



Appeal Decision

Site visit made on 21 February 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st March 2023

Appeal Ref: APP/P0119/W/22/3305721

**Rosemary Cottage, Shellards Lane, Alveston, South Gloucestershire
BS35 3SY**

- 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 Phil Norman against the decision of South Gloucestershire Council.
 - The application Ref P22/03511/F, dated 22 June 2022, was refused by notice dated 2 August 2022.
 - The development proposed is erection of store to maintain land to the side of Rosemary Cottage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site lies within the Bristol/Bath Green Belt. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant Development Plan policies,
 - the effect of the proposal on the openness of the Green Belt,
 - whether the proposal would comply with the Council's strategy for agricultural development, including its effect on the character and appearance of the area, and
 - if the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. Framework Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework makes clear that substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Framework Paragraph 149 states that new buildings

- are inappropriate, other than for exceptional types of development, one of which at Paragraph 149(a) is buildings for agriculture.
4. Policy CS5 of the South Gloucestershire Core Strategy (SGCS), adopted December 2013 requires that, in the Green Belt, development such as the proposal must comply with the Framework or relevant SGCS policies. This includes Policy CS34, which protects the Green Belt from inappropriate development.
 5. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (SGLP), adopted November 2017, makes clear that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances clearly outweigh the harm to the Green Belt, and any other harm. As such, these policies are consistent with the Framework and so I give them full weight.
 6. The appeal site consists of a field adjacent to Rosemary Cottage, both of which are in common ownership. The proposal would house a ride-on mower, a smaller mower, a chipper and a selection of tools, to allow the appellant to continue to maintain the land. However, such maintenance does not necessarily mean that the proposal would involve an agricultural use. It is acknowledged by the appellant that the land is not part of an agricultural holding. More importantly, I have little substantive evidence, beyond the appellant's assertion, of any specific agricultural use associated with the proposal.
 7. Lacking such evidence, I find that the proposal would not be reasonably necessary for or in connection with an agricultural use. I therefore conclude that it would not comply with the exception set out in Framework paragraph 149(a). As such, it would be inappropriate development in the Green Belt having regard to the Framework and Development Plan policies CS5 and CS34 of the SGCS, and Policy PSP7 of the SGLP, with which the proposal would conflict.

Openness of the Green Belt

8. A fundamental aim of Green Belt policy within the Framework is to keep land permanently open. The Planning Practice Guidance (PPG) advises¹ that openness is capable of having both spatial and visual aspects.
9. The size of the proposal allows for storage and manoeuvring, and it has been sited close to the house to reduce its impact. Nevertheless, it would not be insignificant in scale. The introduction of an additional building, into a field that is currently absent of any built form, would erode the rural character of the site and encroach into its openness.
10. Visually, public views of the proposal and its effects would be obtainable from Shellards Lane, both through the entrance drive of Rosemary Cottage and through the site boundaries, as well as from the adjacent public footpath. Taken together, the spatial and visual effects of the proposal would cause a moderate loss of the current open, undeveloped character of the site. As such, the effect of the proposal on the openness of the Green Belt would be harmful.

¹ Paragraph: 001 Reference ID: 64-001-20190722

Strategy, Character, and Appearance

11. SGLP Policy PSP29 permits agricultural buildings where reasonably necessary for that use, and where clearly designed for such purposes. The policy also requires that there are no existing suitable underused buildings reasonably available.
12. I have already found that the proposal would not be reasonably necessary for or in connection with an agricultural use. In respect of alternative buildings, there are none within the field. However, the machinery used to maintain the land is currently stored in two buildings within the garden of Rosemary Cottage. The appellant says that the buildings have a low height and are unsuitable, but no substantive evidence is before me to demonstrate this. I cannot therefore conclude that there are no suitable underused buildings available.
13. In respect of its design, to make the proposal appear agricultural, it features Yorkshire boarding and doors that would be wide and high enough to access with machinery. Even so, the design of the building includes domestically proportioned doors and windows, and it would have a size and form similar to that of a domestic garage. Furthermore, its position, close to and aligning with the house, means that it would be read as a residential building closely associated with Rosemary Cottage.
14. As a result of the domestic form and siting of the proposal, it would not clearly be designed for an agricultural use, even if that is its intended purpose. For the same reasons, its domestic, residential appearance would contrast with the distinctive rural and agricultural character of the countryside. As such, it would harm the intrinsic beauty of the landscape hereabouts.
15. The appellant has suggested that a condition could be imposed requiring planning permission for use of the building for ancillary residential purposes. However, this would be unnecessary because permission would be required even without such a condition. As such, it would fail the tests of the PPG. Moreover, such a condition would not change the appearance of the building. Once built and established, its domestic design would make it difficult for the Council to resist such a change of use in the future. The suggested condition would not therefore overcome the harm I identify above.
16. The appellant has also suggested that a planning condition could require the removal the existing storage buildings at Rosemary Cottage following completion of the new building. However, this would not overcome the harm caused by the proposal, including in respect of its design.
17. For the reasons given, the proposal would not comply with the Council's strategy for agricultural development and so would conflict with SGLP Policy PSP29. It would also harm the character and appearance of the area, conflicting with SGCS Policies CS1 and CS34 (and therefore Policy CS5c) which require proposals to respect local distinctiveness and character. Similarly, it would conflict with SGLP policies PSP1 and PSP2 which seek to protect and enhance rural areas and to conserve the landscape. It would also fail to recognise the intrinsic character and beauty of the countryside as required by the Framework.

Other Considerations

18. The appellant maintains the fields as well as the garden at Rosemary Cottage. An injury was caused to him because of the low height of the existing buildings housing the machinery for this. It has been put to me that continued use of the buildings, together with the site's isolated location, risks the appellant's wellbeing, especially given his personal circumstances.
19. The proposal would result in a building without the low height of the existing buildings. However, I have little clear evidence that the risks here are particularly high or unusual. Furthermore, planning permission runs with the land and is primarily concerned with the public interest, whereas the benefits put forward are essentially private ones for the appellant.
20. The proposed building may be more secure than the existing arrangements, but ensuring adequate security is not inherently reliant on the scheme before me. Furthermore, the proposal would also be more visible from the road than the existing buildings, potentially resulting in a greater risk of burglary. As such, I consider that the benefits to the appellant would not carry more than limited weight in favour of the proposal.

Planning Balance and Conclusion

21. The proposal would be inappropriate development in the Green Belt which is harmful by definition. In accordance with the Framework, I attach substantial weight to this harm. I have also found that there would be moderate harm to the openness of the Green Belt. The proposal would also harm the character and appearance of the area, and conflict with the Council's strategy for agricultural development, which also carries significant weight against the proposal.
22. For the reasons given above, 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.
23. I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR