



Appeal Decision

Site visit made on 18 April 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/P0119/W/22/3312777

Land off Lodge Road, Abson, South Gloucestershire BS30 5TU

- 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 James Creed against the decision of South Gloucestershire Council.
 - The application Ref P21/06468/F, dated 4 October 2021, was refused by notice dated 8 June 2022.
 - The development proposed is for the demolition of existing stables and erection of 1 no. dwelling with access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the Appeal Form, as it provides an accurate description and location for the appeal site.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - Whether the proposed development would provide a suitable location for housing, with regard to housing strategy and accessibility.
 - The effect of the proposal on the character and appearance of the area.
 - If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate Development in the Green Belt

4. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent:

- *limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings), but subject to the not having a greater impact on openness.*
5. Policy CS5 of the South Gloucestershire Core Strategy 2013 (CS) states under Criterion 6c that proposals for development in the Green Belt will need to comply with the provisions in the National Planning Policy Framework (the Framework) or relevant local plan policies in the Core Strategy.
 6. It is not disputed that the proposed development would not amount to limited infilling, but there is some disagreement between the parties as to whether the hardstanding area can be considered as previously developed land (PDL). The Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
 7. The proposed development would be situated on land currently occupied by a stable building. The stable building is L shaped and single storey, with an area of hardstanding. The stable has a pedestrian access off the lane, with a vehicle access in the southern corner. There is an area of hardstanding area between the stable and the adjoining private track, but it does not extend beyond the stable into the field to the north and west. In my judgement, it is reasonable to consider that the stable building and hardstanding area described could be defined as the curtilage and PDL. However, the remaining land is open and undeveloped.
 8. With the above in mind, part of the footprint of the proposed dwelling and parking area would be positioned on land previously occupied by the stable or hardstanding. However, the dwelling, parking area and covered shed for cycle storage would also extend into an area of the undeveloped field. As the proposals would extend into areas that are undeveloped and cannot be defined as PDL, the proposed works would not be compliant with the 149 (g) of the Framework.
 9. Furthermore, based on the evidence before me, the footprint of the proposed dwelling, its height and volume would be greater than the existing building. The residential use would also result in more intensive activities at the site and within the curtilage. This would include an increase in traffic, comings and goings, parked cars, as well as a greater pressure for domestic paraphernalia within its garden and curtilage. As such, even if all of the land to be developed was PDL, the proposal would result in a built form and use that would have in a greater impact on the spatial and visual openness of the Green Belt than the existing development.
 10. The appellant contends that the proposed dwelling would result in a 30% increase in cubic volume. I appreciate that extensions to existing building at this size are sometimes considered to comply with Paragraph 149 (c) of the Framework and Part 3 of the Policy PSP7 of the Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (Local Plan). However, this exception requires extensions to a building, which do not result in 'disproportionate additions' over and above the size of the original building. As this is a replacement building, rather than extension to an original building, the proposed scheme does not fall within paragraph 149 (c) or comply with Part 3 of Policy PSP7 of the Local Plan.

11. Accordingly, the proposal is inappropriate development, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances. It would therefore fail to accord with paragraph 149 of the Framework. Furthermore, it would conflict with Policy CS5 of the CS and Policy PSP7 of the Local Plan, which, amongst other things, seek to protect the Green Belt from inappropriate development and maintain its openness.

Location of Housing

12. Policy CS5 of the CS seeks to locate most new development within the north and east Fringes of the Bristol urban area, with lesser scale of development at Yate/Chipping Sodbury and Thornbury. Policy CS5 of the CS sets out development in the Green Belt will need to comply with the provisions in the Framework or relevant local plan policies in the Core Strategy. Policy CS34 of the CS requires that settlement boundaries around rural settlements shall be maintained until they are reviewed.
13. Policy PSP40 of the LP states that residential development in the open countryside outside of settlement boundaries will only be acceptable in a limited number of specified circumstances, such as rural housing exception initiatives, rural workers dwellings, replacement dwellings and conversions of existing buildings.
14. There is no evidence with the appeal that the site is within a settlement, or that the development is one of the exceptions set out within Policy PSP40 of the LP. The proposed development for a dwelling, outside a settlement, would be inappropriate development in the Green Belt and fails to comply with the Council's housing strategy or meet the specified exceptions in the open countryside. Consequently, the proposed development would represent an unjustified form of residential development in this location.
15. In terms of accessibility, the site is within a 1km (Pucklechurch) and 1.1km (Wick) distance to the nearest settlements. I note that these two settlements have facilities and services, together with public transport. However, these are not large settlements and future occupants of the proposed dwelling would be required to walk along a narrow vehicle highway with no footways or lighting to access them. Due to the distance that would have to be walked or cycled, coupled with no footways and lighting, occupants would most likely rely heavily upon private vehicles to access the nearest settlements, and possibly further afield for larger shops and facilities. This is the least sustainable travel option.
16. Accordingly, the proposed site is not a suitable location for housing, with regard to the Council's housing strategy and accessibility, conflicting with Policies CS5 and CS34 of the CS and Policy PSP40 of the LP. These policies, in general, encourage development to occur within the existing settlement boundaries of towns and villages, to achieve a sustainable pattern of development and to protect the valuable setting provided by the rural areas. Moreover, the site has poor access to services and facilities for day-to-day living.

Character and appearance

17. Lodge Road is a rural location characterised by open and undeveloped fields, with detached dwellings of varied design and sizes within dispersed and spacious plots. Whilst there is no dominant style to the dwellings, there is a

predominance of detached two storey dwellings finished in stone. Timber stable buildings and larger agriculture buildings are also a typical feature of the area.

18. I appreciate that the scale and materials look to replicate the scale, form and finishes of the building on the site. However, the proposed building is a residential dwelling rather than a stable, and the window and door openings together with the design features are more reflective of its residential use. The single storey height, flat roof design as well as the scale and timber finish would appear at odds with the larger detached two storey farm and cottage style dwellings finished in stone within the vicinity. The proposed building would also be visible from localised views from the adjoining lane and Lodge Road, exacerbating the adverse visual impact of the proposed development within the rural setting.
19. Accordingly, the proposed development would be odds with the nearest built form, resulting in an adverse impact on the character and appearance of the area. The proposed development would conflict with the aims of Policies CS1 and CS34 of the CS as well as Policies PSP1 and PSP38 of the LP, which seek to ensure that proposed development will be of a high design quality, as well as protecting, conserving, and enhancing the rural areas' distinctive character.

Other Considerations

20. I turn now to address other considerations that might clearly outweigh harm arising from inappropriate development in the Green Belt, to provide the very special circumstances required to justify a grant of planning permission. The appellant has set out that the development would provide a dwelling on underutilised brownfield land at a time of acute housing need. It would not be harmful to the character and appearance of the area; no trees would be removed and there would be no any harm to biodiversity.
21. A dwelling on underutilised brownfield land with an electric charging point would be positive aspects of the scheme. However, the land is wholly brownfield, and the land was being used for the stabling of horses at time of my site visit. Limited evidence has been provided to demonstrate it is underutilised. I have also concluded that it would be harmful to the character and appearance of the area. As such, I would attribute limited weight in favour of the proposal in respect of these matters. Although no trees would be removed and there would be no harm to biodiversity, this would be expected and are neutral factors.

Green Belt balance

22. Having regard to the substantial weight given to the harm to the Green Belt¹, the benefits outlined above, singularly or cumulatively, do not clearly outweigh the harm to the Green Belt, or the harm to the housing strategy, accessibility and the character and appearance of the area. Therefore, 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 and the development would conflict with the Framework and the relevant policies of the development plan outlined above.

¹ Paragraph 148 of the Framework.

Conclusion

23. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations the appeal should be dismissed.

M. P. Howell

INSPECTOR