



Appeal Decision

Site visit made on 2 July 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/D0121/W/24/3337611

Land to west of Bramley Rise, Clevedon Road, Tickenham BS21 6SS

- 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 James Hutchinson, Woodstock Homes (Construction) Ltd against the decision of North Somerset Council.
 - The application Ref is 23/P/2474/PIP.
 - The development proposed is infill residential development for up to 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle which is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (permission in principle stage) establishes whether a site is suitable in-principle, and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of considerations for permission in principle are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. Drawings have been submitted in this appeal showing details of site layout. However, in light of the above, I have considered these as indicative only in this appeal.
4. Attention is drawn to policies of an emerging plan. However, that plan is at the pre-submission stage and subject to consultation. Therefore, there may be matters yet to be resolved. Accordingly, I attach limited weight to that Plan.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework – December 2023 (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;

- Whether the appeal site would be a suitable location for residential development having regard to the locational strategy of the development plan and the effect of the proposal on the character of the area; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering any planning application, that substantial weight is given to any harm to the Green Belt. This is reflected in the supporting text of Policy CS6 of the North Somerset Council Core Strategy (Core Strategy) which acknowledges the key feature of Green Belts is its permanence. Policy DM12 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (Policies Plan) in accordance with provisions of the Framework, states inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances.
7. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, the Framework identifies exceptions to this, and this includes at paragraph 154 e) limited infilling in villages.
8. Generally consistent with this, Policy DM12 of the Policies Plan states that limited infilling and redevelopment will not be regarded as inappropriate within those villages washed over by Green Belt, but which have retained their settlement boundaries. The main parties agree that the appeal site is outside a settlement boundary.
9. Limited infilling is not defined in the Policy DM12 or the Framework. The Courts have held, in respect of this issue, that it is a matter of fact and judgement, taking account of factors on the ground as well as relevant policies. This could include the nature and size of the development, and the juxtaposition of the site with surrounding buildings and any open land beyond.
10. While Tickenham comprises some secondary roads and lanes, the settlement is strongly characterised by a ribbon of development that lines Clevedon Road. The appeal site, accessed via a short cul-de-sac of development, is a relatively undeveloped paddock at the rear of properties that front Clevedon Road.
11. Although there are dwellings beyond the western boundary of the appeal site, that sparse development is accessed by a separate lane off the main road. Also, there are scattered properties to the rear of the paddock, but those properties are divided from the appeal site by an expanse of grassland and an orchard. This grassland sweeps down to the appeal site and as such the site appears part of undeveloped land around the rural settlement. Taking account of these factors, although bounding existing development, the site does not appear as a gap in the development that comprises this village. In turn, this development would not infill a gap in the village.
12. The indicative plans show that the site could accommodate four dwellings. It is understood that draft policies of the emerging plan seek to define 'limited' but

given the stage of that plan, for the reasons already stated, I attach limited weight to this. This aside, even if I accept that four dwellings would be limited, the proposal will not constitute infill in a village for the reasons outlined above.

13. While the new dwelling at No 25 is not on the main road, the site is between two existing properties along an existing access road, such that it is a gap in development on that lane. Attention is drawn to other developments granted permission by the Council in the village. However, unlike the appeal site, the relatively recent developments at Nos 92 – 98, Nos 68 and 82 and Star Inn front Clevedon Road. Also, similar to this circumstance, the development allowed on appeal at Long Aston fronts the main road in that largely linear settlement.
14. Common to all the above developments is that the sites appear to be gaps in an otherwise built-up frontage of a settlement. Recent planning decisions in the area do not appear inconsistent in this regard. Moreover, those developments are distinctly different in this respect from the proposal before me and have not altered my findings for this reason.
15. Therefore, I find on this matter, that the proposal would not comprise limited infilling in a village. Consequently, the proposal would not satisfy the requirements for the exception set out in paragraph 154 e) of the Framework and Policy DM 12 of the Policies Plan and would therefore be inappropriate development in the Green Belt.

Openness

16. Paragraph 142 of the Framework establishes 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 permanence.
17. As already stated, Tickenham generally comprises a ribbon of development, with a very limited number of lanes branching from a main road. The existing development of this village is largely fringed by paddocks, hedge lined fields and small pockets of woodland. While close to existing village development, the appeal site is principally grassland with few structures and has an open character in this respect. This undeveloped appearance contributes to the existing open character of the Green Belt that surrounds this rural settlement.
18. The indicative plans show that the site could comfortably accommodate four good sized dwellings with reasonable gardens. However, even with space around the dwellings, reducing the number of dwellings to two, or minimising the scale of the dwellings, this development would result in a considerable part of the site being covered by buildings, with associated parking spaces and access roads. The existing space in the site would be significantly filled with built forms and this would result in a considerable visual and spatial change in this immediate area. In turn, the existing openness in this part of the Green Belt would be significantly eroded.
19. Consequently, I find that the proposal would result in a loss of openness to the Green Belt. While the effect would be localised and limited, harm to the openness of the Green Belt would nonetheless occur.

Suitable Location and Character

20. Policy CS14 of the Core Strategy guides the distribution of new housing and makes some provision for housing in the countryside. Policy CS33 clarifies that development in the countryside will be strictly controlled, and residential development [outside settlement boundaries] will be restricted to replacement dwellings, subdivisions, conversions or dwellings for essential rural workers.
21. The site is adjacent to Tickenham, which is a village that does not have a settlement boundary for the purposes of the current development plan. Also, this proposal would not be any of the developments permitted in Policy CS33. Accordingly, the proposal would conflict with the locational strategy of the current development plan.
22. As previously outlined, the appeal site is a relatively undeveloped paddock. The site is in the Tickenham Ridges and Combes landscape character area. Significant features of this landscape include the dramatic topography of steep slopes and combes with wide views of ridges and woodland. The appeal site is towards the bottom of the sloping field and relatively close to existing dwellings, and therefore not particularly prominent in this landscape. Moreover, at the lower part of a slope, the site offers limited views of any surrounding significant landscape feature in the wider area. With these factors, the site contributes little to the identified valued characteristics of the wider landscape.
23. The modest development would be seen against the existing built form, from the nearby footpath and in wider views in this landscape, such that surrounding significant features would not be harmfully diminished by this addition. As such the proposal would generally protect the positive landscape characteristics, identified in the Council's Landscape Character Assessment Supplementary Planning Document.
24. Also, the relatively small quantum of development proposed would not be out of keeping with the scale of the village. While only indicative, the submitted plans show that the pattern, density and layout of the development could be consistent with the pattern of development in the existing cul-de-sac. Moreover, the style of the dwellings could be designed such that the development would be sensitive to the prevailing rural character of the area. I am content that this matter could be secured at the technical details stage.
25. In summary on these issues, the appeal site would not be a suitable location for residential development having regard to the locational strategy of the development plan. In this respect the proposal would conflict with Policy CS14 of the Core Strategy and Policy CS33 of the Policies Plan which are relevant to this matter.
26. I also find that the proposal would not result in significant harm to the character of the area, subject to a sensitive design being achieved at the technical details stage. In this regard, the proposal would generally accord with Policies CS5 and CS12 of the Core Strategy and Policies DM10, DM32 and DM37 of the Policies Plan. These Policies collectively, amongst other matters, state that the character of North Somerset's landscape will be protected and seek high quality design.

Other Considerations

27. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. The Council has not raised concerns about highway matters, on-site biodiversity and living conditions of existing residents, subject to assessment of technical details. However, even if I agree with this, development should be acceptable in respect of these matters, and this does not weigh in favour of this proposal.
29. It is suggested that this development would provide self-build plots, of which there is an identified need in the district. However, no certainty has been advanced to secure this benefit. This aside, this proposal would provide up to four new dwellings which would contribute to the Government's objective to significantly boost the supply of homes. The proposal would also add to the mix of much needed homes in this district. I attach significant weight to this benefit.
30. Suitable windfall sites have support in the Framework, and it is reasonable to conclude that such sites will make an important contribution to the supply of homes beyond this plan period. As a small windfall site, the proposal could be built out quickly. There would be some economic benefit through the construction phase. Future occupants would likely support local services, and this would also contribute to the vibrancy of the area. Energy efficiency in the dwellings could be secured at the technical details stage. This could also be the case in respect of landscape and biodiversity enhancements. However, these social, economic and environmental benefits would be modest given the scale of the development.
31. The emerging plan indicates a settlement boundary for Tickenham. However, even if I accept the appellant's comments on this matter, the appeal site is shown outside of the proposed Tickenham settlement boundary. In any event, this matter attracts limited weight for reasons already set out and my findings are unaltered.
32. It is asserted that the policies of the Core Strategy and Policies Plan relevant to this proposal are out of date given that the Council is unable to demonstrate the required housing land supply. The current development plan is restrictive in respect of development in the countryside. However, the plan does not preclude development which could enhance or maintain the vitality of rural communities. Moreover, the current development plan identifies named villages for the focus of growth which would likely support local services. Also, the development plan policies seek high quality design and to protect valued landscapes and this accords with the Framework. I find that these relevant policies are largely consistent with the provisions of the Framework in these regards.
33. In respect of other relevant policies in this case, the appeal site is close to an existing settlement with limited services, but there is access to public transport options. However, accepting that the site has reasonable proximity to services and facilities in Portishead and Portbury, consistent with other recent appeal decisions in the wider area, it is reasonable to conclude that future occupants would be largely dependent on cars. Even applying the flexibility set out in the

Framework with regards recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this factor counters somewhat against this proposal.

34. This aside, the presumption in favour of development, set out in paragraph 11 of the Framework, would not apply in this case as the site is in the Green Belt, and I have found that the policies in the Framework that protect this area of particular importance provide a clear reason for refusing the development proposed. In any event, the adverse impacts in this case would significantly and demonstrably outweigh the modest benefits identified above, when assessed against the policies in the Framework taken as a whole.
35. Attention has been drawn to policies that are not in dispute. However, I find harms in respect to the Green Belt, and conflict with local Green Belt policy and the development plan when read as a whole.

Conclusion

36. I have found that this proposal would be inappropriate development in the Green Belt and would lead to a loss of openness to the Green Belt. These are matters that I attach substantial weight to. Balanced against these harms are other considerations discussed above, which carry significant, albeit modest weight. However, even when considered together, these considerations do not clearly outweigh the harms to the Green Belt. As a result, the very special circumstances that are necessary to justify the proposal do not exist. In respect of this matter, the proposal is therefore contrary to Policy CS6 of the Core Strategy, Policy DM12 of the Policies Plan and the Framework. There are no other considerations which outweigh this finding.
37. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR