



## 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: 20 October 2023**

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**Appeal Ref: APP/D0121/W/23/3317703**

**Ash Tree Holiday Home Park, Lower Norton Lane, Kewstoke, North Somerset BS22 9YR**

- 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 Thomas of Beachlands Developments Ltd against the decision of North Somerset Council.
  - The application Ref 22/P/2578/FUL, dated 25 October 2022, was refused by notice dated 13 January 2023.
  - The development proposed is provision of a warden's lodge.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the appeal site is an appropriate location for new housing having regard to the development plan;
  - The effect of the proposed development upon the character and appearance of the area; and
  - The effect of the proposal upon the setting of designated heritage asset Rose Tree Farmhouse.

### Reasons

#### *Appropriate location*

3. Policy CS33 of the North Somerset Core Strategy (2017) (CS) sets out that development outside of infill villages, including Kewstoke, will be limited to certain types of dwellings including replacement dwellings, residential subdivision and conversion or dwellings for essential rural workers. Policy DM46 of the Development Management Policies Site and Policies Plan Part 1 (2016) (DMP) permits dwellings in the countryside for full time workers in agriculture, forestry and other land-based rural businesses subject to a number of criteria.
4. The development proposed is for a warden's lodge and the appellant submits a warden is required to support 24-hour running of the site and to help with maintenance and security.
5. Whilst the site is close to the village of Kewstoke, it is nonetheless, located beyond the settlement boundary and located within open countryside. I have not been provided with any substantive evidence for the requirement for a

warden to live permanently at the site. While guests might arrive late on occasion or require assistance out of hours, it has not been demonstrated that staff would need to stay overnight. There is little to indicate that security matters could not be addressed by alternate means. Moreover, I note that a number of homes are privately owned, and it is unlikely that such occupants would require assistance. As such, it has not been demonstrated that residential accommodation is justified to meet the needs of the business. Therefore, the warden's lodge does not meet the exceptions for new homes in the countryside.

6. I acknowledge that planning permission was granted for a similar development in 2010 and subsequently renewed in 2013. However, there has been a material change in circumstances since the previous applications were assessed on account of the adoption of the CS and the South Gloucestershire Sites and Policies Plan (Part 1 and Part 2). I must make my decision on the development plan policies at the time of my decision and as the previous permissions were granted under a now superseded development plan I give this aspect of the appellant's argument very little weight.
7. Therefore, in this regard the site is not an appropriate location for new housing contrary to CS Policy CS33, DMP Policy DM46 and Policy SA2 of the Site and Policies Plan Part 2 Site Allocations Plan (2018) (SAP) which, amongst other things, seek to direct housing to the most suitable locations.
8. I note the Council refer to DMP Policy DM58 in the first reason for refusal. However, with particular regard to this main issue I have given it negligible weight in coming to my decision.

#### *Character and appearance*

9. The appeal site comprises an open grassed area sited at the entrance into Ash Tree Holiday Home Park. The grassed area is elevated from the roadside set behind a stone rubble wall with hedgerow extending along part of the roadside boundary. Despite the boundary vegetation the site has an open aspect and is a prominent feature within the street scene positively contributing to the open and verdant rural character of the area.
10. The cumulative impact of the lodge building, driveway and parking area would unacceptably diminish the site's verdant appearance which would unduly affect the character and appearance of the area.
11. Taking into account the site's prominent position the scheme would not successfully integrate into the area. It would be very apparent and an intrusive form of development that would change the verdant appearance of the site to something more urban.
12. Whilst the appellant indicates that they are willing to introduce planting along the boundary, I am not persuaded that it would successfully assimilate the development into the area or that local character is best served through the screening of sites. Therefore, the harm that I have identified would not, in my view, be overcome through the imposition of conditions relating to landscaping.
13. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to DMP Policies DM10 and DM58 which, amongst other things, require developments to be carefully integrated into the

natural, built and historic environment and to minimise the visual and landscape impact of extended caravan sites.

14. The Council have referred to DMP Policy DM4 in the reasons for refusal. However, with particular regard to this main issue I have given it negligible weight in coming to my decision.

*Impact upon the setting of a designated heritage asset*

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
16. Rose Tree Farmhouse is a 17<sup>th</sup> century building with later alterations and additions and now comprises two dwellings. The building is rendered with a tile roof set behind a stone rubble wall. The listed building's significance is informed by its architectural and historical interest as a building dating back several centuries and its association with the surrounding rural landscape.
17. From the evidence before me, the appeal site historically was associated with Rose Tree Farmhouse. Whilst development has taken place around the building the land to the east, formed in part by the appeal site, has remained undeveloped and makes a positive contribution to the character of the area.
18. The extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. I acknowledge that the site has been physically separated from Rose Tree Farmhouse by the access road into the holiday park, however, it has the inherent value as an area of green and undeveloped land neighbouring the house and forms part of the setting of the listed building. In addition to the historical relationship between the appeal site and Rose Tree Farmhouse there is a visual one due to the inter visibility between the two.
19. The introduction of the built form into this verdant and open area would diminish openness and the site's contribution to the setting and significance of Rose Tree Farmhouse. The proposal in the manner shown would be very apparent and intrusive and would diminish the site's contribution to its setting and significance.
20. In light of the above, the proposed development would fail to preserve the setting of Rose Tree Farmhouse. In accordance with Paragraph 202 of the National Planning Policy Framework (the Framework), it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
21. The appellant is of the opinion that the proposal would be beneficial because it would assist with the running of the site. However, this is a private benefit and would not outweigh the harm that I have identified.
22. As such, in the absence of identified public benefits, I find that the proposed development would fail to preserve the setting of Rose Tree Farmhouse causing

less than substantial harm to its significance. The harm would clearly outweigh any perceived public benefits of the proposal.

23. I conclude that the proposed development would fail to preserve or enhance the significance of a designated heritage asset contrary to CS Policy CS5 and DMP Policy DM4 which, amongst other things, require development to preserve and where appropriate enhance the character, appearance and special interest of a listed building and its setting and the wider historic environment. It would also be contrary to the historic environment aims and objectives of the Framework.

### **Other Matters**

24. It is incumbent upon me to assess the merits of the proposal before me in respect of the main issues outlined earlier. Therefore, whether or not the appellant would opt to apply for an additional pitch if planning permission for the appeal development was to be refused is not a matter for me.

### **Conclusion**

25. For the reasons set out above the appeal does not succeed.

*B Thandi*

INSPECTOR