



Appeal Decision

Site visit made on 22 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 16 February 2023

Appeal Ref: APP/D0121/W/22/3300538

Sores Court, Hillside Road, Backwell, BRISTOL, BS48 3BL

- 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 Gary Keating against the decision of North Somerset Council.
 - The application Ref 21/P/3457/FUL, dated 17 December 2021, was refused by notice dated 6 May 2022.
 - The development proposed is for the demolition of a derelict timber outbuilding and erection of a replacement double garage with associated change of use of land from agricultural to residential (C3 use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The garage and other associated works are already built on site with the associated change of use, with the proposal described as retrospective.

Main Issues

3. The main issues are:

Whether the proposed outbuilding and associated/other development would constitute 'inappropriate development' in the Green Belt.

- The effect of the development on the openness within the Green Belt.
- The effect of the development on the character and appearance of the area.
- Whether there are other considerations which clearly outweigh the harm caused by being inappropriate development so as to amount to very special circumstances.

Reasons

Whether the development would be inappropriate in the Green Belt

4. The proposal is to retain the double garage, which replaced a former timber outbuilding, which was stated to have been used for domestic purposes. The development is already in place and so is a retrospective proposal.
5. Policy DM12 of the North Somerset Sites and Policies Plan states that, within the Green Belt, *"the replacement of an existing building is not regarded as inappropriate provided the new building is in the same use and is not materially*

larger than the one it replaces. A replacement building will not normally be regarded as materially larger provided it does not exceed 50% of the gross floor area of the original building."

6. On this matter, paragraph 149 (d) of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt is 'inappropriate development' unless it is the replacement of a building, providing that the new building is in the same use and not materially larger than the one it replaces.
7. It is this exception under 149 d) which has been put forward by the appellant for this appeal. The above section of policy DM12 is broadly similar to paragraph 149 d) of the Framework, even if there are also some differences between DM12 and the Framework.
8. Although the former timber building has been demolished and replaced, there are plans submitted to show a comparison of the sizes. The replacement garage has a significantly larger footprint and floor area. The appellant has submitted a plan to show the new garage is 59% increased in floor area from previous. Moreover, it is a taller (albeit still single storey) and bulkier building with substantially more volume. In the words of the test set out by the Framework under paragraph 149 d), the replacement garage is materially larger than the one it replaced. As such, the proposal is not an exception to inappropriate development in the Green Belt.
9. There may be other outbuildings which are larger or similar size than the double garage subject to this appeal. It may be that the garage as built is visually commensurate with other existing buildings and the main house. However, the test is the comparison to what has been replaced, as is clearly set out in the Framework and DM12. Likewise, it is noted that the new double garage is well screened from most public vantage points and materials could be used to improve its appearance, but these factors do not result in the development being 'not inappropriate' in the Green Belt, when applying the policies.
10. The appellant has also referenced the partial or complete redevelopment of previously developed sites. Being that the site is partially agricultural then I am not persuaded it is all previously developed land. Furthermore, paragraph 149 g) of the Framework considers the partial or complete redevelopment of previously developed land, but there would need to be no greater impact on the openness of the Green Belt than the existing development. As can be seen from the following section, the materially larger building does result in some loss of openness compared to what previously existed. As such, this exception does not apply either.
11. I would conclude that the garage block would not meet with any of the development types considered as not inappropriate in the Green Belt, under either policy DM12 or in the Framework. I conclude therefore, that the proposals would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.
12. It is not clear how the proposal conflicts with policy CS6 of the Core Strategy as this relates primarily to the boundaries of the Green Belt.

Effect of the development on the openness of the Green Belt

13. Though the outbuilding does not result in urban sprawl, openness is an essential characteristic of the Green Belt. It is therefore important to consider this aspect of the proposal.
14. The outbuilding is large for such a domestic building and is materially larger than the building it replaced. It has introduced new larger development into this part of the Green Belt. There is a small loss of openness to this part of the Green Belt as a result of the outbuilding.
15. It is noted that the double garage is not prominent in the landscape and is partially screened by existing landscaping. However, from my observations on site there can still be some partial views of the development and it is not completely hidden. There are also public rights of way in the area which may also afford some views of the development. The limited visual impact and prominence has nonetheless been considered with the matter of openness and does limit its impact.
16. Overall, I would still conclude there would be some limited loss of openness as a result of the development of a materially larger building in this location. The proposed development would therefore conflict with national and local policy as there would be some limited loss of openness of the Green Belt.

Character and Appearance

17. The double garage has a basic domestic appearance. It also appears to have been built on land that encroaches beyond the original curtilage of the dwelling, into what would have been agricultural land.
18. As set out by the applicant the new garage and hardstanding are not prominent and from most public vantage points not fully visible. The garage is single storey and so is a low profile building, similar to some of the adjacent buildings. The exterior could be improved with use of alternative materials or finishes, which the appellant has stated they could do if requested via condition. There also appeared to have been some hardstanding in this area for some time, although maybe increased in size with this recent development.
19. For the reasons set out above the proposal is not harmful to the rural setting and character of the site. The proposal is therefore, on this issue, in accordance with policies CS12 of the Core Strategy, DM10 of the Sites and Policies Plan (Part 1), and SA2 of the Sites and Policies Plan (Part 2). These policies require that development is of high quality design, considers existing context and character, not have an unacceptable adverse impact on the designated landscape character of the district, amongst other things.
20. The proposal is also in broad accordance with the advice set within the North Somerset Landscape Character Assessment SPD (adopted September 2018) - E6 Cleeve Ridges and Combes.
21. Furthermore, given the separation distance from the listed Sores Court house it has no harmful impact to the setting of this heritage asset.

Planning and Green Belt Balance

22. Though I have concluded the outbuilding does not have a harmful impact to the character and appearance of the area, I have found that the development is inappropriate development in the Green Belt which the Framework states is, by definition, harmful to the Green Belt. There has also been a limited loss of openness. This harm must be balanced with the other considerations in this case. '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.
23. Firstly, I have taken into account that the development is not in a particularly prominent location and would be at least partially screened from most views. However, the lack of harm I have found with regards to the character and appearance impact would be broadly a neutral consideration. Some of the land used may have been previously developed land, but some of the site was agricultural.
24. I also understand that the position of the garage, away from the listed house, helped to protect the setting of this heritage asset, though this does not mean the replacement outbuilding needed to be materially larger than what it replaced. I also note that the appellant uses the garage for storage and secure parking, and so have a need for the building.
25. There could also be biodiversity net gain, which could also possibly mitigate any potential impact to the integrity of the nearby North Somerset and Mendip Bats Special Area of Conservation (which is an issue that I would assess in more detail if I was set to allow this appeal). However, any benefit would be small, given the limited development scale.
26. Taking all of these considerations and benefits into account, they do not either cumulatively or individually have more than a limited positive weight in this balance.
27. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is contrary to both the Framework with regard to development within the Green Belt (Chapter 13) and policy DM12 of the North Somerset Sites and Policies Plan, with the proposal being inappropriate development in the Green Belt, with there being no very special circumstances.
28. As set out in paragraph 147 of the Framework, "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." The proposal should therefore be dismissed.

Conclusion

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

Mr S Rennie

INSPECTOR

