



Appeal Decision

Hearing held on 26 April 2022

Site visit made on 26 April 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2022

Appeal Ref: APP/D0121/W/21/3269562

Land at Tyntesfield Springs, Bristol Road, Wraxall BS48 1NE

- 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 Dr Hugh Pratt against the decision of North Somerset Council.
 - The application Ref 20/P/0775/FUL, dated 31 March 2020, was refused by notice dated 24 August 2020.
 - The development proposed is removal of existing barn and erection of new dwelling and associated works, including new horizontal vortex turbine, use of existing lake to provide a heat source and new tree planting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While I note the two names stated on the application form, since one name is on the appeal form, the appeal proceeds on this basis. I have used the description of development as stated on the decision notice in the interests of clarity.
3. I note the Appellant's evidence regarding the North Somerset Local Plan 2038 (LP 2038). However, as confirmed during the hearing, the LP 2038 is at consultation stage. As such, there is no certainty that the policies within will be adopted in their current form. I therefore attribute very limited weight to the LP 2038.
4. There have been two previous appeals for proposals on the site by the same Appellant. These were dismissed in October 2014¹ (2014 decision) and August 2018² (2018 decision) and are material considerations. While the siting of the building and the nature of the land and surroundings have been altered compared with the scheme subject of these decisions, since the design of the building itself is not substantially changed, I afford these decisions substantial weight. The changes to the proposal subject of this appeal and the additional information submitted will nevertheless be afforded due weight and consideration and will be discussed below.

¹ Appeal Ref: APP/D0121/A/14/2220125

² Appeal Ref: APP/D0121/W/18/3196264

Main Issues

5. While I note the reasons for refusal, from the wider evidence, the main issues are:
- whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness and purposes of including land within the Green Belt;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would meet the policy exception for new dwellings in the countryside as set out in paragraph 80 of the Framework;
 - whether the proposed development would accord with the Council's development plan strategy and the Framework with regard to the location of housing; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

6. New buildings in the Green Belt are inappropriate development unless they fall in one or more of the exceptions given in paragraphs 149 and 150 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is echoed in Policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 Adopted July 2016 (DMP) which remains consistent with the Framework.
7. Since the proposal is for a new market dwelling and the site does not constitute previously developed land, the proposal would not meet any of the exceptions given in paragraphs 149 and 150 of the Framework.
8. Consequently, the proposed development would constitute inappropriate development in the Green Belt.

Openness and the purposes of including land within the Green Belt

9. Paragraph 137 of the Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The site is undeveloped apart from a Dutch barn which is proposed to be removed. Since the barn is open-sided and the proposed scheme would be a new dwelling with a significantly larger footprint and volume, the proposal would adversely affect the openness of the site.

11. The proposed building would be narrow in depth and would have a significant width in the east-west direction that would occupy a significant part of the width of the site.
12. The building would be viewed from the south against the backdrop of the rising slope of the land behind it. Accordingly, the effect of the development on views through the site on a north-south axis would be limited.
13. A watercourse passes through the eastern part of the site at a considerably lower ground level than the land on which the building would sit. A public footpath also passes through the eastern part of the site in a roughly southerly direction. The land on which the bedroom wing would be located, immediately to the west of a bend in the watercourse, has been raised such that the east end of the building would be on relatively flat ground. The land then drops away at a steep angle from the location of the bedroom wing to the low point of the watercourse.
14. Therefore, given the height of the bedroom wing combined with the steep slope of the land towards the watercourse and footpath, the proposal would restrict open views from the footpath towards the west.
15. The design of the dwelling is similar to that proposed as part of the previous appeals. However, the proposed height and siting of the building has been altered compared with the 2018 decision. The building would be 1m lower in height and would be located 7m to the west of its previous position. Accordingly, the lower height of the proposal would have a reduced impact on Green Belt openness than the previous proposal.
16. The site has been re-profiled since the 2018 decision. The land on which the building would sit has been made slightly flatter. In addition, the land near the bend in the watercourse running through the site has been raised to be in line with the flatter land.
17. The re-profiling of the land combined with the re-siting of the proposal 7m to the west would result in a different relationship of the bedroom wing with the watercourse and ground level, compared with the previous scheme.
18. The application drawings and associated 3D images, as well as a physical model presented during the hearing, provide a clearer indication of the form of the proposed cantilever compared with the information that appears to have been before the previous Inspector.
19. Given the relocation of the building to the west and the raising of ground levels in the area to the west of the bend in the watercourse, the cantilever feature would no longer be sited over the watercourse. However, from my site inspection, the land over which the cantilever would be sited is at a similar ground level to the land to the west. This would result in the feature being very close to ground level. Therefore, the cantilever feature would appear to sit on the ground, rather than being suspended over it. As such, rather than appearing as a light-weight cantilever feature floating over the landscape, the feature would appear to have a heavy massing at ground level. This effect would be apparent from a number of long views from the south as well as from the public footpath to the east.
20. Even if the ground under the cantilever was to be excavated, as indicated in the proposed elevation drawing (Sheet A-3.01), this would result in a greater

amount of built development above ground being seen from the footpath, and therefore increased harm to the openness of the Green Belt.

21. Therefore, the east end of the building, including the cantilever feature and cylindrical massing at the rear of the bedroom wing, would restrict the openness of views from the footpath towards the west. As such, the concerns of the previous Inspector in this particular respect have not been overcome by this proposal.
22. The design of the building itself remains substantially unchanged from the previous scheme and I agree with the previous Inspector that the design relies on a long, substantially level roofline and floor slab. While the east end of the building would erode openness in this area to a smaller degree than the previous proposal, the harm to the openness of the Green Belt would nevertheless be substantial given the considerable width and footprint of the building on a largely undeveloped and open site. As such, the scheme would encroach into the countryside, thereby conflicting with one of the purposes of including land within the Green Belt.
23. Consequently, the proposed development would harm the openness of the Green Belt and would conflict with one of the purposes of including land within it. It would therefore conflict with DMP Policy DM12 and with paragraph 137 of the Framework.

Character and appearance

24. The North Somerset Council Landscape Character Assessment Supplementary Planning Guidance September 2018 (SPG) identifies the site as lying in Character Area B1: Land Yeo, Kenn River and River Avon Floodplain. Key characteristics include a peaceful pastoral landscape use and generally little settlement apart from scattered stone farmsteads.
25. There has been some development in the area in recent years including at No 29 Gable Cottage and Watercress Barn which lie near the site. From the evidence and my observations during the site inspection, these generally appear to be ancillary and subordinate to the existing buildings. The Appellant also pointed out the use of the adjacent site to the east as a show ground including the erection of tent structures. Given the extent of undeveloped land and its use, the area appeared in keeping with its countryside setting. I also observed the dwelling at South Lodge, a short distance from the site along the highway.
26. However, notwithstanding these changes, from the evidence and my observations from the site inspection, the landscape in the area generally retains an attractive rural feel and is characterised by buildings that are sporadically located.
27. I acknowledge that the relocation and reduction of the height of the building may have been carried out in order to reduce the effect of the scheme on the openness of the Green Belt and to address the concerns of the previous Inspector with particular regard to the bedroom wing of the proposal. However, since the cantilever feature would appear to sit on the ground when viewed from a number of directions, the scheme would result in an awkward and contrived relationship between the east-end of the building and the topography of the site.

28. Certain features of the building including the curved walls, use of glass and architectural leaf details represent the 'organic' ethos of the architect, Frank Lloyd Wright (Wright). In addition, the stone used on the building would be locally sourced. However, for the foregoing reasons, the building would not appear to grow from the landscape or blend successfully with it.
29. I acknowledge a letter from the Frank Lloyd Wright Foundation (the Foundation) which expresses support for the re-profiling of the land and relocation of the building. However, as confirmed during the hearing, a representative of the Foundation had not visited the site after the re-profiling works were carried out. Furthermore, as seen from the copies of the original drawings of the design by Wright, the building appears to have been designed for a different site with land that drops down significantly from the building along much of its primary elevation, thereby giving architectural purpose to the cantilever feature which would have been evident from great distances.
30. As such, the proposal would not successfully integrate into the local landscape and would adversely affect the pleasant rural feel of the area. Moreover, this awkward relationship between the building and the landscape would be closely viewed from the public footpath as well as from greater distances from the wider landscape to the south of the site.
31. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies CS5 and CS12 of the North Somerset Council Core Strategy January 2017 (CS) which together seek, among other things, development that demonstrates sensitivity to the existing local character and protect and enhance the quality of North Somerset's landscape. In addition, the proposal would conflict with DMP Policies DM10 and DM32 which generally seek development that would be carefully integrated into the natural environment and demonstrate sensitivity to the local character.

Countryside

32. Paragraph 80 of the Framework restricts the development of isolated homes in the countryside unless one or more of a number of circumstances apply. The circumstance relevant to this appeal is part e) of the paragraph: the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
33. *Truly outstanding and reflecting the highest standards in architecture.* Wright was known as one of the founding fathers of modern architecture and I agree with the previous Inspector and the eminent architects, academics and others with respect to his continuing relevance in modern design. The proposed building is one of Wright's 'hemi-spherical' designs that reflects his philosophy of 'organic architecture'. While the relationship of the site with its context will be discussed below, I agree with the previous Inspector that the building itself is truly outstanding and reflects the highest standards in architecture.
34. *Help to raise standards of design more generally in rural areas.* The building would be seen from the public footpath and, being a building designed by

Wright, would attract attention from at least local students and enthusiasts of architecture and possibly by media outlets. The previous Inspector was doubtful about how the unique house would raise standards more generally in rural areas. However, this provision seeks only to 'help' to raise standards of design. Therefore, I am minded to take a more liberal approach such as that employed by the Inspectors for the cases at Yewtree Trout Farm³ and Hitchambury Farm⁴. In these cases, it was considered that the spread of news of such designs and glimpses of the buildings would be sufficient to inspire others to raise standards of designs. As such, the proposal would help to raise standards of design more generally in rural areas.

35. *Significantly enhance its immediate setting.* I agree with the previous Inspector that it is clearly possible for built form to enhance even high quality immediate landscape. However, given my conclusions on the effect of the proposed development on the character and appearance of the area, it follows that the proposal would fail to significantly enhance its immediate setting.
36. *Be sensitive to the defining characteristics of the local area.* As discussed earlier, the SPG defines the characteristics of the local area as including predominantly pastoral land use and sparse settlement in the form of scattered farmsteads. Despite more recent development, from my observations during the site visit, the area retains these characteristics. This is in line with the area's designation as Green Belt land and the characteristics of openness and permanence. Given the harm to the openness of the Green Belt identified above, the proposal would not be sensitive to the defining characteristics of the local area.
37. In summary, the proposed building would be truly outstanding and be of the highest architectural standard. I also find that the scheme would help to raise the standards of design more generally in rural areas. However, given the awkward relationship of the building with the topography of the site, the proposal would not significantly enhance its immediate setting and would not be sensitive to the defining characteristics of the local area.

Location

38. The site lies outside of settlement boundaries, and the proposal is for a new market dwelling. CS Policy CS33 states, with respect to areas in the countryside, that new residential development will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural worker. Since the proposal would be for a new market dwelling in the countryside, it would conflict with this Policy and would not accord with the Council's development plan strategy for the location of housing.
39. Paragraph 80 of the Framework, however, permits the development of isolated homes in the countryside in certain circumstances. As discussed above, the design would not be of exceptional quality as required under part e) of the paragraph.
40. The Appellant has suggested that the proposal could meet the test set out in part b) of the paragraph: the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to

³ Appeal Ref: APP/C1435/W/19/3223513

⁴ Appeal Ref: APP/N0410/A/14/2220241

secure the future of heritage assets. A heritage asset is defined in the Framework as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

41. I note the views of the Appellant with respect to the heritage value of the proposal and that a number of buildings designed by Wright were collectively awarded the designation of World Heritage Site. However, since the proposal has not been built and has not been identified as having a degree of significance meriting consideration in planning decisions, the building would not meet the definition of heritage assets or pass the test set out in part b) of paragraph 80 of the Framework.
42. Paragraph 8 of the Framework sets out the three overarching objectives of sustainable development including an environmental objective – to protect and enhance our natural environment. I note the evidence regarding local farm shops, bus connections and cycle tracks as well as changing lifestyles. However, given the isolated location of the site, future occupiers would be reliant on the private vehicle for access to services and facilities, whether it would require travel from the site to settlements, or deliveries being made from settlements to the site. Accordingly, the proposal would also conflict with paragraph 8 of the Framework.
43. Consequently, the proposed development would not accord with the Council's development plan strategy or the Framework with regard to the location of housing. Therefore, the proposal would conflict with CS Policy CS33 which relates to development in the countryside among other things.

Very Special Circumstances

44. Paragraph 148 of the Framework advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
45. The proposal would be inappropriate development by definition, would harm the openness of the Green Belt, and would conflict with the purposes of including land within the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt.
46. In addition, the proposal would harm the character and appearance of the area, would not accord with the Council's development plan strategy for the location of housing, would not meet the exception for isolated homes in the countryside and would therefore not accord with the Framework. Furthermore, there would be environmental harm associated with the accessibility of services and facilities. I attribute these harms significant weight.
47. The proposal includes a horizontal vortex turbine and other biodiversity enhancements such as tree planting. I note the percentage of biodiversity net gains stated by the Environment Bank. However, these environmental benefits would be tempered by the harm that would result from the location of the development. Therefore, I attribute only modest weight to these benefits.
48. I acknowledge the Appellant's evidence regarding a Wright-designed building being constructed in the UK for the first time. I also note the support for the scheme from a range of eminent architects, academics, a landscape artist and

others as well as the Foundation. However, the lowering of the proposed building into a flattened landscape would result in a reduction of the amount of the building, particularly the curved stone walls and the cantilever feature, being seen in a number of views. As such, in my view, the integrity of Wright's original design would be compromised. Accordingly, the value of the construction of this design in the proposed fashion, would be diminished such that this matter would not, along with the other considerations, clearly outweigh the harm that would result.

49. Consequently, the very special circumstances required for inappropriate development to be approved in the Green Belt do not exist.

Other Matters

50. I note the evidence regarding a fall-back position of the use of the site as a Gypsy and Traveller Site. However, the Council confirmed at the hearing that the site has not been allocated as such and would be likely to conflict with the development policies that restrict such sites in the Green Belt. As such, there is not a realistic prospect of the site being used for this purpose and this matter has therefore not altered my overall decision.
51. A number of appeal decisions have been submitted by the main parties which support their respective positions. I note the comments of the Inspectors for the cases at Kingsdown⁵, Market Rasen⁶, Rotherfield⁷ and Taplow⁸. I have taken a similar approach with respect to whether the scheme would help to raise standards of design more generally in rural areas.
52. I also acknowledge the appeal decisions for the cases at Kings Somborne⁹, Mapperley Plains¹⁰ and St. John's House¹¹. I agree with the Inspectors for these cases that proposals may seek to modify its immediate surroundings through design and that there is no need to hide exceptional quality behind landscaping.
53. However, since some of the decisions pre-date the Framework and were all in different districts to this appeal, they are not directly comparable to the proposed development in terms of policy background or character and appearance.
54. I also acknowledge the comments of the Inspector for the case at Doveridge¹². The building for that case appears to have a low profile. However, the site was in a different district and appears not to be on land designated as Green Belt. Therefore, this scheme is not directly comparable to the proposal in terms of its effect on the character and appearance of the area.
55. The case at Godalming¹³ was also in a different district to this appeal scheme. In addition, the site was in an area of dense woodland and the character of the immediate area had a sylvan, more suburban quality. As such, while I note the comments of the Inspector for that scheme, the case is not directly comparable

⁵ Appeal Ref: APP/X2220/W/16/3158585

⁶ Appeal Ref: APP/N2535/W/16/3149772

⁷ Appeal Ref: APP/C1435/W/19/3223513

⁸ Appeal Ref: APP/N0410/A/14/2220241

⁹ Appeal Ref: APP/C1760/A/00/1048547

¹⁰ Appeal Ref: APP/N3020/A/08/2061839

¹¹ Appeal Ref: APP/D3125/A/03/1129739

¹² Appeal Ref: APP/P1045/W/16/3158359

¹³ Appeal Ref: APP/R3650/W/15/3140645

to this appeal in terms of the effect on the character and appearance of the area.

Conclusion

56. The proposal would be inappropriate development by definition, would harm the openness of the Green Belt, and would conflict with the purposes of including land within the Green Belt.
57. In addition, the proposal would harm the character and appearance of the area, would not accord with the Council's development plan strategy for the location of housing, would not meet the exception for isolated homes in the countryside and would therefore not accord with the Framework.
58. Since the potential harm to the Green Belt by reason of inappropriateness, and the other harms resulting from the proposal, would not be clearly outweighed by other considerations, 'very special circumstances' do not exist.
59. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Hugh Pratt	Appellant
Mrs Judith Pratt	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Simon Exley	Service Manager Development Manager
Emma Bailey	Principle Planning Officer

INTERESTED PARTIES:

Andy Wait	Banes Councillor
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DOCUMENTS

Visual images of St John's House
Aerial view of Gable Farm in 2005
Hard copy of Appendix D of 'Response to Inspector's concerns' dated 20 December 2019
Hard copy of 3D view of 2017 proposal and 2020 proposal