



Appeal Decision

Site visit made on 15 October 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/P0119/W/24/3346027

20 Nibley Lane, Iron Acton, South Gloucestershire BS37 9UP

- 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 Mrs Seymour against the decision of South Gloucestershire Council.
 - The application Ref is P23/03421/F.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

1. The main issues are:
 - whether the development 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,
 - the effect of the proposal on the character and appearance 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

2. The appeal site is located within the Green Belt. Paragraph 143 of the Framework sets out the purposes of the Green Belt which are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
3. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.

4. It is evident, from an assessment of the characteristics of the site and surrounding area, that the site is located within the settlement of Iron Acton. As such, an assessment as to whether the proposed development would constitute limited infilling is required.
5. The Framework does not define limited infilling, however, it is noted that the Council's South Gloucestershire Local Plan Core Strategy 2006-2027 (CS) defines infill development as a relatively small gap between existing buildings, normally within a built-up area. The Council's definition is not replicated in the development plan or in the Framework and as such, I consider that whether the site would constitute limited infilling is a matter of fact and planning judgement taking the site context into account.
6. The proposed development would be located next to and within the residential curtilage of 20 Nibley Lane. However, No 20 is located on the end of a row of houses and is next to a large allotment. The allotment results in a large open space next to the appeal site which breaks up the built form and therefore the proposal to build a dwelling next to this open space would not constitute infill development.
7. Therefore, the exemption at Paragraph (e) of the Framework is not met. Accordingly, the proposal would comprise inappropriate development in the green belt. I am required to attach substantial weight to this harm.

Effect on openness

8. The appeal proposal would replace a garage that is located on the site, however, the proposed dwelling would be much larger in footprint, height, depth and width. It would also be mostly located within the existing garden of No 20 which is predominantly open and undeveloped. It is therefore clear that the proposed dwelling would have a significant impact on openness both spatially and visually.
9. I therefore conclude that the proposed development would fail to preserve the openness of the Green Belt.

Character and appearance

10. The appeal site is located within a predominantly residential area with many houses nearby being semi-detached with similar design and sizes. Houses are generally wide and have shallow depths that do not extend far into the plots. The similar appearance and size of the dwellings results in rhythm and uniformity within the street scene.
11. The proposed dwelling would follow the existing building line and would utilise similar materials to match other houses in the area. However, existing houses in the area are wide and do not have significant depths that extend into the plots. The appeal proposal would be narrow compared to the existing pattern of development and also extend further into the plot which would be at odds with the prevailing character of dwellings in the area and would upset the rhythm and uniformity within the street scene.

12. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policy CS1 of the CS which amongst other things, seeks to ensure that the siting and form of development is informed by, respects and enhances the character and distinctiveness of both the site and its context.

Other considerations

13. The appellant has referred to developments nearby in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
14. The appellant has referred to No 28 Nibley Lane several times; however, this appears to be an existing dwelling that forms a part of the original estate as appose to a new dwelling. Instead, the new dwelling appears to be that at No 26b.
15. However, in respect of both No's 26b and 34 Nibley Lane, both of these dwellings are located in between other houses which differs from the appeal proposal. While there is a road next to No 26b this different from the substantial gap and open space that the allotment provides next to the appeal site.
16. The Council have found that the proposed development would not unacceptably harm highway safety, would provide adequate parking and living conditions for future occupiers and not unacceptably harm the living conditions of neighbouring occupiers. I also note that the appeal site is not located within a Conservation Area or close to any designated heritage assets. However, these are neutral matters.
17. The proposed dwelling is intended to be a family dwelling, however there would be no means to guarantee who would occupy the dwelling. Nonetheless, the provision of a new dwelling attracts some weight in favour of the appeal.
18. I note that the appellant is disappointed with the decision of the Council, after receiving positive responses during the applications consideration. However, I am only in a position to consider the planning merits of the appeal.

Green Belt balance and conclusion

19. The other considerations that weigh in favour of the proposal only carry limited weight when considered as a whole. Therefore, in this case they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
20. In conclusion, the proposal conflicts with Policy C1 of the CS and national policy set out in the Framework which seek to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

D Wilson

INSPECTOR