



Appeal Decision

Site visit made on 20 November 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/P0119/W/23/3322304

Pipley Court Farmhouse, North Stoke Lane, Upton Cheyney, South Gloucestershire BS30 6NG

- 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 Jefferies against the decision of South Gloucestershire Council.
 - The application Ref P22/04953/F, dated 15 August 2022, was refused by notice dated 1 December 2022.
 - The development proposed is change of use of building from agricultural to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of building from agricultural to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works at Pipley Court Farmhouse, North Stoke Lane, Upton Cheyney, South Gloucestershire BS30 6NG in accordance with the terms of the application, Ref P22/04953/F, dated 15 August 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.
3. In the banner heading above, I have taken the description of development from the Council's decision notice and the appellant's appeal form as this more accurately describes the appeal proposal.
4. A revised site location plan has been submitted with the appeal which has reduced the curtilage to the immediate area of level hardstanding. I have taken this plan into account in my consideration of the appeal. Having regard to the relevant caselaw, I do not consider that any parties will have been prejudiced by my doing so.

Main Issues

5. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the Framework, taking into account the effect on the openness of the Green Belt and the purposes of including land within it;

- whether the proposed development would provide a suitable location for the proposal, having regard to the development strategy for the area and accessibility to key services and facilities; and
- if the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

6. The appeal site falls within land defined as Green Belt. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 154 and 155 of the Framework list a number of exceptions to this. One of the exceptions, criterion 'd' of paragraph 155, is the re-use of buildings provided that the buildings are of permanent and substantial construction, provided they preserve its openness and do not conflict with the purposes of including land within it.
7. Permanent and substantial construction is not defined in the Framework and is inevitably a matter of planning judgement. The existing agricultural building comprises a steel portal framed building, with concrete blockwork on the lower half, and timber Yorkshire Boarding on the top half. The roof is fibre cement profiled cladding, incorporating a number of existing rooflights. The structure appears robust and strongly built. The building appears in reasonable condition and considering no major rebuilding or extensions are required to convert the building, other than the recladding, I would consider the building meets the requirement of the Framework insofar as it is of permanent and substantial construction. I note that the Council also consider that the building is 'likely to be of substantial construction'.
8. Given my findings above, in order to ascertain whether or not the proposal would be inappropriate development, within the terms of Framework paragraph 155 'd', an assessment of its effect on openness and the purposes of including the site within the Green Belt is required.
9. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
10. The existing agricultural building sits relatively unobtrusively in the landscape. The land slopes down from North Stoke Lane to the north and the existing building has been sunken into the landscape. It is relatively hidden from wider views by the sloping landform and existing established vegetation, albeit it is appreciated that the site is slightly more open, and thus visible, from the northeast. Immediately to the south of the building is an existing stable block, which would be demolished as part of the proposal. Beyond the stable block, the land is wooded and falls steeply down to a stream to the south.
11. The existing agricultural building and stable block are situated on an expanse of hardstanding, on which there is currently the parking of agricultural

machinery and equestrian equipment, as well as the storage of metal gates and a large amount of chicken wire. Consequently, I do not consider that the appeal site is characterised 'by open agricultural land' as alleged by the Council. Verdant open countryside lies to the north, east and west of the site, alongside another residential property immediately to the north in the form of a bungalow. There is a distinct change in levels between the appeal site and the bungalow to the north, with established vegetation separating the 2 sites.

12. The proposed change of use would inevitably result in a more domestic appearance of the appeal site, with associated domestic paraphernalia and residential movements. However, this would be contained within the footprint of the existing hardstanding and where the stable block currently sits. It would not encroach into the surrounding countryside. The revised red edge location plan would restrict the associated curtilage to that of the existing hardstanding and old stable block, regardless of the fact that the wooded area which slopes down to the stream would already effectively limit the proposed curtilage. The scale of the revised garden area would be comparable to the rural workers dwelling to the north and would restrict the siting of any residential paraphernalia so that it would clearly be seen close to the former agricultural building. When compared to the existing situation, it is considered that the effect on both the visual and spatial aspects of openness would be negligible. Thus, I am satisfied that the openness of the Green Belt would be preserved.
13. The proposal would also be seen in the context of the residential property and its associated curtilage to the north. I acknowledge that the proposal could result in the introduction of domestic paraphernalia, including climbing frames, parked motorhomes, trampolines, above ground swimming pools and washing lines as asserted by the Council. However, the demolition of the stable building would result in a significant reduction of built volume on the site, which would reduce the impact on the openness. Furthermore, it is also noted that the Council's landscape officer raised no objection to the proposal, stating that 'given the proposal comprises an existing building, and the extent of surrounding vegetation cover, it is considered there will be a negligible visual impact on the openness of the Green Belt'.
14. I acknowledge the caselaw of *Smith v SSCLG [2017] EWHC 2562 (Admin)*, which confirmed that, in that case, the proposed fencing, bin storage, car parking space and domestic paraphernalia would fail to preserve openness. However, for the reasons outlined above, I am satisfied that in the circumstances of the proposal before me now, largely in part due to the demolition of the large stable building, that the openness of the Green Belt would be preserved.
15. The Council draw my attention to an earlier appeal decision¹ in support of their case. However, whilst I do not have the full details before me, from the appeal decision, it appears that the proposal before me now differs from this. Most notably, this earlier proposal involved encroachment into the countryside, beyond the 'shallow hardstanding', whilst the proposal would restrict development to the existing hardstanding. It also did not involve any existing buildings being demolished, unlike the appeal proposal. Therefore, whilst the contents of this earlier decision are noted, I have considered this appeal proposal on its own merits and concluded that it would not be inappropriate

¹ APP/P0119/W/21/3280870

development in the Green Belt. It would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Consequently, there does not need to be 'very special circumstances' required to justify the proposal.

16. Therefore, for the reasons set out above, the proposal would not be inappropriate development in the Green Belt, having regard to the Framework taking into account the effect on the openness of the Green Belt and the purposes of including land within it. It would be in accordance with paragraphs 142 and 143, criterion c) which requires development to keep land in the Green Belt permanently open, recognising that the essential characteristics of the Green Belts are their openness and their permanence. The proposal would also safeguard the countryside from encroachment.

Suitable Location

17. The appeal site is situated outside of any defined settlement boundary. Upton Cheyney is the closest village at approximately 600m from Pipleay Court Farmhouse, which offers a community shop and a pub, and would be accessible via North Stoke Lane. However, in order to access most day to day facilities and services, future residents would have to travel further afield. It is noted that there are no bus services currently operating through or from the village, meaning it is reasonable to assume that future occupants of the proposal would be largely reliant on the private car to access key services and facilities which are not provided in Upton Cheyney. Furthermore, North Stoke Lane is a narrow rural road, with no street lighting or pavement, and enclosed with high hedges on both sides. Therefore, it would not represent an attractive environment for cycling, nor would it be appealing to walk, for future occupants to access the limited services in Upton Cheyney.
18. PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (PSP) (adopted November 2017) relates to transport impact management and requires development to be located on safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities, or located on safe, useable walking routes, that are an appropriate distance to a suitable bus stop facility, served by an appropriate public transport service, which connects to destinations containing the remaining key services and facilities, amongst other criteria. The supporting text to Policy PSP11 sets out what the Council consider to be appropriate walking and cycling distances.
19. It is acknowledged that the proposal would, on the face of it, be in conflict with Policy PSP11. This is by virtue of the distance from key services and facilities, the lack of a safe and reasonable means of pedestrian and cycle access to Upton Cheyney, and the lack of an appropriate public transport service to connect to other destinations that contain the remaining key services and facilities.
20. However, Policy PSP40 of the PSP supports residential development in the open countryside under certain circumstances, one of which is for the conversion and re-use of existing buildings for residential purposes (criterion 4). It is also noted that the Council agrees that the appellant has 'on the balance of probabilities, created a satisfaction level that the development complies with the criteria listed under Part 4 of PSP40'. I have no reason to disagree and consider that the proposal represents the type of rural residential development supported by the development plan in Policy PSP40.

21. Furthermore, opportunities to maximise sustainable travel choices are going to vary between urban and rural areas, as acknowledged in paragraph 109 of the Framework. However, by the very nature that Policy PSP40 is one of the specific policy exceptions to the overall development strategy is recognition that the conversion of an existing building is one of the ways to provide residential development in a rural area. Therefore, there is a balance to be struck between what is considered as acceptable rural development, such as the conversion of an existing building, whilst recognising the lack of available sustainable travel opportunities that exist in rural areas.
22. There is also an existing level of daily traffic movements associated with the existing building in order to access the nearby services and facilities. Furthermore, the Council's Transport Officer did not raise any objection to the proposal, recognising that 'given the extant use of the buildings and the fact that the proposal would not involve extension of the existing footprint of the building then, the proposal would not create a significant amount of traffic, thus it will not raise any highway or transportation issues which could be considered to be severe nor is this likely to represent a significant intensification of the use of the site'. Consequently, they did not have a transportation objection. I have been provided with no substantive evidence to come to a different conclusion on the matter.
23. The Council have drawn my attention to 2 earlier appeal decisions². However, I do not have the full details of these proposals so I cannot be certain that they would be directly comparable to the proposal before me. Nevertheless, I can see from the appeal decisions alone that they differ significantly from the proposal before me now as they did not relate to the conversion of existing buildings. The proposal before me now would be in accordance with Policy PSP40 whereas the Inspectors in these other appeals both came to the conclusions that the proposal before them did not meet any of the exceptions set out in PSP40. Therefore, different policies of the PSP would be determinative, and I can only attach limited weight to these other decisions.
24. Therefore, the proposal would be in conflict with Policy PSP11 of the PSP. Nevertheless, the harm resulting from this conflict would be minor given the existing use of the appeal site and the scale of the proposal. Having regard to the development plan as a whole, any conflict with PSP11 would not be determinative in this case due to the proposal being in accordance with Policy PSP40 of the PSP, which supports the conversion and re-use of existing buildings for residential purposes in the open countryside. Therefore, for the reasons above, I conclude that the proposal is in a suitable location for the proposal, having regard to the development strategy for the area and accessibility to key services and facilities.

Other Matters

25. The appeal site is located within the Cotswold National Landscape (previously known as the Cotswold Area of Outstanding Natural Beauty (AONB))³. The Council has not advanced any reasons for refusal associated with harm to the National Landscape, and neither party has provided any substantive evidence

² APP/P0119/W/21/3282253 and APP/P0119/W/19/3243836.

³ On 22 November 2023, all designated AONB's in England and Wales became 'National Landscapes'.

to suggest that harm to the National Landscape would arise. I see no reason to come to a different conclusion on this matter.

26. Whilst it did not form a reason for refusal, the Council's 'Delegated Report' raises concern with the design of the proposed conversion, stating that it would not constitute high standards of design. The report continues and states 'the proposed design is without a doubt of less architectural prowess and would in any other instance be pursued by the Council as to achieve a greater level of design, but due to the above in principle objection, this line of enquiry has not been conducted'. The Council has not advanced any further evidence on this matter. However, having regard to the evidence before me and the context of the proposal in the landscape, I consider that the design would be acceptable.

Conditions

27. The Council has not suggested any conditions. To meet legislative requirements, a condition shall be imposed to address the period for commencement. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
28. A landscaping condition is necessary in the interests of the character and appearance of the area.
29. A condition to ensure the development is carried out in accordance with the Bat Survey Report (Crossman Associates, September 2022), including the approval of the location and specifications of the ecological enhancements, is necessary to ensure the proposal would not harm protected species. A condition to require a Preliminary Ecological Appraisal on the stable building to be demolished is considered necessary in order to ensure protected species, most notably bats, would not be harmed. Given the results of the bat survey on the main building, I am satisfied that this could reasonably be addressed via a suitably worded condition.
30. As the Council's Planning Ecologist's recommends, a condition to ensure that the details of any external lighting should be submitted for the Council's approval is considered reasonable and necessary to ensure that there would be no adverse impact on protected species and the rural character of the area.
31. A condition requiring details of the provision of sufficient parking and turning spaces to serve the proposal is considered necessary to ensure that there are adequate parking facilities to serve the development, in the interests of highway safety.
32. Finally, a condition to secure details of the works for the disposal of sewerage so that there is not an increase in the risk of flooding, or a risk to public health, or the environment, is both reasonable and necessary.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and details:
 - Revised Site Location/Block Plan
 - Existing Site Plan
 - Proposed Site Plan
 - Existing Floor Plan (9522/2)
 - Proposed Ground Floor Plan (9522/3)
 - Proposed First Floor Plan (9522/4)
 - Existing Elevations (9522/1)
 - Proposed North and East Elevation (9522/6)
 - Proposed South and West Elevation (9522/5)
- 3) No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. It shall also include specifying boundary tree/hedgerow protection measures to BS5837:2012, and providing details of the location, species, stock size, planting centres and quantities of all proposed tree and hedgerow planting,

All planting, seeding or turfing comprised in the approved details of landscaping shall be implemented in full and carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The development hereby approved shall be carried out in strict accordance with the Mitigation Measures provided in the Bat Survey Report (Crossman Associates, September 2022). Prior to commencement of works, a plan detailing the location and specifications of ecological enhancements detailed within Bat Survey Report shall be submitted and approved by the local authority. This includes, but not limited to, bat and bird provisions. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 5) Prior to the commencement of development, a full Preliminary Ecological Appraisal (PEA) shall be undertaken on the stable building to be demolished to fully assess the impacts to protected species. This PEA shall be submitted to and approved in writing by the local planning authority before any

development takes place. The development hereby permitted shall then be carried out in strict accordance with any additional approved measures.

- 6) No external lighting shall be installed within the approved application site unless and until details of the lighting have first been submitted to and approved in writing by the local planning authority. The details shall include the type, wattage, location, and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.
- 7) No dwelling shall be occupied until a plan is submitted to and approved in writing by the local planning authority showing space within the site for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. This parking and turning plan shall be implemented in full and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 8) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the approved details.