



Appeal Decision

Site visit made on 19 April 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 19 May 2022

Appeal Ref: APP/P0119/W/22/3290418

The Stables, Tanhouse Lane, Yate BS37 7LP

- 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 M Rushent (Tanhouse Lane Developments LTD) against the decision of South Gloucestershire Council.
 - The application Ref P21/05061/F, dated 22 July 2021, was refused by notice dated 17 December 2021.
 - The development proposed is for the demolition of an existing bungalow, large garages and outbuildings and store building and the development of the land into 3 new detached dwellings with associated driveway, parking, and gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has indicated in his final comments that paragraphs 5.10 and 5.11 of the Council's Officer Report, as well as the Decision Notice, make incorrect statements regarding Drainage and neighbours' living conditions. However, in the evidence before me, the Officer Report sets out that matters relating to drainage and neighbours' living conditions have been resolved. The Council's Decision Notice also does not include them as reasons for refusal.
3. As such, I have assessed the appeal on the basis that matters relating to drainage and neighbours' living conditions are not being contended by the Council or the appellant.

Main Issue

4. Whether the proposed development would provide a suitable location for housing, with regard to the Council's housing strategy.

Reasons

5. The Stables is a site that includes an existing residential bungalow and outbuildings. It is within a rural setting and accessed via an existing gated entrance off Tanhouse Lane, a narrow country road. The Stables is located to the north east of the settlement of Engine Common and to the north and west of the settlement boundaries for Yate. Consequently, it lies outside of any defined settlement boundary and is, therefore, defined for planning purposes as being in the open countryside.
6. Policy CS4A of the Adopted South Gloucestershire Local Plan Core Strategy 2013 (CS) sets out that applications would be determined on the presumption of

sustainable development. Applications that accord with the policies of the adopted development plan would be approved unless material considerations indicate otherwise.

7. Policy CS5 of the CS seeks to locate most new development within the north and east Fringes of the Bristol urban area, with lesser scale of development at Yate/Chipping Sodbury and Thornbury. In the rural areas, outside the Green Belt, the policy establishes that small scale development may be permitted within settlement boundaries of villages. In villages and settlements without settlement boundaries, small scale development may be permitted, if they have come forward through a Neighbourhood Planning Initiative or as a rural housing exception site. Policy CS34 of the Core Strategy requires that settlement boundaries around rural settlements shall be maintained until they are reviewed.
8. Policy PSP40 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017 (LP) states that residential development in the open countryside will only be acceptable in a limited number of specified circumstances, such as rural housing exception initiatives¹, rural workers dwellings, replacement dwellings and conversions of existing buildings. The policies accord with the approach set out in Section 5 of the National Planning Policy Framework (the Framework).
9. There is no evidence with the appeal that the site is within a settlement, or it is one of the exceptions set out within Policy PSP40 of the LP, or that it complies with any policy within the CS. As such, the proposed development for three new market dwellings², outside a settlement, would not comply with the Council's housing strategy or meet the specified exceptions in the open countryside. Consequently, the proposed development would represent an unjustified form of residential development in this location.
10. I note the appellants suggestion that the site represents an 'infill development.' Policy CS5 of the CS does permit small scale development that is well related to villages or settlements without a settlement boundary. However, this policy also requires the development to address an identified housing need through Neighbourhood Planning initiatives or by complying with the rural housing exception site policy. There is no evidence before me that indicates that the proposed dwellings would be meeting any housing need identified from a Neighbourhood Planning initiative, or that it is in accordance with the rural housing exception site policy.
11. The appellant has referred to approved developments that have been carried out in the locality, including an 85-dwelling site to the east, and two smaller housing developments close to the appeal site. However, I do not have full details of the circumstances that led to these proposals being accepted, what policies were considered and when the developments were carried out. I attach limited weight to them as I cannot be sure that they are directly comparable to the appeal proposal. In any case, I must determine the proposal before me on its own merits.
12. Accordingly, the proposed site is not a suitable location for housing, with regard to the Council's housing strategy, conflicting with Policies CS4A, CS5, and CS34 of the South Gloucestershire Core Strategy 2013 and Policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017. These policies, in

¹ Would need to accord with Policy CS19 of the CS- Includes market dwellings if facilitating affordable housing

² Includes a replacement dwelling following demolition of existing bungalow

general, encourage development to occur within the existing settlement boundaries of towns and villages, to achieve a sustainable pattern of development and to protect the valuable setting provided by the rural areas. Also limiting development outside of settlement boundaries to justified exceptions. The proposed development would also be contrary to the objectives of Section 5 contained within the Framework.

Other Matters

13. I accept that three letters of support were received, however, the level of support shown does not outweigh the harm the proposed development would do to undermine the Council's strategy for housing. The appellant and the letters of support also indicate that homes would be better for the site and improve its appearance. However, from what I saw, the land appeared to be maintained to an acceptable level, and a lack of maintenance of the current site or buildings is not a reasonable justification of any significant weight. To give such justification more weight may encourage purposeful decay of sites and could be used as an argument elsewhere.
14. The appellant sets out that no objection was received from internal consultees regarding matters such as ecology, environmental protection, landscape, flooding and highways. However, the absence of objections from consultees does not affect my findings on the main issue. I also note the comments regarding a possible intention to sell the land. However, the alleged future sale of the land, or who it is sold to, has had no bearing on my determination of the appeal.

Planning Balance

15. In light of the above, it is clear that to allow housing on the appeal site, an area of open countryside, would be to disregard the policies of the development plan which seek to control development in such areas. This would compromise the development plan strategy for the location of housing, a strategy I have found would accord with the Framework. I therefore give significant weight to the conflict with Policies CS4A, CS5 and CS34 of the CS and Policy PSP40 of the LP.
16. The contribution that three dwellings from a windfall site could make to the local housing stock is a benefit. I also acknowledge that the proposal would result in some economic and social benefits, through their construction and the support future occupiers would give to services and facilities in the area. The dwellings have also been designed with solar panels, air source heat pumps and additional planting to minimise its environmental impact, and uplift biodiversity. However, these benefits would be limited, commensurate with the provision of three dwellings and does not outweigh the harm I have identified above.

Conclusion

17. The proposed development would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should, therefore, be dismissed.

M. P. Howell

INSPECTOR