



Appeal Decision

Site visit made on 11 May 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal Ref: APP/P0119/W/22/3313909

Land Off Frith Lane, Wickwar, South Gloucestershire GL12 8PD

- 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 R Sainsbury and Miss J Anstey against the decision of South Gloucestershire Council.
 - The application Ref P22/05023/F, dated 17 August 2022, was refused by notice dated 14 October 2022.
 - The development proposed is new detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit procedure was altered from an access required site visit to an unaccompanied site visit as no-one was present when I arrived at the appeal site during the pre-arranged period. I was able to see all I needed to from public land and have determined the appeal on this basis.
3. The address in the banner heading above has been taken from the Council's decision notice and the appellant's appeal form for clarity purposes.

Main Issues

4. The main issues are whether the site is a suitable location for the proposed development, having regard to the development strategy for the area, and the effect of the proposal upon the character and appearance of the area.

Reasons

Suitable Location

5. The proposal relates to a roughly rectangular parcel of land situated to the north of Frith Lane, which runs to the south of Wickwar village. To the south of the appeal site, on the opposite side of Frith Lane, lies a terrace of 3 residential dwellings. Further to the east of the appeal site, on the other side of Sodbury Road and beyond an open field, is the recently constructed Wickwar urban extension, built out by Linden Homes.
6. The appeal site lies outside of any recognised settlement boundary. The proposal would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside. It would not be supported by any other policies. Therefore, despite the proximity of other dwellings, the site is classed as open countryside.

7. The appellant argues that the relevant development plan policies that the Council rely on are now out of date and superseded by the National Planning Policy Framework 2021 (the Framework). However, paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore, the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker.
8. The relevant policies are broadly consistent with the Framework in terms of promoting a sustainable pattern of development, delivering a sufficient provision of housing, restricting dwellings in the countryside, except for in certain circumstances, and recognising the intrinsic character and beauty of the countryside. They remain part of the development plan. I therefore still afford the relevant policies a reasonably significant amount of weight. The presumption in favour of sustainable development contained in paragraph 11 of the Framework is not engaged.
9. Consequently, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area. The development would be contrary to Policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy 2006 - 2027 (Core Strategy) (adopted 2013) and Policy PSP40 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Policies, Site and Places Plan) (adopted 2017). These policies, in combination, set out the location and scale of development to certain towns and communities and resist new homes in the open countryside except in certain circumstances. They also require development to protect, conserve and enhance the rural areas' distinctive character and landscape.

Character and Appearance

10. The appeal site consists of a steel portal frame barn, used as caravan storage. It is finished in green corrugated metal, with an area of hardstanding to the west. To the rear of the barn is a small area of grass, on which the proposal would be sited. To the northeast and southwest of the appeal site lies small stable buildings, which sit unobtrusively within the surrounding open countryside. Aside from the small terrace opposite, constructed of stone and render, and despite the existing commercial barn, Frith Road is distinctly rural in its character, partly due to the narrow nature of the road and the lack of pavements. This contrasts with Sodbury Road, which appeared as a much busier, two way classified 'B' road, alongside the Wickwar urban extension.
11. The proposed cabin dwelling has allegedly been designed to lessen the impact on visual amenity. However, due to its single storey form, shallow pitch roof and use of composite sheeting for the roof and walling, it would in fact result in an incongruous addition to the open countryside, jarring with the more traditional built form and materials of the existing dwellings in the area.
12. Whilst the position of the proposal behind the existing barn, combined with the hedgerow along the front boundary, would help to mitigate views of the proposal, there would still be open views possible from Frith Lane. Glimpsed views would also be possible from Sodbury Road due to the open field in between. Whilst the Linden Homes development is visible from the appeal site,

Sodbury Road, as well as the open field, provides a clear separation between the appeal site and the Linden Homes development.

13. The design of the existing barn is akin to a small agricultural building so is appropriate to its rural surroundings. Nonetheless, the lack of any 'architectural quality' of the existing barn would not outweigh the harm that I have identified above. Moreover, the lack of any local or national designations on the site does not alter my findings.
14. It is acknowledged that the Framework does not make specific reference to an infill development 'needing to be between residential uses only', and that the settlement boundary may not always be determinative as to what constitutes an 'infill site'. However, it is considered that the presence of 2 modest stable buildings either side, and the existing barn on the appeal site itself, would not be sufficient to consider the proposal as an infill development.
15. The proposal would therefore harm the character and appearance of the area. It would conflict with Policy CS1 of the Core Strategy and Policies PSP1 and PSP38 of the Policies, Site and Places Plan. These policies, in combination, seek to only permit development which are of the highest possible standards of design, which respects and enhances the character and distinctiveness of both the site and its context in the surrounding area.

Other Matters

16. I note that there is a pending planning application to expand the urban extension on to the land adjacent to the appeal site. However, I have been provided with no details of this application, and as it is still pending, no weight can be afforded to it.
17. The appellant states that it could be argued that the appeal site comprises a brownfield site as the grass does not form part of any agricultural holding and forms part of the curtilage of the commercial site. Even if I were to conclude that the site fell under the Framework's definition of 'previously developed land' and the substantial weight that the Framework states should be applied to the value of using brownfield land, this benefit would not be sufficient to outweigh the harm on the main issues set out above.
18. The appellant refers to fallback permitted development rights, including the siting of a caravan, that are allegedly applicable to the appeal site. However, no further details have been presented to me, and I am not aware of any certificates of lawfulness for any other development on the appeal site. Any other buildings or alterations would in any event function and thus interact with its surroundings differently in character terms to that of a new dwelling. I therefore attach any potential fallback position minimal weight in my decision.

Conclusion

19. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR