



Appeal Decision

Site visit made on 3 July 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/D0121/W/23/3331161

Highfield House, Wraxall Hill, Wraxall BS48 1NA

- 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 Mr & Mrs Parsons against the decision of North Somerset Council.
 - The application Ref is 23/P/0615/FUL.
 - The development proposed is described on the application form as, "Resiting of 1no. dwelling (approved under application 21/P/1197/CQA) to location of agricultural barn (approved under application 20/P/2785/AGA) and resiting of the agricultural barn to location of the approved 1no. dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development quoted in the banner heading above refers to 'resiting'. However, this is not an act of development as defined by s55 of the Town and Country Planning Act 1990 (as amended). Additionally, this appeal must be determined on the basis of the currently-prevailing circumstances, including that the northern plot (the subject of planning application Ref 20/P/2785/AGA) is currently vacant.
3. In this regard, differing to the description of development in the banner heading above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Erection of a new dwelling on the site of a proposed agricultural building B (approved under application 20/P/2785/AGA) and the erection of a new agricultural building on the site of the existing agricultural building A (which has approval for conversion to residential use under application 21/P/1197/CQA)". I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms.
4. At the appeal stage, the Council confirmed that the 4th reason for refusal given in the Council's decision notice, relating to ecology and biodiversity, has been overcome. This is reflected in the main issues, below.

Main Issues

5. The main issues are:
 - whether the proposed 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 proposed development on the openness of the Green Belt;
- whether the appeal site is a suitable location for the proposed development, having particular regard to the spatial strategy in the development plan and the accessibility of services and facilities;
- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on trees; 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 proposed development.

Reasons

Whether Inappropriate Development

6. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate development. There are however a limited number of exceptions to this. It is common ground between the main parties that the proposed agricultural building (to be sited on the southern plot) is not inappropriate development in the Green Belt by virtue of paragraph 154 a) of the Framework, which relates to buildings for agriculture and forestry.
7. However, no building is currently present at the northern plot. Consequently, paragraph 154 d) of the Framework, which relates to the replacement of a building, is not applicable to the proposed dwelling.
8. The proposed development when considered as a whole would therefore constitute inappropriate development in the Green Belt. The Framework and Policy DM12 of the Development Management Policies: Sites and Policies Plan Part 1 (adopted 2016) (DMP) provide that inappropriate development is, by definition, harmful to the Green Belt.
9. The inappropriateness of the proposed development in the Green Belt by way of introducing a dwelling on a plot where none currently exists would undermine the Green Belt's purpose in relation to its assistance in safeguarding the countryside from encroachment, as set out at paragraph 143 c) of the Framework.

Openness

10. The Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects¹. Both plots are part of a much larger field which extends beyond Highfield House and which is partly surrounded by hedgerow and trees. The proposed agricultural building to be sited on the southern plot would be broadly similar in size in comparison with the existing building in that location, meaning that this aspect of the proposed development would preserve the openness of the Green Belt.
11. Regarding the northern plot, as a single-storey building of modest bulk and massing situated on land which is partly concealed from the public realm, the proposed dwelling's reducing effect on the openness of the Green Belt in visual

¹ Paragraph 64-001-20190722

terms would be limited. Openness includes the absence of built development and the proposed dwelling would be sited on currently-vacant land, which would reduce the openness of the Green Belt in spatial terms, as would the presence of vehicle(s) and domestic paraphernalia present near it.

12. The modest size of the proposed dwelling would ensure that the reduction in the openness of the Green Belt would be limited, and confined to the local area, but harm to the Green Belt would result.

Location

13. In planning policy terms, the site is situated in the countryside. In such locations, Policies CS14 and CS33 of the Core Strategy (adopted 2017) (Core Strategy) collectively provide that, amongst other things, development will be strictly controlled in order to protect the character of the rural area and to prevent unsustainable development.
14. Policy CS14 sets out that development outside the settlement boundaries will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable development which accords with the criteria set out in the relevant settlement policies, which of relevance to this appeal is Policy CS33. However, the proposed development does not fall within any of the development types listed in Policy CS33. The proposed development is therefore directly at odds with the spatial strategy in the development plan.
15. Wraxall is a small village and does not benefit from an adequate range of services and facilities necessary to meet the day-to-day living requirements of the future occupiers of the proposed dwelling. The future occupiers would accordingly be required to travel further afield to meet these basic needs.
16. The route along Wraxall Hill to the bus stop to the south of the site involves traversing a busy road with no pedestrian footways for most of its length, and which is narrow and steep, meaning that it would not be conducive to walking or cycling, particularly during the months of winter. The public footpath accessed from the private lane outside the field does not offer a direct route towards the nearest bus stop and school, and would be far less likely to be used during the hours of darkness due to being unlit. The future occupiers of the proposed dwelling would therefore be heavily reliant on the use of private vehicles to meet their day-to-day needs, which would run counter to the need to promote sustainable transport as required by the Framework.
17. I therefore find that the site is not a suitable location for the proposed development, having particular regard to the spatial strategy in the development plan and the accessibility of services and facilities. The proposed development would conflict with Policies CS14 and CS33 of the Core Strategy, which have been summarised above.
18. The proposed development would also conflict with chapter 9 of the Framework which seeks to promote sustainable transport.

Character and appearance

19. The site, comprising both plots, is part of a much larger field which has an agricultural appearance, and which is partly surrounded by hedgerow and trees. The field contributes towards the pastoral nature and sense of

remoteness of the Tickenham Ridge and Combes Landscape Character Area of which it forms part.

20. The proposed development would introduce a new dwelling at the northern plot. As a domestic structure sited at the high point of the field, away from the buildings at Highfield House, it would encroach upon and serve to erode a measure of the contribution which the field makes to the peaceful and pastoral qualities of the area, as would the comings and goings to it (including from vehicles). Harm to the character and appearance of the area would result.
21. Planning application Ref 22/P/0575/Full related to the siting of overflow car parking for the National Trust. This is a different type of development than that proposed in this appeal. Hence, that planning permission is not directly comparable with the proposed development. Moreover, as the Officer's Report for that application has not been provided, the Council's rationale for granting planning permission in that case is unclear. For these reasons, that planning permission does not change my findings on this main issue.
22. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with Policies CS5 and CS12 of the Core Strategy which collectively provide that, amongst other things, proposals of all scales will be required to demonstrate sensitivity to the existing local character already established in an area and should take the opportunity to enhance the sense of place and local identity through a well thought out design.
23. The proposed development would conflict with the 2nd bullet point of Policy DM10 of the DMP which provides that, amongst other things, all development proposals should be carefully integrated into the natural, built and historic environment, aiming to establish a strong sense of place, respond to local character, and reflect the identity of local surroundings, whilst minimising landscape impact, and with Policy DM32 of the DMP which provides that, amongst other things, design solutions should seek to enhance local distinctiveness and contribute to the creation of a sense of place and identity.
24. The proposed development would also conflict with paragraph 135 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Trees

25. Following the Council's observations on the submitted Arboricultural Report: Impact assessment and method statement (September 2023), the appellant provided an amended Root Protection Area (RPA) relating to the prominent trees present on the western boundary of the field. This amended RPA takes account of the likely barriers to root growth arising from the presence of the road and the existing building on site.
26. The amended RPA demonstrates that the proposed agricultural building would be situated outside of the RPAs of those trees. Consequently, the proposed excavation would not be likely to cut into the roots of these trees. On the evidence before me, the health and longevity of those trees would not be

harm. As the proposed agricultural building would be located approximately 1.3 metres away from the trees than the existing building on site, it would not result in any significant further pressure to prune or fell these trees, over-and-above the existing situation.

27. I therefore find that the proposed development would be likely to have an acceptable effect on trees. It would comply with Policies CS4 and CS9 of the Core Strategy which collectively provide that, amongst other things, the existing network of green infrastructure will be safeguarded, improved and enhanced by further provision, linking in to existing provision where appropriate, ensuring it is a multi-functional, accessible network which promotes healthy lifestyles, maintains and improves biodiversity and landscape character and contributes to climate change objectives.
28. The proposed development would also comply with Policy DM9 of the DMP which provides that, amongst other things, development proposals affecting trees should achieve high quality design by demonstrating that the long term retention of appropriate trees is realistic.

Other Considerations

29. The Framework makes it clear at paragraph 153 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposed development, is clearly outweighed by other considerations.
30. The proposed dwelling would support the Government's objective of significantly boosting the supply of homes, by way of providing one new dwelling over-and-above the existing situation on site (as the agricultural building present on the southern plot (the Class Q building) has not yet been fully converted into residential use). This is of heightened importance due to the fact that the Council is currently unable to demonstrate the supply of housing sites as required by the Framework, with the main parties agreeing that the latest tested position is a 3.5-year supply of deliverable housing land.
31. It has not however been demonstrated that the land at the northern plot is under-utilised in the terms of paragraph 124 d) of the Framework, nor that introducing a residential use at the northern plot would be more effective in land use terms than an agricultural use.
32. The proposed development would provide work for construction professionals, which would bolster the local economy. The future occupiers of the proposed dwelling would in all likelihood also provide a contribution to the local economy, and additionally to the community life of Wraxall.
33. The proposed dwelling would exceed the requirements of the Core Strategy with regards to energy consumption and carbon emissions, which is of particular importance given the Climate Emergency previously declared by the Council. In this regard, the submitted Energy Strategy states that the total contribution to energy demand by renewables and low carbon technologies would be approximately 63.60% or more.
34. I have had regard to the fallback position put forward, regarding the full implementation of 2 prior approval applications within the field, for the proposed erection of an agricultural building / open sided hay barn on the

northern plot², and for the change of use from an agricultural building to one dwelling on the southern plot³.

35. Taking account of *Mansell*⁴, and noting that, as I observed on my site visit, a trench for footings has already been dug adjacent to the Class Q building and that soil has been excavated at the northern plot, I have no reason to doubt that there is a real prospect of these approvals being fully implemented in the event that this appeal is dismissed. In this regard, the implementation of the fallback position is at a more advanced stage than the fallback position considered by the Inspector in appeal decision Ref APP/D0121/W/22/3295116, where at paragraph 28 of that appeal decision it was stated that the purported fallback position had not yet been implemented.
36. Vehicle movements to and from the proposed dwelling would be over a short distance from the access point stemming from the private lane outside the field, and would be somewhat concealed by the proposed dwelling itself, as would vehicles parked to the rear of the proposed dwelling. The proposed gravel track leading towards the proposed dwelling would also be present under the fallback position. The total footprint of the buildings within the field with respect to the proposed development would be the same as for the fallback position.
37. The proposed development would use the existing concrete base for the agricultural building on the southern plot, and existing materials (including the timber cladding on the Class Q building) would also be reused. In terms of the usage of these materials, the build for the proposed development would not be significantly different to that involved with respect to the fallback position.
38. In all these respects, there would be little difference between the proposed development and the fallback position. Therefore, with respect to these matters, the existence of the fallback position provides little support for the proposed development.
39. A planning condition could be imposed to restrict light spill from the proposed dwelling. Even so, any hours of night work / access for the agricultural building on the northern plot under the fallback position have not been specified, and quantifiable information has not been provided to demonstrate that the light spill from the proposed dwelling would in reality be less visually intrusive in comparison with the agricultural building, including with respect to any differing levels of luminance. Therefore, it has not been demonstrated that the proposed development would have a lesser visual impact than the fallback position in this respect.
40. The proposed dwelling would not be shaded, in contrast to the Class Q building, meaning that it would have the potential to generate greater amounts of energy via solar power when compared with the Class Q building. This would be in line with the quotes provided by the appellant from the Supplementary Planning Document: Creating Sustainable Buildings and Places in North Somerset. However, figures have not been provided to demonstrate that the benefits of the proposed development would be significantly greater than the Class Q building in this respect. Nor has any overall uplift in terms of

² Local Planning Authority reference: 20/P/2785/AGA

³ Local Planning Authority references: 21/P/1197/CQA; 24/P/0737/CQA

⁴ *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314

the sustainability and energy efficiency credentials of the proposed dwelling on the northern plot been accurately quantified in direct comparison with that likely to be achieved by the Class Q building under the fallback position.

41. Few substantive details have been provided to illustrate the nature of any practical benefits arising due to siting the agricultural building on the southern plot, in relation to the management of the land and its optimal use. Few details have been provided to demonstrate that siting the agricultural building on the southern plot would provide significantly better security when compared to being sited at the northern plot, especially considering that security lighting could be installed on the agricultural building if it were sited at the northern plot.
42. The access arrangements for the Class Q building would not be ideal, as Highfield House's main access and parking area would be shared with the Class Q building. This would entail an approximately 90 metres walk up stairs and along a slope, which potentially could cause difficulties for older people or those with disabilities. The future occupiers of the Class Q building would also have to walk past Highfield House, which would potentially provide views into the private amenity space at Highfield House.
43. However, the incline towards the Class Q building from Highfield House is not excessively steep. As prior approval has been granted for the conversion of the Class Q building, which would have involved the consideration of whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from an agricultural use to a dwellinghouse, it is reasonable to presume that access by persons with disabilities would not be impractical and that any potential conflict of agricultural use between the Class Q building and Highfield House would not be undesirable in this location. For these reasons, these factors provide only modest support for the proposed development when compared with the fallback position.
44. The proposed dwelling would be a have a lower height and would be lesser in volume than the larger agricultural building already approved for the northern plot. In this regard, the appellant has calculated that the proposed development would result in an approximately 345% reduction in built form at the northern plot (which is more exposed than the southern plot), and this figure has not been disputed by the Council. Under the proposed development, the agricultural building would also be situated in a more secluded location on the southern plot.
45. However, the impact of a proposed development on the openness of the Green Belt relates not only to visual and spatial aspects but also to the purpose of the development proposed. In this regard, an agricultural building and its associated agricultural machinery at the northern plot would be more in-keeping with the agricultural appearance of the field, whereas the proposed dwelling sited in such a prominent location within the field would appear as an incongruous feature in its immediate context.
46. In particular, although it would incorporate elements of a rural vernacular, including charred timber cladding and a steel roof, its residential purpose would be evident from the fenestration incorporated within its design. Whilst parking, bin and cycle storage would be to the rear of the proposed dwelling, the red line boundary as proposed would allow other types of common

domestic paraphernalia to be sited to the front of the dwelling. Even though this might not be a greater amount than any agricultural machinery arising under the fallback position (which was a scenario encountered in appeal decision Ref APP/D0121/W/20/3255105), its domestic character surrounded by agricultural uses would add to the overall incongruous appearance of the dwelling in its setting on the prominent northern plot.

47. The Inspector appeal decision Ref APP/D0121/W/20/3255105 noted that, in that appeal, as the extant scheme would result in a converted barn adjacent to a barn remaining in agricultural use, the site would become an especially incongruent and incoherent arrangement of conflicting uses. That is not the case with respect to the appeal before me, where under the fallback position the converted Class Q building would not be located next to any structure in agricultural use.
48. Furthermore, from the reasoning above it is clear that the proposed development would not respond positively to the context of the site and surrounding landscape, which were factors identified in appeal decision Ref APP/D0121/W/20/3255105 as offering a betterment when compared with the fallback position in that appeal. Appeal decision Ref APP/D0121/W/22/3295116 involved the demolition of an existing agricultural building and the erection of one dwelling in the same location, whereas the proposed dwelling in this appeal would be sited on a different plot than the Class Q building. As these appeal decisions are not directly comparable with the proposed development and fallback position they do not alter my findings above.
49. Considering its size and purpose which would be acceptable in its context, the agricultural building under the fallback position would be a far less visually intrusive structure than the proposed dwelling on the northern plot in this Green Belt location.
50. Taking account of all of the considerations involved in the fallback position, including that it is likely to be fully implemented in the event that this appeal is dismissed, and noting that its adverse impact on the openness of the Green Belt would be less harmful than the proposed development, and that the extent of any betterment arising under the proposed development relative to the fallback position in relation to sustainability and energy efficiency has not been clearly quantified, no more than moderate weight has been given to the fallback position in support of the proposed development.

Other Matters

51. The finding on the 5th main issue above, in relation to trees, is a neutral matter, which does not weigh in favour of the proposed development. It is common ground between the main parties that the proposed development would not affect the setting or significance of The Rectory (a Grade II listed building). I have no substantive evidence before me that points to a different conclusion. This is also a neutral matter.
52. The conduct of the Council during the processing of the planning application, including with respect to the description of development as stated on the Council's decision notice (including any consideration by the Council of the relevance of planning application Refs 23/P/0826/FUL and 23/P/1704/FUL), is not a matter that I can assess in the context of a planning appeal.

Balancing of Considerations

53. As mentioned above, the Council is currently unable to demonstrate the supply of housing sites as required by the Framework. Whilst in these circumstances paragraph 11 d) of the Framework is triggered, the Framework does not prescribe the weight which should be given to development plan policies. The policies referred to under each main issue, including those relating to the spatial strategy as set out in the development plan, are not inconsistent with the relevant policies in the Framework. As these policies are not out-of-date in substance, the weight attached to the proposed development's conflict with these development plan policies is not reduced on this ground alone.
54. Due to the extant permission for the conversion of the Class Q building to residential use, the principle of residential development in the field has been established. Similarly, the proposed development would not result in a net gain in dwellings in the field in comparison with the fallback position, which is likely to be implemented in the event that this appeal is dismissed. Whilst these facts do not alter the proposed development's inherent conflict with Policies CS14 and CS33 of the Core Strategy in relation to the accessibility of services and facilities, the likely conversion of the Class Q building considerably reduces the weight which can be given to the proposed development's conflict with these policies.
55. Therefore, whilst the Core Strategy seeks to strictly control unsustainable piecemeal development such as that proposed, very little weight has been given to the proposed development's conflict with Policies CS14 and CS33. Appeal decision Ref APP/D0121/W/20/3255105 involved a situation where the accessibility of services and facilities was not a main issue and accordingly was not a significant concern. As a result, that appeal decision does not change my findings on this matter.
56. The proposed development would be inappropriate development in the Green Belt and would result in a reduction in its openness. In accordance with paragraph 153 of the Framework, these matters carry substantial weight.
57. Considering that the Framework provides that the creation of high quality places is fundamental to what the planning and development process should achieve, and taking account of the limited scale and extent of the proposed development, moderate weight has been given to the proposed development's conflict with Policies DM10 and DM32 of the DMP, due to the proposed development's unacceptable and harmful effect on the character and appearance of the area.
58. The proposed development would result in one additional dwelling when compared with the currently-prevailing circumstances in the field. As a single dwelling, it would not generate significant positive impacts in economic, social, and environmental terms, even taking account of the Council's housing land supply position and its energy consumption exceeding the requirements of the Core Strategy. The benefits of the proposed development as a whole would accordingly not be substantial. Little weight has been given to these in favour of the proposed development. For the reasons given in detail above, no more than moderate weight has been given to the fallback position in support of the proposed development.

59. It follows from the above that the totality of the harms identified result in very substantial weight in opposition to the proposed development. Taking account of all of the matters advanced in support of the proposed development, including the fallback position, it is clear that the other considerations in this case do not clearly outweigh the totality of the harms identified. The very special circumstances required to justify the proposed development do not exist. The proposed development would conflict with Policy DM12 of DMP which aims to protect the Green Belt from inappropriate development, and with the aims of Green Belt policy as set out in the Framework.
60. Paragraph 11 d) i. of the Framework provides that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including the Green Belt, provide a clear reason for refusing the development proposed. As mentioned above, there would be harms to the Green Belt which would not be clearly outweighed. This provides a clear reason for refusing the proposed development. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.
61. The proposed development would conflict with the development plan when considered as a whole. None of the other considerations in this case (including, amongst others, the Framework), indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

62. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR