



Appeal Decision

Hearing held on 19 December 2023

Site visit made on 19 December 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/P0119/W/23/3328020

Stockleaze, Latteridge Lane, Iron Acton, South Gloucestershire BS35 3TF

- 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 David Smith against the decision of South Gloucestershire Council.
 - The application Ref P22/06322/F, dated 4 November 2022, was refused by notice dated 17 February 2023.
 - The development proposed is the erection of 1 no. log cabin to form temporary rural workers dwelling for a period of 3 years and erection of a building to form pigeon loft.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. log cabin to form temporary rural workers dwelling for a period of 3 years and erection of a building to form pigeon loft at Stockleaze, Latteridge Lane, Iron Acton, South Gloucestershire BS35 3TF in accordance with the terms of the application, Ref P22/06322/F, dated 4 November 2022 subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision, but as it does not involve changes to national policy affecting the proposal, I did not seek the parties' comments upon it.
3. I have utilised the description of development provided on the decision notice as this more accurately describes the proposal, including reference to the temporary nature of the proposed dwelling.
4. The Council's fifth reason for refusal related to the impact of the proposed development on biodiversity. In response to this particular matter, the appellant provided a Preliminary Ecological Appraisal¹. The Council has confirmed that following the review of this information, their ecological concerns have been resolved. I agree, and I have not considered this matter further.

¹ All Ecology, August 2023

Main Issues

5. The main issues are:

- whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the Framework;
- the effect of the proposed log cabin on the openness of the Green Belt;
- whether there is an essential need for a rural worker to live at the site;
- whether the appeal site is in a suitable location for residential accommodation, having regard to access to services and facilities;
- the effect of the log cabin on the character and appearance of the area; and,
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

6. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.
7. The Framework at paragraph 154 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The proposal includes a log cabin which the main parties agree would not meet any of these exceptions or those set out at paragraph 155 of the Framework. It would therefore be inappropriate development.
8. The proposal also includes a pigeon loft which would provide accommodation for racing pigeons, an outdoor recreational pursuit. As such, this element of the proposal would relate to the provision of appropriate facilities in connection with outdoor recreation. However, this is subject to the facilities preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.
9. As the proposal would introduce a pigeon loft building, where there is currently none, it would be harmful to the spatial aspect of openness. Although its height would be limited to 3.2m, given its large footprint, the bulk and mass of this building would fail to preserve the openness of the Green Belt in visual terms. This impact would not be offset by the positioning of the proposed loft building in line with the existing loft nor the intended use of timber cladding. Reference has been made to the retention of existing hedgerows and new planting, but the proposal would still be seen from certain public vantage points, and it would therefore fail to preserve the openness of the Green Belt. By spreading development into an open area of land forming part of the countryside, the

development also contravenes one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment.

10. I therefore conclude that the appeal proposal would be inappropriate development in the Green Belt. It would conflict with the Framework in this regard, and it would be contrary to Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Local Plan), which set out that inappropriate development is harmful to the Green Belt.

Openness - Log Cabin

11. The proposed log cabin would introduce development on part of the site which is currently free from such development. There would, therefore, be a greater spatial impact on the openness of the Green Belt due to the quantum of development proposed compared to the existing situation. The log cabin would be located at the end of the access road into the site and would therefore be clearly seen from Latteridge Lane, despite any existing or proposed planting. As such, the change from the existing situation would adversely impact the visual aspect of openness.
12. I therefore conclude that the proposed log cabin would lead to a harmful loss of openness to the Green Belt. This would be contrary to Paragraph 142 of the Framework, which sets out the essential characteristics of Green Belts are their openness and their permanence. It would also conflict with Local Plan Policy PSP7, which seeks to avoid harm to the Green Belt.

Whether there is an essential need for a rural worker to live at the site

13. The appeal site contains an existing pigeon loft which accommodates a racing pigeon breeding business. There are currently around 78 breeding pairs, with proposals to increase this to 120 pairs for the 2024 season that would be the maximum capacity of the existing loft. In addition to the breeding business, the appellant, who has a lifetime of experience in breeding and racing pigeons, proposes to establish 'one loft' races, where competitors can own and race pigeons, without the management and training responsibility. It is proposed to have 800 pigeons as part of the one loft enterprise.
14. The appellant has set out the need for one full time worker in connection with the existing breeding business. The majority of the duties are routine and undertaken between the hours of 0600 through to 1930. There are however issues that can arise during the evening and night which require immediate action, including ensuring adequate ventilation, and preventing risks from predators and security. If the environment in terms of temperature, airflow and humidity within the loft is not regulated, it could quickly impact on the pigeons. The appellant has explained that pigeons are more susceptible to respiratory conditions than other birds such as chickens. Although reference was made to automated systems, the Council were not able to identify any products for a pigeon loft that could regulate these environmental factors. The appellant advised that an on-site presence would allow manual adjustments to the existing and proposed lofts, which could require attention 24-hours a day.
15. Certain measures, such as fencing used by free range poultry units, could be used to address risks from certain predators such as foxes and badgers. The appellant advised that close supervision is required as rats also pose a threat due to the small size of pigeons relative to other birds. Frequent checking of

the fencing may not be effective for rats that can gnaw through a fence in a short period of time.

16. The appellant also advised that aside from actual physical incursion, the pigeons are susceptible to panic from predatory birds such as hawks that can grip on to the side of the loft. This panic can trigger heart attacks and consequent bird losses. An on-site presence, and the use of CCTV with sound would allow for such issues to be detected and responded to almost immediately. The poor internet prevents the effective monitoring of these issues outside of normal working hours from locations away from the appeal site.
17. The appellant has raised security concerns, but there is limited evidence before me of security problems such as theft at the site that would justify the need for a rural workers' dwelling on the site. The additional site presence and surveillance that would be provided by such a dwelling, would however increase site security and provide confidence to the owner of birds as part of the 'one loft' enterprise that there is somebody residing at the site. This does therefore weigh in favour of the proposal.
18. Financial information for the two-year period 2021 and 2022 has been provided in relation to the pigeon breeding business to show a profit in these periods irrespective of any future expansion by increasing breeding birds. Although there are no labour costs accounted for, the appellant clarified that the profit meets the minimum wage level for one full time worker, and not two as the Council has referenced. Furthermore, all the main fixed costs have been accounted for given that there is no mains electricity.
19. The financial projection for the 'one loft' enterprise is based on an income from 800 pigeons, as well as income from the sale of pigeons after the race when pigeons are sold at auction with the proceeds of that income shared between the business and the pigeon owner. Although it is possible that some birds remain unsold at auction, the proceeds from the auction form a small part of the overall income for this business.
20. The appellants' expertise in pigeon breeding is not in doubt and he is well known in the UK pigeon racing sector. The prize money being offered by taking part in the proposed one loft race is likely to generate significant interest and, in this regard, the appellant has provided evidence of consumer demand.
21. Although the budget does not itemise wages, the profit level allows for an income to be drawn by two full time workers. The forecast includes the costs of constructing the proposed pigeon loft which would be adequately sized for the proposed number of pigeons, and the appellant has explained how the costs of the proposed log cabin would be met. Whilst an element of uncertainty is inherent in any new business proposal, I consider that sufficient financial information has been presented to demonstrate the viability of the proposed business.
22. It was accepted by the Council that there is no other suitable and available accommodation in the area. As such, for the reasons set out, I conclude that the essential need for a rural worker to live at the site has been demonstrated. The proposal would not therefore be contrary to Policy CS5 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (Core Strategy) or Policies PSP40 and PSP41 of the Local Plan, which seek, amongst other

matters, to control development outside of settlement boundaries and support a rural workers dwelling where a need has been established. It would also not be contrary to Paragraph 84 of the Framework in this regard.

Access to services and facilities

23. The appeal site is situated around 4.5km from the nearest settlement, Thornbury, which provides a range of shopping, educational and recreational services. Given this distance, and that access to this settlement is along roads that do not have a separate footway and are unlit, future occupiers of the log cabin will be dependent on a private vehicle for day-to-day needs. However, it was accepted by the Council that should an essential need for a rural worker be demonstrated, then this would justify living at their place of work in a countryside location.
24. I therefore conclude that the proposal is in a suitable location for residential development and as such, it would not conflict with Policies CS4A and CS8 of the Core Strategy, Policy PSP11 of the Local Plan or Section 9 of the Framework in this regard.

Character and appearance

25. The appeal site is situated in a rural area that contains a dispersed pattern of development formed of small groups of buildings surrounded by fields and open areas of land. These are bound by mature hedges and trees which gives the area a verdant, spacious character that contributes positively to the wider countryside setting.
26. The proposed log cabin would be located towards the rear boundary of the site, like the existing and proposed buildings. While it would be orientated differently to those buildings, I do not consider that it would harm the rural character of the area where buildings are typically sited in an organic rather than a regimented layout.
27. There would be an increase in and residential paraphernalia but given the former would be at ground level and any domestic activities would be seen from the road and the public footpath through and in the backdrop of the verdant boundary treatment, it would not be unduly harmful to the area's rural character.
28. I therefore conclude that the proposed log cabin would not have an adverse effect on the character and appearance of the area. As such it would not be contrary to Policies CS1 and CS34 of the Core Strategy nor with Policies PSP1 and PSP7 of the Local Plan, which seek, amongst other matters, high quality design that protects, conserves and enhances the rural areas' distinctive character. It would also not be contrary to the Framework which seeks at paragraph 135 c) for development to be sympathetic to local character.

Planning Balance

29. The proposal is inappropriate development within the Green Belt. The Framework clearly sets out that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The log cabin would harm the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless

the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

30. An essential need has been demonstrated by the appellant for this proposal relating to the pigeon breeding and racing enterprise. I attach very substantial weight to the compelling case for this specialist proposal.
31. Whilst protecting the Green Belt is a matter of great importance, in this instance, the identified harm would be clearly outweighed by other considerations. Accordingly, the very special circumstances necessary to justify the development have been demonstrated.

Conditions

32. As the log cabin is being permitted to support an essential need in a location where residential development would not normally be permitted, a condition is necessary restricting occupancy to a person working at this rural business. The proposal is for a temporary dwelling, and as the 'one loft' enterprise is a new rural business, Policy PSP41 of the Local Plan sets out the need for a temporary permission to establish the long term viability of the business. This condition requires the removal of the dwelling before the end of the three year period of the permission. A condition is also necessary removing permitted development rights for extensions or alterations in the interests of the openness of the Green Belt, and to ensure a satisfactory appearance of the development.
33. Conditions are necessary in relation to landscaping and drainage in the interests of the character and appearance of the area and to secure suitable drainage respectively. It is essential for the latter condition to be pre-commencement for flood prevention and pollution control reasons.
34. It is necessary for the development to be undertaken in line with the mitigation measures in the Preliminary Ecological Appraisal, as well as the ecological enhancements contained within this Appraisal. A separate condition is not necessary in relation to external lighting as this is addressed by the condition relating to ecological mitigation measures. A condition requiring details of cycle parking is necessary to encourage sustainable means of travel.
35. It is not necessary for a condition requiring an electric vehicle charging point as this is a matter covered by Building Regulations. Although a tree/hedgerow protection plan has been suggested, I do not consider this is necessary given the development would be set away from the boundaries, the extent of hardstanding proposed and that the development would utilise the existing access.

Conclusion

36. For the reasons set out above, I am satisfied that very special circumstances exist which justify the development and the scheme should be determined other than in accordance with the development plan. I conclude that the appeal should be allowed.

F Rafiq

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: Site and Location Plan – Dwg No SMI/1181/PL/10/22/004/A, Proposed Plans and Elevations – Dwg No SMI/1181/PL/08/21/001/B, Log Cabin Manufacturer Details (by Timber Specs UK Ltd) – Three Bedroom Log Cabin on Page 44.
- 3) The temporary rural workers dwelling hereby permitted shall be removed and the land restored to its former condition on or before three years from the date of this permission.
- 4) The occupation of the dwelling hereby permitted shall be limited to a person working solely or mainly working at the pigeon enterprise at the appeal site, or a widow or widower of such a person, and to any resident dependents.
- 5) No above ground development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the location, species, planting sizes, spaces and numbers of trees, shrubs and hedges to be planted, as well as all proposed boundary and hard landscape surface treatments. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter for the duration of this permission. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 3 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species.
- 6) No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.
- 7) The development hereby permitted shall be undertaken in accordance with the mitigation measures within the Preliminary Ecological Appraisal (All Ecology August 2023), including those relating to lighting.
- 8) The development hereby permitted shall not be first occupied until the ecological enhancements detailed within Section 6 (Site Enhancement Plan) of the Preliminary Ecological Appraisal (All Ecology August 2023) have been installed. The enhancement measures shall be retained as such thereafter.
- 9) The development hereby permitted shall not be first occupied until a scheme for the provision of cycle parking has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter.
- 10) Notwithstanding the provision of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, C, D, E, F, G and

H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved shall be carried out.

End of schedule

APPEARANCES

FOR THE APPELLANT:

David Smith

Appellant

Abigail Snook

Mark Snook Planning

Robert Fox

Fox Rural Planning & Land Management

FOR THE LOCAL PLANNING AUTHORITY:

Oliver Phippen

South Gloucestershire Council