



Appeal Decision

Site visit made on 3 October 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/P0119/W/22/3312421

Two Oak Farm, Rockhampton, Berkley, Gloucestershire GL13 9DZ

- 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 Ms C. Mercer and Mr J. Nelmes against the decision of South Gloucestershire Council.
 - The application Ref P22/00679/F, dated 8 February 2022, was refused by notice dated 5 October 2022.
 - The development proposed is siting of a temporary rural workers dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a temporary rural workers dwelling and associated works at Two Oak Farm, Rockhampton, Berkley, Gloucestershire GL13 9DZ, in accordance with the application, Ref P22/00679/F, dated 8 February 2022, subject to the schedule of conditions at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site forms part of a broad agrarian landscape comprising gently undulating fields interspersed with Rockhampton Rhine, field boundaries and wooded areas. A country lane extends along one side of the field which at this point is elevated from the field with vegetation along the boundary. Two dwellings are positioned in close proximity to the site.
4. The proposed rural workers dwelling would be positioned along the southern boundary of the site, constructed from timber with a shallow pitched roof. It would be raised off the ground to overcome flood risk concerns expressed by the Environment Agency.
5. Whilst the proposed dwelling would be elevated it would be commensurate in height with neighbouring dwellings and not excessively tall. Its appearance would be akin to traditional rural buildings found elsewhere.
6. Whilst the appeal scheme would introduce development on an otherwise open field, it would do so in a context of neighbouring two storey dwellings. In my view the proposed development would not appear unduly intrusive or dominant, and the imposition of conditions restricting permitted development rights to the dwelling and defining the extent of the plot would ensure that the

appeal scheme would not lead to an incremental erosion of landscape character. Moreover, the dwelling is required for a temporary period, therefore it would not lead to the consolidation of a residential use and domestication of the site over a long time.

7. At the time of my site visit, I walked along the Public Right of Way (PRoW) that extends across part of the field and to the north of the site. I observed that the site is visible from within the field and the PRoW as it passes through it. But once beyond the field boundary I was unable to view the site due to its route and the presence of vegetation.
8. There would be a degree of visual change discernible to users of the PRoW through the field. In other views the proposed development would be seen in the context of the dwellings either side and the screening afforded by the field boundary planting would reduce the visual impact of the proposal from the roadside when travelling in either direction. As such, the extent of the area from which the dwelling would be appreciated would be localised.
9. Drawing these matters together I conclude that the proposed development would not unduly affect the character and appearance of the area. It would accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (2013) and Policies PSP1 and PSP2 of the South Gloucestershire Policies Sites and Places Development Plan Document (2017) which, amongst other things, require the highest possible standards of design; proposals to be informed by and respect and enhance the character, distinctiveness and amenity of both the site and its context and the landscape.

Conditions

10. I have considered the imposition of conditions in accordance with the National Planning Policy Framework (the Framework) and Planning Practice Guidance.
11. In addition to the standard time limit condition I have imposed a condition specifying the approved plans as this provides certainty.
12. Conditions permitting the development for a temporary 3 year period, restricting the occupancy of the dwelling and for the land to be restored to its previous condition have been imposed in order to safeguard the agrarian character of the area.
13. In order to safeguard the character of the area and in the interests of highway safety a condition requiring details of the extent of the residential plot and the parking and service areas has been proposed. I note that the Council has suggested two separate conditions in respect of the parking and service areas, however, in the interests of brevity I have consolidated these conditions into one.
14. In the interests of sustainability a condition for details of the Sewage Package Treatment Plant has been imposed.
15. The Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse, additions or alterations to the roof, construction of a porch or buildings incidental to the enjoyment of a dwellinghouse falling within Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

16. I acknowledge that paragraph 54 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, in this particular instance it is necessary and reasonable to remove permitted development rights to ensure the satisfactory appearance of the development and to safeguard the agrarian character of the area.

Conclusion

17. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number JN-JH-01; Block Plan Drawing Number JN-JH-02 Rev A and Proposed Dwelling Drawing Number JN-JH-03.
- 3) Prior to the commencement of development, details of the proposed Sewage Package Treatment Plant shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to commencement of development a plan showing the extent of the residential curtilage and proposed vehicle parking and service areas shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as defined within Part 1 of Schedule 2, Classes A, B, C, D and E shall be constructed.
- 6) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 7) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before the end of this period in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.