



Appeal Decision

Hearing held on 1 November 2022

Site visit made on 1 November 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/P0119/W/22/3293032

Land Between 14 and 32 Quarry Barton, Hambrook, BS16 1SG

- 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 and Mrs William and Ruth Browne-Cole against the decision of South Gloucestershire Council.
 - The application Ref P21/02852/F, dated 21 April 2021, was refused by notice dated 27 August 2021.
 - The development proposed is the erection of 1no. eco dwelling with associated access and landscape works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In 2019 there was a planning application for the erection of 1no. dwelling and associated access and landscape works. This was refused and also dismissed at appeal (ref: APP/P0119/W/20/3247956). Given the same site and similar proposals with this appeal this is a significant material consideration.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - Whether the proposal is in a suitable location for a new dwelling.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt Development

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 149 of the Framework sets out the exceptions to inappropriate buildings in the Green Belt. Also, policy CS5 of the South Gloucestershire Local Plan: Core Strategy adopted December 2013 (the Local Plan) sets out development which may not be inappropriate in the Green Belt. The site does not appear to have been previously developed, other than some small outbuildings in the larger field area. The site is not a form of infill development which would comply with Green Belt policy. It is my view that the proposal for a new dwelling in this location does not meet any of the exceptions set out in planning policy for new buildings which would not be inappropriate in the Green Belt.
6. I conclude that the proposals would therefore be a form of inappropriate development which is, by definition, harmful to the Green Belt.
7. The appellant states that there are reasons why, even if the development was considered as inappropriate in the Green Belt, that there are very special circumstances why the development should be allowed. I shall come back to this matter with the latter Green Belt balance.

Effect of the development on the openness of the Green Belt

8. Openness is an essential characteristic of the Green Belt. It is a fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open (Paragraph 137 of the Framework).
9. The proposed dwelling would be in a location which is mostly free from development, being the corner of a field. The proposal would result in built volume above ground level which would reduce the openness of the site. However, the effect of the development is limited by the scale and height of the dwelling as proposed, in a discreet position behind a high stone wall. There would likely be some additional domestic paraphernalia associated with the proposed dwelling, but this would not likely be to a significant degree. Overall, there would be some loss of Green Belt openness through the introduction of the new dwelling as proposed, but the loss of openness would be limited.
10. Therefore, the proposed development would be inappropriate development in the Green Belt and there would be a material loss (albeit to a limited extent) of openness within this area of the Green Belt as a result.

Location of Development

11. The proposed dwelling would be within an area of rural character, though set in a group of other dwellings off Quarry Barton Road, which is to the north of Hambrook. However, the site is outside of any defined settlement boundary with a considerable distance to any of these boundaries. Being outside of any settlement the site is considered in policy terms to be within the countryside. Policy CS5 of the Local Plan states that in villages and other settlements without a defined settlement boundary, new development will be strictly controlled. The proposal would not form a logical extension to an existing settlement boundary either.
12. Furthermore, policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017) sets out the circumstances where development proposals for residential development in the open countryside, outside the settlement boundaries as defined on the Policies Map,

will be acceptable. The proposal for a new build market dwelling would not meet any of these types of developments.

13. The proposal is therefore contrary to the Local Plan strategy for housing development outside of settlement boundaries and in the countryside. The proposal is therefore contrary to policies PSP40 and CS5. However, it is not clear from the Council evidence how the proposal conflicts with policy CS34 of the Local Plan, especially as there is no landscape or character harm identified. I would, however, acknowledge that the level of harm as a consequence of the location of the proposed dwelling outside of any settlement boundary is mitigated to some degree by the relative short distance to local facilities, even if there would still likely be some reliance on future occupiers of private vehicles to access other services and facilities.
14. Paragraph 80 of the Framework relates to development of isolated homes in the countryside and sets out circumstances where this could be acceptable. The appellant has highlighted 80 e) which states that isolated homes in the countryside could be acceptable where the "design is of exceptional quality", "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." This is not reflected in the Local Plan policies, though where there is inconsistency between the Development Plan policies and the Framework, it is the Framework which attracts more weight.
15. The house proposed is of a high quality design, with a use of materials which would help the dwelling blend well visually with the existing stonewall backdrop. It would be low profile and would work well with the sloping topography.
16. Furthermore, the dwelling would have a high standard of energy efficiency and environmental features, most notably the PeePower technology, where electricity is produced from urine. This is an innovative and positive form of technology and could help with further research (I discuss this aspect more in the Green Belt balance below).
17. Overall, I would regard the proposed dwelling as of high quality design within its context, with innovative environmental technology. However, the design approach and the use of 'green' technology is not uncommon in many bespoke designed dwellings. The PeePower technology would be unique for housing but in itself would not likely provide much of the energy needs for the dwelling over time. Whilst of substantial merit, the dwelling does not meet the criteria of Paragraph 80 e), even with the addition of the PeePower technology. It is my view that the dwelling does not meet the particularly high bar of being of exceptional quality or of being truly outstanding.
18. Furthermore, the design and technology incorporated in the proposed dwelling is not sufficient to outweigh the conflict with Development Plan policy due to the location of the proposed development, which is outside any settlement boundary.

Green Belt and Planning Balance

19. I have found that the proposed development would be inappropriate development. Inappropriate development is, by definition, harmful to the Green

Belt and should not be approved except in very special circumstances. 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, as set out in paragraph 148 of the Framework. In this case, the development would be inappropriate in the Green Belt and there would be also a material loss of openness as a result of the proposed development, though this would be limited.

20. There would also be the harm derived from the conflict with the Local Plan policies relating to the location of new development, including strictly controlling residential development in the countryside. As stated above, this harm would be mitigated to some extent by the relative short distance to local facilities, but there would still be some level of harm due to the policy conflict.
21. There would be some considerable benefits with the proposed development. Firstly, I have taken account of the emotional connection of the appellant to the land for a new family house and also the admirable passion for sustainable living with the proposed house. The proposal would contribute a new dwelling to local housing supply, with also the economic benefits associated with the introduction of a new dwelling. The energy efficient design and environmental technology incorporated is of significant merit, especially as the PeePower would be pioneering in a new dwelling and could help with academic research. Further benefits include the high quality design of the dwelling in its context, proposed landscaping and biodiversity enhancements, and also that the location is within walking distance of some facilities and bus stops.
22. Whilst noting the positive aspects of the scheme, the proposal would be inappropriate development within the Green Belt with some loss of openness. It would also conflict with Local Plan policies as it is a dwelling in a countryside location. I would give the beneficial considerations significant weight, particularly the innovative and pioneering PeePower technology. However, on balance these benefits, whilst of significant weight, do not clearly outweigh the identified total harm and so does not amount to the very special circumstances necessary to justify the development, which is a particularly high bar set by the Framework.
23. As such, the proposal is contrary to the Green Belt policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; and policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. These policies seek to protect the designated Green Belt from inappropriate development, unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm, amongst other things. The proposal would also conflict with the Framework as it would be inappropriate development in the Green Belt with an adverse effect on openness.
24. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
25. In this case, there are no material considerations of sufficient weight that would outweigh the conflict with the Development Plan policies with this appeal.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR

ANNEX – Hearing attendance:

FOR THE COUNCIL:

Mr Oliver Phippen – Planning Officer
Ms Marie Bath – Planning Manager

FOR THE APPELLANT:

Ms Ruth Browne-Cole – Appellant
Mr William Browne-Cole – Appellant
Mr Charles Browne-Cole RIBA ARB BA(Hons) PDIP MA ARCH
Mr C Stokes DipTp – Planning Agent
Mr Yannis Ieropoulos PhD