



Appeal Decision

Site visit made on 4 April 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2022

Appeal Ref: APP/P0119/W/21/3284199

Land North of The Down, Old Down, South Gloucestershire, BS32 4PJ

- 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 Liam Rinn against the decision of South Gloucestershire Council.
 - The application Ref P21/03509/PIP, dated 19 May 2021, was refused by notice dated 30 June 2021.
 - The development proposed is Permission in Principle – erection of up to 3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal seeks a Permission in Principle. Planning Practice Guidance sets out that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail. The first stage, which the appeal proposal is at, is where the suitability of a site's development is established in principle, whilst the second stage is where detailed development proposals are assessed. The scope of the first stage is limited to location, land use and the amount of development.
3. The Block Plan (scale 1:500) provided is indicative only, I shall consider the appeal on this basis.

Main Issues

4. The main issues, having regard to the location, land use and amount of development, are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect upon the openness of the Green Belt;
 - The effect upon the character and appearance of the area by virtue of any works necessitated to existing trees and vegetation; and
 - If the proposal would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

5. The National Planning Policy Framework (July 2021) (the Framework) is an important material consideration in the context of Green Belt development proposals. It specifies that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless one of several stated exceptions apply. One such exception is limited infilling in villages.
6. Whilst Old Down is technically a hamlet, it is a settlement of meaningful expanse that contains a public house and that is served by bus services. I am satisfied that it can be considered a village for the purposes of the Framework's Green Belt provisions. Whilst the site sits outside of any defined settlement boundary and thus in an open countryside location as defined in local planning policy terms, consideration of whether or not the proposal would represent limited infill in a village is a matter of planning judgement to be informed by the particular site circumstances as experienced on the ground as well as by any relevant policies.
7. There is no definition of limited infilling contained within the Framework. Even so, infill development is defined within the South Gloucestershire Core Strategy (December 2013) (the CS) as the development of a relatively small gap between existing buildings, normally within a built up area. I note here that it would be possible for infill development to comprise more than one dwelling.
8. The site is formed of the southern portion of a grassed field that is bound by established hedgerows to its perimeter and that contains a central buffer of mature planting. Further undeveloped grassed land of agricultural appearance is situated to the north. The Down runs the site's southern boundary and serves rows of residential development to both of its sides. Lilac Cottage (an end-of-row dwelling) sits to the site's west whilst Pump Lane runs the site's eastern boundary and provides access to The Keepers, a large dwelling situated to the east.
9. Notwithstanding the existence of development to the east, south and west, the site comprises part of an expansive area of undeveloped rural land. The considerable width of the site, and thus the extent of the gap between Lilac Cottage and Pump Lane, dictates that the site appears and functions as a constituent part of the countryside as opposed to as a gap within the built-up area of the village. As such, the proposal does not satisfy the CS definition of infill development and, for the purposes of assessment against the Framework's Green Belt provisions, does not constitute limited infilling within a village.
10. Various planning decisions relating to other schemes at different sites have been placed before me, which I have had regard to in the context of interpreting infill development proposals. Nevertheless, many of these other decisions were made with respect to sites situated in other administrative areas and thus in the context of different development plans. When also factoring in variations in site circumstances, I find them to be decisions of limited relevance.

11. This includes where permission in principle for the erection of 2-5 dwellings was granted at appeal¹ in February 2021 at a site in Long Ashton, North Somerset where the frontage width measured a similar distance to the site now being considered. However, the Inspector in that case found the village in question to be quite substantially sized and the proposal to be limited in extent and scale to the village. Old Down is not of comparable size. Furthermore, not least due to the proximity of a railway line, the specific site circumstances differed at Long Ashton.
12. With respect to a successful nearby scheme² permitted in 2018 for two detached dwellings to the west of Sweet Briar, it is apparent that instances of existing development proliferate that site's perimeter which provided the opportunity for infill development. It is thus a scheme of limited relevance to my considerations. It has also been brought to my attention that permission in principle for the erection of two dwellings was granted at appeal³ in 2021 at the village of Hallen. However, that site was of a different shape and composition when compared to the site that is the subject of this appeal, which would have contributed in no small part to different conclusions ultimately being drawn.
13. For the above reasons, the proposal would be inappropriate development in the Green Belt and conflicts with Policies CS5 and CS34 of the CS, Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (November 2017) (the PSPP) and the Framework in so far as these policies affirm that inappropriate development is, by definition, harmful to the Green Belt.
14. Policy PSP40 of the PSPP, whilst referenced in the Council's first reason for refusing planning permission, does not relate explicitly to development proposals in the Green Belt. It is thus a policy of limited relevance to my consideration of this main issue.

Openness of the Green Belt

15. The proposal involves the construction of up to three dwellings, which would be positioned upon a sizeable site that is currently clear of built development. Indeed, the site is of open and rural character and readily visible from a range of publicly accessible vantage points. A loss of Green Belt openness would thus inevitably occur. For the above reasons, the proposal would cause harm to the openness of the Green Belt. The scheme conflicts with the Framework in so far as it sets out that the essential characteristics of Green Belts are their openness and their permanence.

Character and appearance – existing trees and vegetation

16. The site contains elements of mature landscaping, including various trees and established hedgerows. Nevertheless, it is also in-part comprised of open grassed areas. As such, it cannot be confirmed that the scheme would necessarily lead to any substantial removal of trees and vegetation. It thus follows that, at this in-principle stage, I cannot identify that harm would be caused to the character and appearance of the area by virtue of any works necessitated to existing trees and vegetation. In this sense, I do not find conflict with Policies PSP1, PSP2, PSP3 of the PSPP nor with the Framework in so far as these policies set out that development proposals should minimise the

¹ APP/D0121/W/20/3253758

² PT/174635/F

³ APP/P0119/W/21/3276047

loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape value.

Other Matters

17. I have noted objections/concerns raised with respect to matters including the effect of the proposed built development upon the character and appearance of the area, the effect upon highway safety, the effect upon wildlife, and the availability of facilities and services. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Whether very special circumstances apply

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also indicates that substantial weight should be given to any harm identified to the Green Belt.
19. The proposal would deliver up to three additional housing units potentially suitable for family occupation and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes. As a somewhat limited number of units are under contribution, I attach moderate weight to the delivery of new housing as a scheme benefit. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the number of units under consideration.
20. The proposal's benefits, considered cumulatively, would be modest and would not outweigh the substantial harm that would be caused to the Green Belt (including harm derived from loss of openness) so as to amount to the very special circumstances necessary to justify the proposal. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR