
Appeal Decision

Site visit made on 2 March 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/D0121/W/21/3281996

The Old Dairy, Backwell Common, Backwell BS48 3AE

- 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 Lorraine Kawka against the decision of North Somerset Council.
 - The application Ref 20/P/3216/FUL, dated 22 December 2020, was refused by notice dated 30 March 2021.
 - The development proposed is demolition of existing equestrian stables and the erection of a dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have been referred to several appeal decisions. Whilst I have been mindful of their content and conclusions, they relate to sites which appear to be at some distance from the appeal site and the circumstances are different. Given that each proposal must be determined on their own merits, I have given them limited weight in my determination of the appeal.
3. I have been referred to the North Somerset Local Plan 2038 Consultation Draft Preferred Options but have been provided with no information on its status or the weight to be attributed to it. In light of this, I have given this very limited weight in the determination of the appeal.

Main Issues

4. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies including the effect upon the openness of the Green Belt;
 - Whether the site would be suitably located for the development proposed having regard to local and national planning policies and its proximity to services and facilities; and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the development would be inappropriate

5. The appeal proposal includes the demolition of an existing stable and the erection of a new dwelling in the Green Belt. 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.
6. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt is inappropriate except for a limited number of exceptions. The appellant argues that the proposal (being on land approved for equestrian purposes and within a residential curtilage of a dwelling outside a built-up area) relates to the redevelopment of previously developed land as set out in sub-paragraph g) being *limited infilling or the partial or complete redevelopment of previously developed land...which would not have a greater impact on the openness of the Green Belt than the existing development*.
7. There is no dispute between the parties that the site constitutes previously developed land (PDL) and I see no reason to disagree.
8. Policy DM12 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 adopted July 2016 (DMP) is broadly consistent with the Framework in that it sets out that redevelopment on PDL is not inappropriate provided that it would not have a greater impact on the openness of the Green Belt. I therefore turn to the matter of the effect of the appeal proposal itself on openness.
9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is bound by existing hedges on its south eastern and southern western boundaries and is accessed from an existing track which gives access to the host dwelling from the road. The site, being level and laid to grass has an existing stable block located in the western corner of the site. The appeal site and stable are visible from the highway at the point of access but views into the site are very limited from elsewhere.
10. There is no dispute between the parties in respect of the floor area, volume and height of the proposed and existing buildings and I accept that, overall there would be a reduction in the floor area and volume of the new dwelling when compared to the current stable. However, the submitted plans indicate that both the elevations which are visible from the highway at the point of the access (indicated as the south and east elevations on drawing number P-01 revision C) are wider, albeit less than a metre in both instances, than the existing building. This, when taken together with an increase in the eaves height of 550mm and an increase in the ridge height of 664mm would result in a building which would be more visible from the highway than the current stable. This is not mitigated by the fact that planning permissions were previously granted for a building of the same resulting height or that it would be the same height as the host dwelling and its car port.
11. In addition to the provision of the dwelling, the proposal would result in the need for vehicular parking and a garden area for the dwelling. Even if I accepted the appellants argument that the planning permissions in place mean that the site could legitimately be covered in domestic and equestrian

paraphernalia, I am determining the appeal proposal against current circumstances. At the time of my visit, the appeal site had a single football goal on it and the vehicles on site were parked close to the host dwelling. This resulted in the site having a clearly rural rather than domestic character. The proposed development would inevitably lead to a domestication of the appeal site and reduce its openness.

12. I accept that views into the site are limited and as such, I find that the harm which would result from the proposed development on the openness of the Green Belt would be modest. Nonetheless, the appeal proposal would have a greater impact on the openness of the Green Belt than the existing development. As such, I find that the proposal amounts to inappropriate development in the Green Belt contrary to Policy DM12 of the DMP and paragraph 149 of the Framework.

Location

13. Policy CS14 of the North Somerset Core Strategy adopted January 2019 sets out the strategy for the distribution of housing across the district with Policy CS33 relating to infill villages, smaller settlement and countryside. In the countryside Policy CS33 seeks to strictly control development to protect the character of the rural area and prevent unsustainable development. It states that new residential development will be restricted to replacement dwellings, residential subdivision, residential conversions of existing buildings and dwellings for essential rural workers. The appeal proposal would not fall within any of the categories of residential development listed as acceptable and is therefore contrary to Policy CS33 in this respect. It follows therefore that the proposal is also contrary to Policy CS14 in that it fails to accord with the development strategy for the distribution of housing across the district.
14. Whilst Policy CS14 gives priority to the re-use of PDL, it is clear that this must not be at the expense of the Green Belt, the effect upon which I have addressed above.
15. The appellant does not dispute that the dwelling is located in open countryside but has provided details of schools, a town and local centre and a leisure centre which are all within 1.5km of the site. In addition, the appellant highlights the proximity of the nearby railway station, footpaths and cycle routes. The road from the appeal site to these nearby facilities is rural in nature being unlit and with no footway for much of its length. This would be a barrier to its regular use by pedestrians and cyclists particularly in winter or inclement weather but I accept that the alternative options put forward by the appellant offer realistic opportunities to maximise sustainable transport options in a rural area as set out in paragraph 105 of the Framework. I therefore give this moderate weight which I take forward to the planning balance.

Other considerations

16. I am aware of a recent appeal decision¹ where the Inspector was not satisfied that the Council could demonstrate a 5-year housing land supply. Even if I accepted the appellant's housing land supply figure of 3.3 years, the appeal proposal for a single dwelling would make a very limited contribution towards addressing the shortfall and I therefore give it modest weight. I have also

¹ Appeal ref: APP/D0121/W/21/3285343 dated 27 April 2022

considered the other benefits which would arise including the economic benefits during the construction phase, increased spending in the local economy from future occupiers and a 46% saving in carbon emissions through the implementation of renewable energy proposals at the site. Given that the appeal proposal is for a single dwelling, I consider these benefits to attract modest weight.

Other Matters

17. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving listed buildings and their setting. Old Farmhouse is a grade II listed vernacular farmhouse. It is located to the east of the host dwelling and therefore given the siting and scale of the proposed dwelling and its distance from the listed building, I find that there would be no harm to the listed building or its setting.
18. The appeal site is within Consultation Zone B of the North Somerset and Mendip Bats Special Area of Conservation (SAC) which relates to horseshoe bats. Further consideration of this and an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SAC would be required in the event that the appeal is allowed.
19. The Council are satisfied that the design of the proposed dwelling is appropriate for a rural setting and I see no reason to disagree. I also find the possibility of further development on the site in future is not relevant to my consideration of this appeal.

Green Belt Balance and Conclusions

20. The proposal would be inappropriate development in the Green Belt in that I have identified that the proposal would result in harm to the openness of the Green Belt, albeit modestly. 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. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
21. Paragraph 11 of the Framework states that where the development plan is out of date, permission should be granted unless there are specific policies therein which provide a clear reason for refusing the development proposed and this includes land designated as Green Belt. Notwithstanding that the Council cannot demonstrate a 5-year housing land supply, the proposal would be inappropriate development in the Green Belt and would therefore not accord with the Framework. Consequently, paragraph 11 d) ii) of the Framework is not engaged.
22. Whilst the other considerations before me carry weight, including the moderate weight I attached to my finding that the site is reasonably well located in terms of offering alternative transport options to the private car, 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.

23. For the reasons above, I therefore conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR