



Appeal Decision

Site visit made on 14 February 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2023

Appeal Ref: APP/P0119/W/22/3309159

Land at Moorhouse Lane (Site A), Hallen, South Gloucestershire BS10 7RT

- 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 Missiato Design and Build Ltd against the decision of South Gloucestershire Council.
 - The application Ref P22/03885/PIP, dated 11 July 2022, was refused by notice dated 29 September 2022.
 - The development proposed is permission in principle - erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. 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.
4. A plan showing how the site could be developed is before me. However, as this appeal does not relate to technical details, I have taken the submitted plan to be illustrative only.

Main Issues

5. The main issues are whether the site is suitable for residential development, having regard to its location, land use and amount of development, with particular regard to:
 - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - b) the effect of the proposed development on the openness of the Green Belt.

Reasons

Whether inappropriate development in the Green Belt

6. The Framework outlines that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions to inappropriate development in the Green Belt, set out at paragraph 149(e) of the Framework includes limited infilling in villages.
7. the parties do not dispute that the appeal site lies within a village and would be limited. Based on the evidence before me and my own observations on the ground, I agree. The parties do disagree whether it would amount to infilling and that is a matter to which I now turn.
8. Although the Framework does not provide a definition of 'infilling', the Council states that the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 (CS) defines 'infill' as being *'The development of a relatively small gap between existing buildings, normally within a built-up area'*. Although the appellant has noted this definition, it is put to me that this is not definitive. Notwithstanding the definition of 'infill' within the CS, I have assessed the proposed development on the nature of the proposed development itself, the location of the appeal site and its relationship to other, existing development adjoining and adjacent to it.
9. The appeal site lies to the east of Moorhouse Lane, and to the south of a dwelling which was under construction at the time of my visit. A terrace of dwellings lies on the opposite side of Moorhouse Lane, with a large building and hardstanding to the south associated with an equine use, while fields border the site to the east.
10. Although there is a pedestrian pavement on the opposite side of Moorhouse Lane, the appeal site side features a wide grassed verge, with mature trees and hedge boundary to the appeal site and along a significant length of the highway.
11. The Council have stated that the equine building to the south is approximately 60 metres from residential development to the north. I observed that this building does not front Moorhouse Lane, with the mature hedge and verge providing a continuous boundary between the building and the highway. Furthermore, due to the boundary treatment, ridge height and lower ground level, this building is not visually prominent from Moorhouse Lane.
12. Therefore, when travelling towards the site from either the north or south, due to the gap between this building and buildings to the north, continuous boundary hedging and the equine building's lack of visual relationship with Moorhouse Lane, the appeal site is seen in the context of surrounding fields and the residential dwellings to the north as opposed to a distinct gap between existing development.
13. There is disagreement between the main parties as to if the appeal site would be part of the residential garden of the dwelling currently under construction. Even if the appeal site were to be garden, I find that having assessed the site on the ground, the appeal site is not read as a gap between buildings and therefore would not constitute limited infilling in villages.

14. I have reviewed the appeal decision highlighted by the appellant. Although I do not have the full details of the other case before me, the Inspector was clear that the highlighted appeal was assessed on the particular circumstances of that site and surroundings and this is a matter of planning judgment on the ground, as set out in that decision. The highlighted appeal site differs from the current appeal site in several ways.
15. The Inspector noted that the site was bounded by built form on the western side, a railway line to the south, and built form to the eastern side, although it was acknowledged that these buildings did not front the road. However, the Inspector also stated that the appeal proposal would replace a builder's yard buildings and use which occupied part of the site. Furthermore, it was noted that the appeal site would be experienced in the wider context of an adjacent building that the Inspector previously noted to be prominent, as well as a denser form of development. It is therefore not directly comparable to the appeal proposal before me and such matters involve bespoke site specific circumstances and consideration on its own merits. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.
16. The appellant has suggested that the CS is out of date and the CS definition of infilling predates the 2012 Framework. Even if this is the case, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework. In this regard, CS policies CS5 and CS34, and Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 (GLP) are broadly consistent with the Framework in relation to protecting the Green Belt.
17. Consequently, I conclude that the proposed development would not constitute limited infilling in villages, and it has not been demonstrated to fall within any of the other exceptions outlined in the Framework. It would thereby constitute inappropriate development in the Green Belt. It would conflict with CS policies CS5 and CS34. These policies seek, amongst other things, to protect the Green Belt for its identified purposes. For similar reasons, the proposed development would be contrary to the guidance provided within the South Gloucestershire Development in the Green Belt SPD (Adopted) June 2007 and the provisions of the Framework.

Openness of Green Belt

18. Openness in terms of the Green Belt, as a matter of judgement is capable of having spatial and visual aspects. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
19. As the appeal relates to permission in principle stage, I have no detailed proposals in front of me. Even if the scale of the proposed dwelling would be modest, as a dwelling the proposal would have a high degree of permanence and introduce residential built form on the appeal site which is predominantly undeveloped land.

20. Furthermore, although the site features mature hedge boundaries, built form would be visible in views along Moorhouse Lane and Hallen Road and from within the wider local landscape. It would thereby give rise to a loss of both spatial and visual openness in the context of the locality and encroach on the countryside.

Green Belt Balance and Conclusion

21. The proposal would be inappropriate development in the Green Belt and would cause modest harm to openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise 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.
22. Although the addition of a single dwelling would have some limited benefit to local housing supply, and economic benefits both through the construction stage, and from future occupants utilising local services and facilities, the other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist resulting in conflict with GLP Policy PSP7.
23. The appellant refers to the CS being out of date but even if paragraph 11d of the Framework was engaged, there are no very special circumstances. The application of policies in the Framework that protect areas of particular importance therefore provides a clear reason for refusing the development proposed. As such the proposal would not be sustainable development.
24. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

S Harrington

INSPECTOR