



Appeal Decision

Site visit made on 26 September 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/P0119/W/23/3317826

319 North Road, Yate, BRISTOL, BS37 7LJ

- 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 Mr G Smith against the decision of South Gloucestershire Council.
 - The application Ref P22/06602/PIP, dated 10 November 2022, was refused by notice dated 29 December 2022.
 - The development proposed is up to 3no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A layout plan has been submitted, which is clearly marked as indicative. I have therefore considered this as such.
5. The Council refused the application for two reasons as set out in the decision notice dated 29 December 2022. The second of those reasons, which related to highway safety, was subsequently withdrawn. I have considered the appeal on this basis.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

¹ Paragraph: 012 Reference ID: 58-012-20180615; Revision date: 15 06 2018

Reasons

7. The appeal site is situated on the western side of North Road on the edge of Engine Common, and comprises a large garden area surrounded by hedgerows and mature trees. To the south are several parcels of land which also appear to be used as residential gardens. To the north and west is open countryside.
8. The strategy for new housing in the Council area is set out in Policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (the Core Strategy) and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (the PSP Plan). These seek to direct new housing towards existing urban centres and defined rural settlements with existing facilities and services. The policies resist residential development outside of defined settlements in the open countryside, other than for specified reasons.
9. The appellant has set out that the proposed development would be located in close proximity to a number of sustainable transport options, and accessible local amenities. This would accord with Policies CS8 of the Core Strategy and PSP11 of the PSP Plan, which together seek to ensure that development is located close to existing facilities and services that are accessible by foot, bicycle or public transport, rather than having to rely on the private car. The Council does not contest this matter, and this relatively high level of connectivity is reflected by the classification of Engine Common as a defined settlement with a settlement boundary.
10. However, the appeal site is adjacent to but outside of the defined settlement boundary of Engine Common, and so is classed as being in the open countryside. The proposal would not meet any of the exceptions set out in Policy PSP40 which would allow for new residential development in the countryside. As discussed in greater detail below, neither would it protect the distinctive character of the rural area as required by Policy CS34.
11. The character of this section of Engine Common is distinctly linear in form, with a consistent building line fronting North Road on both sides. The linear form of the settlement is defined by both the simple repeating access points of individual properties on to the road, and by the views available between buildings and across open plots and gardens. To the east of the village, these views take in a relatively well-treed landscape, with some substantial blocks of woodland. To the west, the surrounding countryside is more open, with a series of open agricultural fields and smaller paddocks visible. In the context of the appeal site, residential roofs are notably absent beyond the single road frontage.
12. As a single dwelling fronting the road, the appeal property currently makes a positive and consistent contribution to the character of the settlement. Whilst the large rear garden of the appeal site is domesticated in character, as perceived from the road it is an open area, surrounded by hedgerows and trees. The absence of development within this space therefore maintains the prevailing linear form of this part of the settlement.
13. As highlighted by the appellant, there are some notable departures from the linear character of the village, taking the form of development behind the primary road frontage. To the north of the village, Tanhouse Lane runs perpendicular to North Road, and a series of small cul-de-sacs, including two

recently consented sites^{2,3}, has created a clustered form of development focussed around the intersection of North Road, Tanhouse Lane, and Engine Common Lane.

14. To the south of the village, Land To Rear of 229-221 North Road⁴ has consent for 9 dwellings in rear gardens of properties fronting North Road. There are also a large number of dwellings consented and constructed on land immediately to the west and south of this site. Together these schemes will form an urban area closely associated with the northern edge of Yate and the existing industrial development in that area.
15. In this wider context, Mission Road passes some distance to the south of the appeal site, and Engine Common Lane passes to the east of the village, introducing some development features into the wider landscape east and west of North Road. However, these lanes have their own, predominantly agricultural character, and do not affect the perception of development at or near to the appeal site.
16. Closer to the appeal site but on the eastern side of the road, The Acorns represents a small but distinct departure from the prevailing character, with numerous residential roofs and elevations visible behind the primary building line. More significantly, Land East of North Road⁵ represents a substantial change to local character, introducing a large number of dwellings east of the road. Despite ultimately approving this application in the planning balance, I note from the committee report that the Council found considerable harm to the character of the settlement, describing the development as further breaking down the linear settlement pattern of Engine Common.
17. Whilst recent developments and consented schemes have affected the character of the settlement to varying degrees, there remains a substantial stretch towards the centre of North Road that retains an uninterrupted linear character. This is particularly true of the western side of the village in the area of the appeal site. The proposal would represent a departure from the linear character in this location, and would harm local distinctiveness, both in terms of the direct perception of the new dwellings, and as part of a cumulative change towards a more densely developed settlement.
18. I acknowledge that there would not be far-reaching views of the proposed development, nor wider harm to the landscape character of the area. I also accept that the extent of the direct effects from the proposal would likely be limited to users of North Road viewing roofs of the proposed development between and behind the existing building line. However, there is no qualification in the development plan policies that unacceptable effects can only be caused by widespread harm. Moreover, the cumulative effect on the character of the settlement would be significant and adverse.
19. The Council is satisfied that at this stage of a permission in principle application, the proposed amount of development could be physically accommodated on the site without adversely affecting neighbouring amenity, and that sufficient space would be available to provide parking in line with local policy requirements. Following my site visit, I find no reason to disagree.

² Application reference P23/01219/PIP - Land At Tanhouse Lane Yate – Erection of up to 6 dwellings

³ Application reference P23/01377/PIP - Land At The Stables Tanhouse Lane Yate – Erection of up to 3 dwellings

⁴ Application reference P23/00742/PIP - Land To Rear Of 229-221 North Road Yate – Erection of 9 dwellings

⁵ Application reference P20/24044/O - Land East Of North Road Yate - Erection of up to 89 dwellings

20. However, for the reasons set out above, I conclude that the site is not suitable for residential development with regard to its location and the proposed land use. The proposal would conflict with Policies CS1, CS5 and CS34 of the Core Strategy, and Policies PSP1, PSP38, and PSP40 of the PSP Plan. Alongside setting the locational strategy for development in the Council area, these policies require that, amongst other criteria, proposals demonstrate that the siting of development is informed by, respects, and enhances the character and distinctiveness of both the site and its context. They also require proposals to demonstrate an understanding of, and respond constructively to the characteristics that make a particularly positive contribution to the distinctiveness of the area; and require that developments respect the building line and form of the street and surrounding area.
21. The proposal would also conflict with the aims of the National Planning Policy Framework, which at paragraph 130 seeks development that is sympathetic to local character including the surrounding built environment, and which maintains a strong sense of place.

Other Matters

22. The appeal site has been confirmed as a domestic garden by the grant of a Lawful Development Certificate. The appellant has brought to my attention that the site benefits from permitted development (PD) rights whereby significant buildings could be constructed in the rear garden, and this is a fallback position. However, no detail of such a scheme is before me, and without such information a full and detailed comparison with the case cannot be made. Additionally, there is no compelling evidence that the fallback position is a greater than theoretical possibility, or that if the appeal is dismissed the fallback would be pursued.
23. Even if buildings were constructed to the full limit of the available PD rights, any built form would, by its nature, remain ancillary in form and use to the main dwelling, and the height of any buildings would be limited. As a consequence, I find the suggested fallback position to have little weight in the determination of the appeal.

Planning Balance and Conclusion

24. The parties agree that the most important policies for determining the application are out-of-date, and paragraph 11d) of the Framework is engaged.
25. In the context of the Government's objective to significantly boost the supply of homes, three dwellings would make a small contribution towards the provision of housing in the area. I also attach positive weight to the potential for some modest economic benefits through the construction works, the potential expenditure in the area associated with future occupants of the proposal, and the use of land that may be termed previously developed in a location close to facilities, services, and existing active and public transport options. However, as the Council is able to demonstrate a 5 year housing land supply, I give the modest benefits associated with three dwellings limited weight.
26. Taking all of the above factors into account, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Consequently, the presumption in favour of sustainable development does not apply.

27. Overall, for the reasons given above, the proposal conflicts with the development plan when read as a whole and there are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR