



Appeal Decision

Site visit made on 26 June 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/F0114/W/23/3334007

Wyndrush, Tilley Lane, Farmborough, Bath BA2 0BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Emma and Scott King against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/00976/FUL.
 - The development proposed is the erection of a 1 storey new build dwelling with rooms in the roof and changes to existing houses parking arrangements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Previous appeals have been dismissed for development at this site in 1986 and 2020. I have been provided with a copy of the 2020 appeal decision¹. I have had regard to these earlier decisions insofar as they are relevant to the appeal before me. I am aware that there is an on-going appeal in relation to the host dwelling, Wyndrush,² which has yet to be determined and is therefore of little relevance to this appeal.
3. The third reason for refusal relates to whether sufficient information had been submitted to demonstrate compliance with the requirements of Policy SCR6 of the Local Plan Partial Update³ (Local Plan). This policy relates to sustainable construction for new build residential development. The appeal was accompanied by a revised Sustainability Statement and the Council consider that on this basis the third reason for refusal has been addressed. My decision for the appeal therefore centres on the remaining reasons for refusal, as set out in the main issues below.

Main Issues

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

¹ APP/F0114/W/20/3248349

² APP/F0114/W/23/3325262

³ Bath and North East Somerset Local Plan: Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update - Volume 1: District-wide Strategy and Policies (adopted 2023)

- whether the appeal site is a suitable location for a dwelling, having particular regard to local planning policies; 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

5. The Framework at para 142 identifies that the fundamental aim of Green Belt (GB) Policy is to prevent urban sprawl by keeping land permanently open. It goes on to state at para 152 that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the GB should be regarded as inappropriate, subject to a number of exceptions as set out in para 154. Para 154 e) of the Framework allows for limited infilling in villages.
6. Although the Council's mapping system and Council Tax records refer to the site as being in Farmborough, it is outside of the housing development boundary (HDB). Nevertheless, in coming to a view as to whether the appeal site is in a village it is also necessary to have regard to the situation on the ground.
7. The appeal site comprises the side garden of a detached property, Wyndrush which is located towards the edge of a cluster of dwellings on the southeast side of the A39. This group includes a modern development of dwellings known as Herbert Gardens and a small number of more sporadically laid out dwellings, including Wyndrush. I note that there was once a public hall to the north of the appeal site, near to the junction of Tilley Lane and the A39, however I saw at my site visit that this has been converted to a dwelling.
8. This cluster is separated from the HDB of Farmborough by an open field and as such is not contiguous with the built-up core of the village. Although development within the HDB of Farmborough is visible from the junction of Tilley Lane and the A39, it is a generous distance away. Therefore, despite the presence of 30mph signs to the west of the junction of Tilley Lane and the A39, lamp posts and footway, there is a sense of separation between the group and the main part of the village.
9. On approaching the appeal site from the northeast, along the A39, there is a sense of having left the village which is reinforced by the open nature of the land on the southeast side of the road and the lack of facilities or services within the cluster. This sense of separation is not diminished by the existing loose-knit development on the northwest side of the A39 which is limited in scale and rural in character. Therefore, the appeal site is visually, spatially, and functionally separate from the village of Farmborough. The appeal site would not therefore be situated within a village, so there would be no beneficial outcome to me further considering whether it would represent infilling and whether that infilling would be limited.
10. I acknowledge that there are circumstances where villages can be comprised of clusters of development. My attention has been drawn to the example of Stanton Drew. However, I have limited evidence before me regarding the

physical and visual connection between these clusters and the distribution of facilities and services which might serve their respective populations. I therefore cannot be certain that the circumstances are similar to that relating to the appeal site.

11. Furthermore, in an appeal at Stanton Drew⁴ the Inspector found a site was within the village despite being outside of the HDB. However, it is materially different from the appeal before me, as the site was directly adjacent to the HDB so was not separated from the village to the degree it would be at Farmborough.
12. Similarly, as a matter of planning judgement, the Inspector in the Winterbourne Down appeals⁵ considered the site to be within a village having regard to its relationship with surrounding development and facilities. The circumstances differ to those before me, and I have come to a different conclusion in respect of the appeal site.
13. Consequently, the proposal would not represent limited infilling in a village and would not meet the exception set out in para 154 e) of the Framework.
14. I conclude that the proposal would not meet the exceptions outlined at para 154 of the Framework and would therefore be inappropriate development in the GB which is, by definition, harmful. It would conflict with Policy CP8 of the Local Plan which seeks to ensure that the openness of the GB is protected from inappropriate development in accordance with national planning policy. It would also conflict with relevant paragraphs of the Framework which seek to ensure that Green Belt land is protected.

Openness

15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, the proposal would inevitably lead to a loss of openness through the increase in built form on the site. The proposed dwelling would have a generous footprint and would result in the replacement of a substantial amount of the open area with a new building. This would result in a harmful loss of spatial openness.
16. Visually, the proposed dwelling would be located further south than The Folly and Sunnyside and would be particularly prominent in views from Tilley Lane on approach from the west, albeit against the backdrop of Wyndrush. Although relatively low in height, the mass of the proposed building would be clearly evident and would result in a significant loss of visual openness.
17. Overall, the proposal would result in significant harm to the openness of the Green Belt to which, in accordance with the Framework, I give substantial weight.

Suitable location

18. Policy DW1 of the Local Plan sets out a district-wide spatial strategy. This involves focussing the majority of development towards larger settlements, ensuring development in rural areas is located at settlements with a good range of local facilities and with good access to public transport. Policy RA1 of the Local Plan sets out an approach to development in villages outside or

⁴ APP/F0114/W/22/3291569

⁵ APP/P0119/C/21/3280851, 52 and 52 & APP/P0119/W/20/3264388

excluded from the GB, such as Farmborough. It states that subject to certain criteria housing development will be allowed within the HDB. Policy RE4 of the Local Plan states that new dwellings will not be permitted outside a HDB, in the open countryside unless it is for a rural worker, and subject to several criteria.

19. The appeal site is located some way outside of the HDB of Farmborough, in the open countryside and the proposal would not be for a rural worker. Hence, the proposal would not meet the provisions of these policies.
20. I acknowledge that there are some facilities nearby which would be accessible from the appeal site by means other than the private car. The primary school and playing fields are relatively near to the site. Other facilities and services including a pub and shop are within a 2km walking distance of the site, albeit via a relatively convoluted route to the eastern side of the Farmborough. Bus stops are located a similar distance away although services are relatively infrequent. However, the overall range of facilities available nearby is limited and I consider it likely that future residents would be reliant on a private car to meet the majority of their day-to-day needs. The proposed dwelling would include study space which would be capable of facilitating working from home thereby reducing commuting trips. However, its use by future residents would be entirely optional.
21. I conclude that the appeal site is not in a suitable location for a dwelling having particular regard to local planning policies. The proposal would conflict with Policies DW1, RA1 and RE4 of the Local Plan and the Framework which collectively seek to direct development to locations with good access to services and facilities.
22. The Council's reason for refusal refers to Policy GB2 of the Local Plan, however this policy refers to proposals for infilling in villages within the GB. As described the appeal site is not within a village and the nearest village, Farmborough is not in the GB. As such this policy is not applicable.

Other Considerations

23. Although I have found that the range of facilities nearby is limited, I acknowledge that the proposal would result in modest social benefits through the provision of a new dwelling in a location with access to some facilities and services. I also note that the scheme has some support from interested parties.
24. The proposed dwelling would use passive measures, natural ventilation and high performing materials to reduce energy consumption. It would include an air source heat pump, facilitate rainwater harvesting and would allow for the installation of an electric vehicle charging point. In addition, it has been designed to be adaptable to facilitate potential accessibility requirements of future residents.
25. I acknowledge that the design of the proposed dwelling was not considered to be unacceptable and that no harm would occur in respect of the character and appearance of the area. Furthermore, existing trees would be protected through the development. However, the absence of harm in respect of these matters is a neutral factor in the appeal.

Green Belt Balance and Conclusion

26. The Framework makes it clear that harm to the GB by reason of inappropriateness and any other harm resulting from the development must be clearly outweighed by other considerations for planning permission to be granted.
27. The proposal would be inappropriate development in the GB and harmful by definition. The proposal would also result in significant harm to the openness of the GB and would result in harm through the provision of a dwelling in an unsuitable location, having regard to local planning policies. The Framework requires that substantial weight should be given to any harm to the GB. Set against this, I ascribe only modest weight to the benefits of the proposal.
28. Consequently, the harm by reason of inappropriateness, to the openness of the GB and from the suitability of the location of the development, would not be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
29. The proposal conflicts with the development plan and the material considerations including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR