



Appeal Decision

Site visit made on 9 May 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/P0119/W/22/3313042

Plot To The North Of The Barn, Wotton Road, Iron Acton, South Gloucestershire BS37 9UZ

- 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 Ms Yvonne Bate against the decision of South Gloucestershire Council.
 - The application Ref P22/05673/PIP, dated 21 September 2022, was refused by notice dated 24 October 2022.
 - The development proposed is described as “residential infill development of 1 no detached dwelling house”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal seeks permission in principle in accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The Planning Practice Guidance explains that the scope of permission in principle is limited to the location, land use and amount of development.
3. The Council’s first refusal reason is that the proposal would represent an unsustainable form of development due to its location outside any defined settlement and in open countryside. Through its statement of case, the Council concedes that the existing settlement boundary is out of date and the site does indeed fall within the village of Iron Acton. As such, there is no longer a dispute between the Council and the appellant on this matter.
4. In light of the Council’s other refusal reasons and the site’s location in the Green Belt, the main issues are:-
 - whether the scheme would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness of the Green Belt;
 - whether it would preserve or enhance the character or appearance of the Iron Acton Conservation Area (the CA);
 - its effect on the setting and significance of the Lamb Inn and The Barn; and
 - if the proposal would be inappropriate development, 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 necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

5. Policy CS34 of the South Gloucestershire Local Plan Core Strategy 2013 (CS) states that proposals will protect the Green Belt from inappropriate development. Part 6(a) of CS policy CS5 states that small scale infill development may be permitted within the settlement boundaries of villages as shown on the CS policies map. Part 6(c) of the same policy says that elsewhere development in the Green Belt will need to comply with the Framework.
6. Under the terms of paragraph 149 of the Framework, the construction of new buildings should be treated as inappropriate development in the Green Belt unless it falls within a list of exceptions. Limited infilling in villages is included as an exception at paragraph 149(e).
7. From the submissions, it would seem that the appeal site lies outside the settlement boundary for Iron Acton as defined on the CS policies map. However, the Council accept the settlement boundary is out of date and that the site should be treated as lying within the village. In any event, it is not a requirement of paragraph 149(e) of the Framework for limited infilling to be in a village boundary as defined under a development plan policy. In light of the parties' agreement on the matter, it is reasonable to class the appeal site as being in the village.
8. Only a single dwelling is proposed and there is no dispute that this would represent limited development. As such, the proposal would comply with the paragraph 149(e) exception if it would represent infilling.
9. The Council advises that the CS defines infilling as development of a relatively small gap between buildings normally within a built up area. No such definition or limitation of the phrase is included in the Framework but also no alternative is provided. As such, it would not be inconsistent with the Framework to base my assessment on the CS definition of infilling.
10. The appeal site is vacant of buildings but with trees and scrub vegetation. It is on the west side of the road and set back from the highway behind The Old Police House. A drive from the road onto the site curves southwards towards The Barn, which is now a residence. The land to the north contains trees and bushes but no buildings. Directly to the west is the garden area to Elm Croft but it is evident from the plans that the house itself is set further to the south.
11. The appeal site adjoins gardens on 3 sides. However, the CS definition for infilling refers to a small gap between buildings, not between gardens. This is an important distinction as both The Barn and Elm Croft are set back from the boundaries of the appeal site. Consequently, the plot is not perceived as being enclosed or flanked by these dwellings and so it is not seen as being a small space between buildings. Therefore, the proposal would not represent infilling in accordance with the CS definition and so it would not be permissible under the terms of paragraph 149(e) of the Framework. The fact the development would not extend northwards beyond the extent of Elm Croft's garden or the driveway fails to influence my assessment on this matter.

12. There is no contention that the proposal would fall within any of the other exception categories listed at paragraph 149 of the Framework. As such, I conclude it would represent inappropriate development in the Green Belt.

Effect on openness

13. The details of the proposal are not before me for consideration but the construction of a detached dwelling is bound to lead to a loss of spatial openness of the site. The development could be positioned and designed to have little visual effect from Wotton Road itself. However, it is likely to be seen from the rear of The Old Police House and from those using the drive to The Barn. Overall, the amount of development proposed would lead to a modest loss of Green Belt openness.

Effect on the CA

14. The CA covers a large part of the built up extent of Iron Acton as well as surrounding fields to the north and south. Its significance lies partly with the historic properties in the village core. Also, the Iron Acton Conservation Area Supplementary Planning Document 2013 (the SPD) recognises the village green and open fields to the north and south of the village provide an attractive surrounding landscape. In particular, the SPD identifies the land to the north as forming an important buffer between the village and the B4059.
15. The appeal site is located within the open fields area to the north of the village as identified on plan 2 of the SPD. It makes up only a small part of the overall area and I note the appellant's claims that it forms part of the authorised garden to The Barn. Nonetheless, the site's undeveloped and natural appearance contributes positively to the rural surroundings to the village and the vegetated buffer to the main road.
16. The proposal would erode the plot's natural qualities by introducing a new dwelling. It is likely that the visual effect would be localised and limited to views from adjacent properties and land. Even so, by reason of its location and residential nature, the development would diminish the site's contribution to the rural setting of Iron Acton.
17. The proposed dwelling could be sensitively designed so that it would reflect the appearance of nearby buildings. However, acceptability in these regards would not address nor override the detriment caused through the encroachment into the landscape buffer area to the north of the village.
18. For these reasons, I conclude the development would harm and so would not preserve nor enhance the character and appearance of the CA. In these respects, it would also be detrimental to the CA's significance. Only a small part of the CA would be affected and so I find that less than substantial harm would be caused. In such circumstances the Framework states the harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal. I turn to this matter later on in the decision.

Effect on Lamb Inn and The Barn

19. The Lamb Inn is a grade II listed building. The official list entry states it has a datestone of 1690 and its significance at least partly comes from its age. The inn is not easily seen from the development site due to the cover provided by intervening trees. Views may be possible at times of leaf fall but these would

be of the side of the inn. As such, the site currently makes only a modest contribution to the setting of the listed building.

20. The proposed development could be positioned away from the Lamb Inn side of the site. The scheme may interrupt views from the north across the plot but these are already limited due to the screening effects of the trees. The most obvious views of the inn from the road would be unaffected by the scheme. As such, the proposal would not affect the setting of the Lamb Inn so as to cause harm to its significance.
21. The Barn is not listed but is close to the Lamb Inn. The main parties dispute whether it should be treated as a curtilage listed building, although the appellant accepts The Barn is a non-designated heritage asset in any event. Its interest lies with its visual association with the inn as well as attractive stone walls and architectural features that suggest its previous barn usage.
22. The front of the Barn is seen as you travel towards it on the driveway on the appeal site. It is likely that the proposed development would also be seen from the drive but it could be positioned so as to not obstruct sight of The Barn. Also, natural boundary features could be provided to the sides of the drive to ensure a vegetated approach is maintained. Therefore, the development's effect on the setting of The Barn would not cause harm to the appreciation of its architectural interest. As such, I am satisfied the scheme by reason of its location would not be detrimental to The Barn's significance.
23. I am referred to appeal decision reference number APP/P0119/A/04/1152812, issued in January 2005. This relates to a proposal for a new dwelling on the appeal site. In dismissing the appeal, the Inspector found the proposal would partially obstruct views of The Barn and Lamb Inn and so it would erode rather than preserve their open rural settings. However, the decision was made before the publication of the Framework and so there is no discussion on whether any effects on the settings of the buildings would cause harm to their significance. Moreover, it is likely that since the previous appeal decision, views from the north of Lamb Inn and The Barn have become less clear due to screening effects of trees. As such, I am not bound to arrive at the same conclusions as the previous Inspector.
24. For these reasons, I conclude the development would cause no harm to, and so would preserve, the setting and the significance of the Lamb Inn and The Barn. In these regards, it would accord with CS policy CS9 and policy PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017 (the LP). These seek to ensure development preserves the settings of listed buildings and their architectural and historic interest. The lack of harm in this respect is a neutral factor rather than a benefit to which I attach positive weight

Other considerations

25. The appellant says the proposal would be a custom build house to meet occupiers' bespoke requirements. However, there is no evidence before me to indicate that there is an unmet local need for custom build housing. As such, I attach limited weight to any benefits in these regards.
26. Even so, the proposal would contribute towards the housing stock and towards the provision of small windfall development sites. A single unit would represent a modest benefit, particularly as the appellant has not sought to dispute the

Council's claim that it can demonstrate adequate housing land supply in accordance with the terms of the Framework.

Heritage and Green Belt balance

27. In carrying out the heritage balancing exercise, I am mindful that the Framework states that great weight should be attached to an asset's conservation, even when the detrimental effects of a scheme represent less than substantial harm to its significance. As such, I find the modest benefits of the proposal would not outweigh the harm caused to the character, appearance and significance of the CA. In these regards, the development would not accord with CS policy CS9 and LP policy PSP17. Amongst other things, these look to ensure development preserves or enhances elements that contribute towards the special character and appearance of conservation areas.
28. Also, I have found the proposal would represent inappropriate development in the Green Belt. LP policy PSP7 states that such development is harmful to the Green Belt and will not be acceptable unless very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm. In carrying out the balancing exercise, the Framework dictates that substantial weight should be given to any harm caused to the Green Belt. As well as harm by reason of inappropriateness, the development would cause modest harm to openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. These concerns add to the identified harm to the character, appearance and significance of the CA.
29. The development would bring modest advantages which do not clearly outweigh the totality of the harm caused by the proposal. Consequently, the very special circumstances necessary to justify the development do not exist and so it would conflict with the Framework's provisions on the Green Belt. Therefore, I conclude the proposal would not accord with CS policies CS5 and CS34 and LP policy PSP7.

Conclusion

30. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR