
Appeal Decision

Site visit made on 28 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/F0114/W/22/3293710

Cinderlands, Cameley Road, Temple Cloud BS39 5AF

- 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 Mr P Dando against the decision of Bath and North East Somerset Council.
 - The application Ref 21/04782/FUL, dated 8 October 2021, was refused by notice dated 15 February 2022.
 - The development proposed is for the erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development as set out in the appeal form. This is more concise than that set out in the application form.

Main Issue

3. The Council's second reason for refusal was with respect to the impact upon ecology and biodiversity. However, the Council confirm in their Statement of Case that they no longer object to the proposal on these grounds, subject to pre-commencement conditions for ecological enhancements being included with any consent. Based on the evidence before me, I find no reason to conclude otherwise. As such, the proposal would comply with Policy NE3 of Bath and North East Somerset Local Plan Core Strategy and Placemaking Plan District-wide Strategy and Policies 2017 (Placemaking Plan).
4. Therefore, in light of the above, the main issue in this appeal is whether the proposed development would be suitably located, with regard to the Council's development spatial strategy.

Reasons

Suitable Location for Housing

5. The appeal site is land to the rear of a property known as Cinderlands. Cinderlands and its private garden are within the Housing Development Boundary (HDB) of the village of Temple Cloud. However, the site subject of the appeal is land to the rear of the garden, which adjoins but is outside the Temple Cloud HDB. The land is accessed via a separate vehicle access and is currently occupied by a series of vacant single storey timber sheds, previously used for agriculture.

6. Policy RA1 of the Placemaking Plan refers to development that will normally be permitted within and adjoining the HDB of rural villages. The site is outside the HDB, and in respect to development outside but adjoining the HDB it permits residential development, subject to meeting the criteria of Policy ED2B, and other relevant policies. Policy ED2B of the Placemaking Plan refers to non-strategic industrial sites. Residential development on sites outside the HDB will also be acceptable if identified in an adopted Neighbourhood Plan.
7. The land is not identified in an adopted Neighbourhood Plan for the area and is occupied by agricultural buildings, not non-strategic industrial premises. As such, the proposed dwelling would be an unjustified form of residential development adjoining the settlement of Temple Cloud.
8. Accordingly, the proposed site is not a suitable location for housing, with regard to the Council's development spatial strategy, conflicting with Policy RA1 of the Placemaking Plan and Policy DW1 of the CS. These policies, in general, seek to encourage new development to occur within or adjoining the existing settlement boundaries of the city, towns and villages with good facilities and public transport, to achieve a sustainable pattern of development for the area. The proposed development would also be contrary to the objectives of policies set out in Section 5 of the Framework, which supports housing in accessible locations.
9. The Council's Decision Notice cites Policies SV1 and RA2 of the Placemaking Plan. I am of the view that the proposed development is not relevant to either of these policies. Policy SV1 outlines several specific settlements where housing development will be permitted, but it does not include Temple Cloud. Also, Table 1 relating to the Locational Policy Framework outlines that Temple Cloud is covered by Policies RA1 or RA2 of the Placemaking Plan, but not Policy SV1. As such, it is not necessary to consider the requirements of this policy when determining applications in or adjoining Temple Cloud.
10. Policy RA2 refers to development in or adjoining villages outside the green belt that do not have the listed criteria set out in Policy RA1 of the Placemaking Plan. As Temple Cloud does include the listed criteria, the proposed development would be relevant to Policy RA1 and not RA2 of the Placemaking Plan. As such, it is not necessary to consider the criteria set out in Policy RA2 of the Placemaking Plan.

Other Matters

11. The appellant outlines that a previous scheme for prior approval has been granted for a conversion of the agricultural buildings to a dwelling, as well as planning permission for residential access¹. The appellant states that allowing a barn conversion on the site is no different to allowing a new dwelling. It is also indicated that the proposed bungalow is the preferred option, due to the level floor, disabled facilities and internal garage being beneficial to the disabled occupant.
12. I acknowledge that the proposed new bungalow is in a similar location. However, prior approval is considered under a separate procedure and applications for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

¹ 21/03537/ADCOU and 21/03538/FUL

13. The CS and Placemaking Plan remains to be the adopted plan for the area and contains a settlement hierarchy that was soundly based on an assessment of the size and function of settlements as well as the facilities they contain. To allow new build housing in this location would be contrary to the policies of the development plan, which direct new residential development to settlements, as well as those that encourage the retention and reuse of vacant underused rural buildings in the countryside. As such, although the conversion could be carried out under prior approval, it would not be as harmful as the proposal before me, which undermines the Council's development spatial strategy.
14. I have had regard to the replacement bungalow being required for the appellant, who is registered disabled. I understand the appellant's desire to have better facilities and an enclosed garage. However, the permitted scheme is single storey and though it may not be perfectly level, the differences appear to be marginal, ensuring that it could be readily altered to make it accessible. In this regard, the proposed development principally appears to a preference, and therefore private benefit to the appellant, as opposed to the public planning harm that would result. In this instance, these matters do not outweigh the harm the proposed development would do to undermine the Council's development spatial strategy.

Planning Balance and Conclusion

15. In light of the above, it is clear that to allow housing on the appeal site, would compromise the spatial strategy for the location of development. I therefore give significant weight to the conflict with these policies. The other matters set out above do not outweigh the harm I have identified above.
16. The proposed development would conflict with the development plan as a whole 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