



Appeal Decision

Site visit made on 7 June 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/D0121/W/22/3292823

Land to the South of Currells Lane, Felton, BS40 9XF

- 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 Ms Claire Nightingale against the decision of North Somerset Council.
 - The application Ref 21/P/2246/PIP, dated 2 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is described as 'Permission in principle for between 2 and 5 dwellings'.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by North Somerset Council against Ms Claire Nightingale. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. There are five main issues. These are whether the location, land use and amount of development would be acceptable with specific regard to:
 - Whether it would be inappropriate development in the Green Belt;
 - Its effect on the openness of the Green Belt;
 - Access to services;
 - The character and appearance of the area; and

- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether these would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

6. The construction of new buildings, between two and five dwellings in the case of the appeal scheme, should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraphs 149 and 150 of the Framework¹. One such exception is the limited infilling in villages, and the appeal is advanced on this basis.
7. Policy CS6 of the North Somerset Council Core Strategy (2017) (CS) states that the boundaries of the Green Belt will remain unchanged during the plan period. Policy DM12 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (2016) (DMP) states that limited infilling and redevelopment will not be regarded as inappropriate within those villages washed over by Green Belt but have retained their settlement boundaries.
8. The appeal site lies outside the defined settlement boundary of Felton and therefore the proposal would run contrary to the definition of limited infill as per DMP Policy DM12. My attention has been drawn to case law² which requires that an assessment of the situation on the ground is undertaken to ascertain whether the scheme would meet the Framework policy of being limited infill in a village. Both main parties have provided appeal decisions that they consider similar to the proposed development. However, I attach limited weight to these cases as I do not have their full details and the circumstances of what constitutes limited infill is very much dependent on an individual site's context.
9. Felton is largely a clearly defined village, however there is some sporadic linear development outside the settlement boundary. When approaching Felton from the west along Currells Lane, the surroundings are predominantly rural in character, with narrow winding roads, boundary hedgerows and agricultural fields. As you get closer to Felton large residential dwellings on large plots are located to the north of Currells Lane, before reaching Felton the linear development is broken up by an agricultural field. To the south of Currells Lane are open agricultural/equestrian fields bound by hedgerows.
10. The appeal site forms part of the land to the south of Currells Lane. It has a hedgerow as part of its frontage and during my site visit was used for the keeping of horses. The buildings within the village of Felton are visible across the appeal site. The open nature of the appeal site is reinforced by the backdrop of buildings in Felton.
11. The appeal site lies adjacent to the settlement boundary of Felton, with residential dwellings to the east and south, Currells Lane (including the gap in linear development) to the north and agricultural/equestrian land to the west. Taking all circumstances together, because of the gap in linear development to the north, the agricultural/equestrian land to the west and the rural characteristics of this part of Currells Lane, the appeal site has a greater

¹ The National Planning Policy Framework 2021

² Julian Wood v SSCLG & Gravesham BC 21015

affinity and association with the surrounding countryside than with the village. Therefore, the appeal site, when experienced on the ground, falls outside the village for the purposes of considering exceptions under paragraphs 149 of the Framework.

12. The proposal would not be limited infilling within a village. It would therefore not meet any of the Green Belt exceptions provided for within the Framework and as such would be inappropriate development in the Green Belt. This is, as per paragraph 147 of the Framework, harmful by definition to the Green Belt and thus contrary to the aims of the Framework as I have set them out above.

Openness

13. As per paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness has both a spatial and visual aspect, the former can mean the absence of built form.
14. The appeal site is part of a field that adjoins an area of undeveloped land which leads on to open agricultural land. As a result, and owing to the topography, the site connects directly with this open and undeveloped land. Introducing built form of some substance to an area where there is currently none would inevitably, in both visual and spatial terms, reduce the openness of the Green Belt.
15. Furthermore, the erection of dwellings on the appeal site would lead to encroachment of development into the countryside, which would fail to serve the related Green Belt purpose and therefore it would clearly conflict with the fundamental aim of national Green Belt policy.
16. As a result, the appeal scheme would unacceptably reduce the openness of the Green Belt, giving rise to further harm thereto, in addition to that arising from its inappropriateness. Consequently, it would conflict with the aims of Policy DM12 of the DMP which seeks to protect the openness of the Green Belt from inappropriate development.

Access to Services

17. The site is outside a settlement boundary and the Council therefore consider it to be in the open countryside in the context of its settlement strategy. I have already found the proposal to be sited in an area of countryside outside the core village area of Felton.
18. Apart from a public house, I am unaware of any services or facilities in Felton that could meet the day to day needs of future occupiers of the proposed development. Regular journeys would therefore be required to larger settlements to access such facilities. I note that there is a bus stop in Felton which provides a link to the wider area and a cycle route. Nevertheless, the bus stop, as advised by the appellant, is some 600 metres from the appeal site, and during dark and inclement weather future occupiers would be likely to use their private car for trips rather than walk on a narrow, unlit road with no pavement to access public transport.
19. The reason for refusal makes reference to Policies CS13 and CS32 of the CS. CS13 relates to the amount of housing required over the plan period. CS32

relates to housing development within specified settlements, which does not include Felton. As such, they are not relevant to the matter of access to services at the appeal site.

20. With this in mind, the appeal site would not be suitably located for the development proposed. It would serve to promote unsustainable patterns of new development, the occupation of which would lead to reliance on the use of the private car. The least sustainable travel option. It would therefore be contrary to Policies CS1, CS14 and CS33 of the CS and Policy SA2 of the North Somerset Council Sites and Policies Plan, Part 2 Site Allocations Plan (2018) (SAP), which seek, amongst other things, to ensure that development proposals in countryside areas is strictly controlled to prevent, amongst other things, unsustainable development.

Character and Appearance

21. Whilst the proposed development is for a permission in principle, illustrative plans have been submitted showing a potential layout. These detail a proposed development of the construction of five dwellings in a cul-de-sac formation. Access would be via an access on to Currells Lane. In any case, this stage identifies that there could be up to five dwellings occupying the appeal site.
22. The appeal site is an area of undeveloped land used for the keeping of horses. The site is visible when passing along Currells Lane, through gaps in the hedgerow. Additionally, a right of way runs to the west of the appeal site giving users close views. As noted above, the appeal site contributes positively to the rural character of the area by providing boundary hedgerows and open views. The construction of between two and five dwellings on this area of undeveloped land would extend the settlement into the open countryside. The introduction of built form would erode the rural characteristics of the site, harming the character and appearance of the wider area.
23. I have had regard to the appellants submission that matters relating to character and appearance should be dealt with at Technical Details stage. However, I consider that the submission details how the location, use and amount of development proposed would conflict with development plan policies relating to settlement pattern and character and appearance.
24. The appellant questions the relevance of Policy DM37 of the DMP, as it relates to new dwellings on sites within predominantly residential areas. The appeal site is within an area with other dwellings nearby, and its aim is to ensure new development is in keeping with the character of the surrounding area. I am therefore satisfied that it is relevant.
25. The proposal would have a significant adverse impact on the character and appearance of the area. This would be contrary to Policies CS5 and CS12 of the CS and Policies DM10, DM32 and DM37 of the DMP, which seek, amongst other things, to ensure that development proposals protect and enhance the landscape and are of a high quality of design that is sensitive to local character. The proposed development would also be at odds with paragraph 130 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character.

Other Considerations

26. The submission details the location of the proposed development in terms of its siting in relation to the built form of Felton and access to services as reasons to allow the appeal. However, I have already concluded that the proposed development would not be limited infill in a village and would not be suitably located for access to services. As such, very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Other Matters

27. The Council are unable to demonstrate the supply of housing as required by the Framework. I am therefore taken to paragraph 11 which explains that, in this situation, the most important policies would be out of date and planning permission should be granted unless (in regard to the particular circumstances of this case) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is one such policy area and, as I have found above, there would be harms thereto, which would not be clearly outweighed. This, according to footnote 7 of paragraph 11, provides a clear reason for refusing the development proposed. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

28. The appeal scheme would, for the reasons I have given, conflict with the development plan which has been considered as a whole. There are no material considerations, including the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Tamsin Law

INSPECTOR