



Appeal Decision

Site visit made on 28 February 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/P0119/W/22/3310107

Brecklands, Siston Lane, South Gloucestershire, Siston, BS30 5LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Stuart Flynn against the decision of South Gloucestershire Council.
 - The application Ref P22/03619/RVC, dated 28 June 2022, was refused by notice dated 26 August 2022.
 - The application sought planning permission for the demolition of existing outbuildings and erection of 4no. dwellings (outline) with access, layout and scale to be determined. All other matters reserved without complying with a condition attached to planning permission Ref PK17/2653/), dated 15 December 2017.
 - The condition in dispute is No 14 which states that: *Prior to the first occupation of any dwelling hereby permitted, the existing building shown on plan 00771/001 (received 06 June 2017) situated within the blue land on plan 2007-002 (received 14 December 2017) shall be completely and permanently removed and the land on which it stood made good.*
 - The reason given for the condition is: *To ensure that the redevelopment of the site has as minimal impact on the openness of the green belt and to accord with policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, March 2012.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether condition is necessary and reasonable having regard to local and national policies relating to proposals affecting the Green Belt.

Reasons

3. The appeal site comprises a development of four dwellings with an area of agricultural land to its rear and a large outbuilding. The outbuilding is set back from the adjacent highway and is bound the residential development to the west, garden areas to the north and agricultural land to the east and south. During my site visits I noted that there were some outbuildings to the rear of dwellings, however these were largely contained within residential gardens and were small in scale. The outbuilding is used for storage for machinery and equipment for grounds maintenance and animal feed.

4. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
5. The reason for refusal is clear in that the Council wants the existing outbuilding to be removed in order to protect the Green Belt. It is clear from the original permission that, whilst given limited weight, the removal of the outbuilding was a contributing factor to the very special circumstances afforded to allowing the residential development. The outbuilding to be removed is large steel portal building that contributes to the visual clutter, and its removal would improve the sense of openness, particularly to the rear which opens on to agricultural land.
6. I have had regard to the appellants submission relating to very special circumstances; however I am not convinced that such a scale of building would be required to maintain the field to the rear of the residential development, or that alternative accommodation could not be provided elsewhere that would have a less harmful impact on the openness of the Green Belt.
7. Accordingly, the removal of the condition in order to retain the outbuilding would not comply with Policies CS5 and CS34 of the South Gloucestershire Core Strategy (2013) (CS) which seeks to protect the Green Belt from inappropriate and thus harmful development.

Conclusion

8. In view of the above I find that the condition is reasonable and necessary in that it allows the Council to protect the openness of the Green Belt. I therefore dismiss the appeal.

Tamsin Law

INSPECTOR