



Appeal Decision

Site visit made on 18 January 2024

by Lewis Condé, BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Appeal Ref: APP/F0114/W/23/3320480

Rudgeworth, Woollard Lane, Whitchurch, Bristol BS14 0QR

- 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 John Maddocks against the decision of Bath and North East Somerset Council.
 - The application Ref is 22/03284/FUL.
 - The development proposed is Demolition of existing equestrian stables and the erection of a bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was issued on 19 December 2023. Both main parties were offered the opportunity to comment on the implication of the changes to national policy on the appeal proposal. Where received, comments have been taken into account.
3. Although not cited on its decision notice, it is clear from the original officer's report and the Council's appeal submission that Policy CP8 (Green Belt) of the Bath and North East Somerset Core Strategy (adopted 2014) (the Core Strategy), is of relevance to its first reason for refusal, whilst the appellant has also commented on this policy as part of his appeal submission.

Main Issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii) the effect upon the openness of the Green Belt;
 - iii) whether the appeal site would be a suitable location for new housing, with specific regard to access to services and facilities; and
 - iv) if the development is inappropriate, 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 development.

Reasons

Whether inappropriate development and effect on openness

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Core Strategy Policy CP8 is consistent with the Framework in that it specifically seeks to protect the openness of the Green Belt in accordance with national planning policy.
6. The Framework further establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraphs 154 and 155 of the Framework. Of relevance to the appeal proposal is Paragraph 154 g), which provides an exception for the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
7. I am satisfied based on the evidence before me and my observations on site, that the appeal buildings have an equestrian use and therefore comply with the definition of previously developed land, as set out in Annex 2 of the Framework. As such, consideration must turn to whether the proposal would have a greater impact on the openness of the Green Belt than the existing development at the site. In considering the effect on openness I have had regard to both its visual and spatial aspects.
8. The appeal proposal would result in the removal of three stable buildings, and their replacement with a three-bedroom bungalow. Despite the dwelling's design incorporating low-eaves, it would have a greater overall height than the existing buildings on the site. The proposed dwelling's volume would also very marginally exceed the cumulative volume of the existing equestrian buildings. However, the proposed dwelling would have a notably smaller footprint compared to the combined footprint of the existing buildings at the site.
9. The appeal scheme would also reduce the spread of buildings across the site through largely amalgamating the built form. Although the proposed dwelling would occupy a rather central position within the site and be of increased height, it would remain some distance from the nearest public vantage points and behind existing mature boundary vegetation. Accordingly, public views of the proposal would be highly limited, whilst most likely being highly transient in nature.
10. Additionally, the appellant has highlighted that the proposal would involve replacing sizeable areas of existing hardstanding at the site with soft landscaping. This could be secured by a suitably worded condition(s) should planning permission be granted. Although there is likely to be domestic paraphernalia associated with the proposed residential use, it remains that the existing use also attracts associated paraphernalia (e.g. horseboxes/trailers, equine equipment, existing boundary fencing). Again, a condition could also be attached to any grant of permission to control matters, such as, the erection of outbuildings, fencing, etc. associated with the proposed domestic use, thereby further limiting the potential effects of the development.

11. Bringing the above together, despite the proposed dwellinghouse having a greater overall height and a slight increase in volume, compared to the existing buildings on site, it would reduce the overall footprint and spread of built form across the appeal site. I am therefore satisfied that the appeal scheme would not have a greater impact on the openness of the Green Belt than the current situation.
12. Accordingly, the proposal would not be inappropriate development in the Green Belt. In respect of this main issue, the appeal scheme therefore complies with Core Strategy Policy CP8 and the provisions of the Framework.
13. The Council has also referred to Policy GB1 of the Bath and North East Somerset Placemaking Plan (adopted 2017) (the Placemaking Plan) in its appeal statement. This policy sets out that development within, or conspicuous from, the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reasons of its siting, design or materials used for its construction. However, whilst the Council raised concerns in respect of the proposal's impact on the openness of the Green Belt, no specific concerns have been raised with regards to the proposals impact on its visual amenities. Instead, the case officer's report highlights the general design and materials as being acceptable. In any case, I am satisfied that the proposed development due to its siting, design and use of materials would not conflict with Policy GB1.

Suitable Location

14. The appeal site is located off Woollard Lane, a rural country road. Despite Woollard Lane containing ribbon development, and the site being positioned amongst a cluster of existing dwellings, it remains that the appeal site is located a considerable distance outside of any defined settlement boundaries. It is therefore in open countryside for planning policy purposes.
15. Policy DW1 of the Placemaking Plan sets out a district wide spatial strategy and highlights that the overarching strategy is to promote sustainable development. It sets out a number of objectives to achieve this, including through focusing development where it would have greatest access to facilities and services, as well as prioritising the use of brownfield land. In respect of rural areas, Policy DW1 identifies that development is to be located at settlements with a good range of local facilities and with good access to public transport.
16. Meanwhile, Policy ST1 of the Placemaking Plan seeks to promote sustainable travel and outlines a number of principles that development proposals will be assessed against. A key aspect of the policy is reducing dependency on the private car, including through locating development where genuine alternatives to private car usage and opportunities to reduce travel distances exist.
17. The site lies approximately 650m from the edge of the village of Whitchurch. However, from my observations on site and the evidence before me, most of the facilities and services that Whitchurch contains are set a considerably further distance from the appeal site. Indeed, the appellant has highlighted the site's proximity to some key facilities and services, including educational institutions, and the nearest retail centres and supermarket, which are each located between approximately 1.5km to 3km away. As such, there are limited facilities and services in the vicinity of the site.

18. In addition to the distances involved to facilities and services, the appeal site's context is also generally not suitable to encourage walking or cycling as a means of transport. Despite the presence of housing, Woollard Lane is an unlit rural road, subject to a 60mph speed limit, that is bordered by vegetation and only limited grass verges, with the nearest pavements located a significant distance from the site.
19. Pavements are located adjacent to the A37, which extend to the village of Whitchurch. Additionally, there are also bus stops located on the A37 (the nearest set approximately 800m from the appeal site) which provide regular services between Bristol and Street, as well as being on the route of a local secondary school. However, even accounting for a shortened route through Whitchurch Cemetery, the pavements and bus stops located alongside the A37 remain a significant distance from the appeal site. Notably, to access the bus stops or pavement network, it would still be necessary to travel approximately 350m along the rather narrow and trafficked Woollard Lane, which as detailed above does not benefit from pavements or lighting.
20. The absence of pavements and lighting in the immediate vicinity of the site may not deter all persons from walking or cycling to utilise the bus stops or wider facilities and services. Nevertheless, I consider it would still be a hinderance that would deter most occupants of the proposed dwelling, especially during adverse weather or periods of darkness. Therefore, future residents are likely to be heavily reliant on the use of private vehicles. This would be the least sustainable travel option.
21. In rural areas, the potential for alternative means of transport is often limited. However, in this case, I find the site's characteristics would not encourage future residents to use alternative modes of transport or provide genuine, usable, or practical alternative modes.
22. Whilst the current equestrian use of the site is also likely to generate vehicle trips, I am not convinced that this would be at a comparable level to its use as a three-bedroom dwelling. The appellant has provided several Google Earth images (from periods between 2003 and 2023) that demonstrate a range of vehicles parked at the site. However, each of the images provide only a precise snapshot in time and do not demonstrate the overall level of vehicle movements to/from the site. From the imagery, it is also unclear whether some vehicles shown were being stored at the site as opposed to making frequent trips to/from the site.
23. The appellant has indicated a willingness to accept a condition on the grant of a permission that would require the proposal to incorporate electric vehicle charging points. This could encourage the use of electric vehicles as sought under Policy ST1. Nonetheless, due to the site's location and the reliance on private motor vehicles, the proposal would remain contrary to the fundamental aims of the policy in terms of promoting sustainable travel.
24. The appeal scheme would also utilise brownfield land, which is encouraged under Policy DW1 as part of the Council's strategy for promoting sustainable development. However, this does not negate the fact that the location of the proposed development is also a key component of sustainable development.
25. Overall, I find that the appeal site is not a suitable location for residential development having regard to its access to facilities and services. Indeed, it

would conflict with Policies DW1 and Policy ST1 of the Placemaking Plan. It would also conflict with the aims of the Framework in respect of promoting sustainable transport.

26. In refusing planning permission the Council has also referred to Policies RA1 (Development in the Villages meeting listed criteria), RE4 (Essential Dwellings for Rural Workers) and RE6 (Re-use of Rural Buildings) of the Placemaking Plan. However, although the policies provide a further indication of the Council's spatial strategy, including development proposals that may be appropriate in countryside locations, I have not found them to be directly relevant to the appeal proposal.

Other Matters

27. There would be socio-economic benefits associated with the delivery and subsequent occupation of the proposed development, albeit such benefits would be limited given that the scheme would involve a single dwelling. As indicated, I am satisfied that the proposal would not reduce the openness of the Green Belt, instead, it is likely to have a very minor positive impact on its openness. Nonetheless, these benefits do not overcome my above concerns and therefore my decision does not turn on these matters.
28. I am also mindful that Paragraph 83 of the Framework promotes that housing in rural areas, should be located where it will enhance or maintain the vitality of rural communities, this includes where there are groups of smaller settlements, development in one village may support services in a village nearby. However, in this instance, the limited economic benefits that the appeal scheme would deliver to the vitality of the rural community would not outweigh the harm caused by its unsustainable location.

Conclusion

29. The appeal scheme conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight, including the approach of the Framework, that indicate that a decision should be taken other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR