus, the whole length of the curtilage most closely related to Bella Vista and most useful as private outdoor space for the occupants of this dwelling would be impacted by the proposal. The regular movement of vehicles along this length of the access road, taking into account the level of activity, noise and light that would be generated, would harm the living conditions of the occupiers of this dwelling.
23. The appellant suggests that this would be similar to the development opposite the site, known as the Jorrocks Estate. It is however clear that this access, which has already been formed, is much wider than the appeal proposal, with paved margins at either side that would keep most vehicles away from the buildings. I am therefore not satisfied that this approved layout shares the same characteristics as the proposed arrangement, and therefore this does not alter my view on this matter.
24. In summary, the proposal would harm the living conditions of the occupiers of Bella Vista. It would not accord with Policy PSP8 of the PSPP, which seeks to

ensure that development proposals do not have an unacceptable impact on the residential amenity of occupiers of nearby properties.

*Other considerations*

25. The proposal is for up to six self-build dwellings. Whilst this is a matter that cannot be secured at the PiP stage, this is a characteristic of the proposal that is included within the description of development, and, as suggested by the appellant, a legal agreement could be entered into at the TDC stage which would ensure that the development is brought forward as a genuine self-build scheme. This matter carries considerable weight.
26. There would also be some economic benefit during the construction process, and a subsequent benefit as future occupiers of the dwellings make use of local services and facilities. The weight I give to this however is limited by the small scale of the proposal.
27. Although not a reason for refusal or a main issue of this appeal, the Council suggests in its officer report that the site is outside a settlement boundary and that development in such locations is not supported by its development plan. The appellant suggests that there are a reasonable level of services and facilities within the village, and that it is well connected to nearby larger conurbations by bus. However, the proposal would not align with any of the development types listed in Policy PSP40 of the PSPP, which is a Policy that the Council listed in its first refusal reason. This is a matter that weighs against the proposal.
28. The appellant has referred to a large number of previous decisions, including some decisions that the Council has made and other appeal decisions. It is rare that another decision will provide an exact comparison. Each proposal should rightly be considered on its own merits, taking into account the facts and circumstances of the case. I have reviewed the details of the cases that are before me. Most appear to share little similarity with the appeal proposal.
29. Where cases relate to a Green Belt some have been accepted as limited infilling; and in these cases the description of the sites are quite different to the proposal subject of this appeal. Other cases that have been considered favourably relate to previously developed land, which the appeal site is not. Most of the cases that would deliver self-build housing are not also within a Green Belt, so the substantial weight given to any Green Belt harm would not have needed to factor in any balancing exercise.
30. The proposal at Roundhouse Farm<sup>2</sup> has some similarities with the appeal proposal in that it would be inappropriate development in the Green Belt and would deliver a portion of the development as self-build dwellings. However, it proposed a much larger number of dwellings than the appeal proposal. Thus, the weight given to the delivery of housing more generally, that included both self-build dwellings and affordable units, would have been significant, and in this case led to an allowed appeal. For these reasons, the weight I attach to the decisions referenced by the appellant is limited.
31. I note that in a different context the Council was of the view that the development of the site would not unacceptably harm the openness of the Green Belt or the five purposes of including land within it, as set out at

---

<sup>2</sup> APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926

paragraph 138 of the Framework. There is no explanation as to why it reached this view and I note that it is not clear what site area was considered. For the reasons given above I have found that the proposal would harm the openness of the Green Belt.

32. In terms of the five purposes of including land within the Green Belt, the proposal would encroach into the countryside and would thus not satisfy this Green Belt purpose.

### **Conclusion**

33. 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 significant adverse impact on the openness of the Green Belt, and it would harm highway safety and the living conditions of the occupiers of the neighbouring dwelling. It would also be in a location that does not accord with the development plan. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
34. Whilst the other considerations before me, including most significantly the provision of self-build housing, carry weight, 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.
35. For the reasons above, I therefore conclude that the appeal should be dismissed.

*A Tucker*

INSPECTOR