



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: 28 November 2024

Appeal Ref: APP/D0121/W/24/3343001

Land next to Land Yeo and Tyntesfield Springs, Bristol Road, Wraxall BS48 1UD

- 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 Dr Hugh Pratt against the decision of North Somerset Council.
 - The application Ref is 23/P/0826/FUL.
 - The development proposed is installation of a Novel hydro turbine and erection of a dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by North Somerset Council against Dr Hugh Pratt. This application is the subject of a separate decision.

Main Issues

3. 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 landscape,
 - whether the appeal site is an appropriate location for the development having regard to development plan policies,
 - the effect on the North Somerset and Mendip Bats Special Area of Conservation in respect of bats and biodiversity, 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

4. The appeal site is located within the Green Belt. The construction of buildings in the Green Belt is inappropriate unless they fall within any of the exceptions set out in the Framework.
5. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt. However, as the proposal is for a new dwelling which is not located on previously developed land, it would not meet any of the exceptions.
6. Accordingly, the proposal would comprise inappropriate development in the Green Belt. It would conflict with one of the purposes of the Green Belt, which is to safeguard the countryside from encroachment, and conflict with Policy DM12 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 Adopted July 2016 (DMP) which resists inappropriate development. I am required to attach substantial weight to this harm by virtue of Paragraph 153 of the Framework.

Openness

7. The appeal site is largely undeveloped with the exception of an open sided barn located within the site. While the barn is proposed to be removed, the new dwelling would be significantly larger in size through its footprint and overall volume with a width that would occupy a significant proportion of the site. As such, the erection of the proposed building would inevitably have an effect on the spatial aspect of openness.
8. There is a lake on the appeal site as well as a water body that passes through the bottom of the site. Public footpaths run to the east of the site in a southerly direction and also next to the watercourse at the bottom of the site. The significant size of the proposed dwelling, as well as the views from the footpaths, particularly when viewed from the south which is at a lower level would result the proposal appearing to have a heavy and dominant massing.
9. The significant size of the dwelling which includes its overall width and footprint would restrict the largely undeveloped and open views from footpaths to a substantial degree. The proposed development would therefore encroach into the open countryside which conflicts with one of the purposes of including land within the Green Belt.
10. The design of the dwelling remains very similar to that considered in a previous appeal¹ other than the overall height has increased which would erode the openness to a higher degree. As such, the scheme would encroach into the countryside, thereby conflicting with one of the purposes of including land within the Green Belt.
11. I therefore conclude that the proposed development would have a harmful impact on the openness of the Green Belt and would conflict with Policy DM12 of the DMP.

¹ APP/D0121/W/21/3269562

Character and appearance of the landscape

12. The North Somerset Council Landscape Character Assessment Supplementary Planning Guidance September 2018 (SPG) identifies the site as lying in Character Area B1: Land Yeo, Kenn River and River Avon Floodplain. Key characteristics include a peaceful pastoral landscape, small water bodies, broadleaved small woodlands, trees, rivers and streams.
13. The appeal site is a large, undeveloped parcel of land which contains small water bodies, woodlands, dense vegetation, rivers and streams. The wider area is predominantly undeveloped with buildings being sporadically located. The features on the site are characteristic of the landscape and it contributes positively to the rural character and appearance of the area.
14. The appeal proposal would generally not be visible from the main road. However, it is surrounded by a number of public footpaths. The site is densely vegetated and further landscaping is proposed as part of this appeal which would mean that views would be limited from public footpaths to the northern and eastern boundaries.
15. The public footpath to the south would provide clearer views of the proposed dwelling and intermittent gaps would open up the site to views from this location, particularly when vegetation is not in full leaf. In the context of the rural location, the proposal would be seen as a domestic feature which would harm the rural character and appearance of the area.
16. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policies CS5 and CS12 of the North Somerset Council Core Strategy January 2017 (CS), Policies DM10 and DM32 DMP and Paragraphs 135 and 180 of the Framework. Amongst other things, these seek to ensure that proposals are sensitive to the existing local character already established in an area and take the opportunity to enhance the sense of place.

Location

17. The appeal site is located outside of any settlement boundaries and is therefore regarded as being within the countryside. Policy CS33 of the CS states that new residential development will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers. The proposal is for a new market dwelling and would therefore not meet any of these exemptions.
18. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless certain criteria apply. The criterion most relevant to this appeal is part e) which states that: the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

19. Frank Lloyd Wright designs are considered by UNESCO World Heritage as demonstrating outstanding universal value and organic architecture. It is therefore clear that the buildings design itself is truly outstanding and reflects the highest standards in architecture.
20. The proposal would be the first Frank Lloyd Wright designed dwelling to be sanctioned across the globe which would attract attention, with views possible from the public footpaths. The proposal could therefore help to raise standards of design more generally in rural areas.
21. However, for the reasons already outlined the proposed development would harm the character and appearance of the landscape and would also harm the openness of the Green Belt. The proposal would therefore not enhance its immediate setting or be sensitive to the defining characteristics of the local area. The proposal would therefore not meet the circumstances in Paragraph 84 (e) of the Framework.
22. The isolated location of the appeal site would also mean that future occupiers would be reliant on the use of private vehicles for access to services and facilities. Accordingly, the lack of opportunities for sustainable travel would conflict with the environmental aims of the Framework.
23. I therefore conclude that the proposed development would not be appropriately located and would be contrary to Policies CS14 and CS33 of the CS and Paragraphs 8 and 84 of the Framework. Amongst other things, these seek to ensure that dwellings are appropriately located in accordance with the Councils hierarchy and that developments protect and enhance our natural environment.

North Somerset and Mendip Bats Special Area of Conservation and biodiversity

24. The appellant has provided documents² to support biodiversity, however, these were prepared some time ago and since this time, methods of calculation for biodiversity net gain have changed. The documents, however, do demonstrate that a significant biodiversity net gain can be achieved.
25. Notwithstanding the age of the documents in support of biodiversity the appeal site is not subject to the mandatory Biodiversity Net Gain of 10%. As such, whilst the information in support of the appeal is generally out of date, I am mindful that updated biodiversity information, including how a biodiversity net gain will be achieved could be dealt with by a suitably worded planning condition.
26. The appeal site falls within the zone of influence for the North Somerset and Mendip Bats Special Area of Conservation. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

² Email Statement from Environment Bank dated 09/07/2018
Biodiversity Offsetting Calculations (letter from Envirotech dated 27/01/2020)

27. I therefore conclude that the proposed development would adequately mitigate against a net loss of biodiversity habitat and be capable of resulting in biodiversity net gain. I find no conflict with Policy CS4 of the CS and DM8 of the DMP which amongst other things, seek to ensure that development proposals take account of their impact on local biodiversity and identify appropriate mitigation measures to safeguard or enhance attributes of ecological importance.

Other considerations

28. The proposal includes a horizontal vortex turbine which would provide in excess of the proposals energy requirements and is designed to be off-grid. The turbine is also innovative in design, allowing fish to travel upstream and its implementation could encourage further use of this technology. I also acknowledge the increase in energy prices which the proposal could help to mitigate against for future occupiers. The environmental benefits therefore attract modest weight in favour of the proposed development, albeit they are tempered by the overall harm identified.

29. The appellant has put forward a fallback position in regard to the use of the appeal site for a gypsy and traveller site and has submitted a planning application for this proposed development. I have not been informed of whether the application has been decided. In any case, the Council advise that the appeal site is not allocated for this type of development and would likely conflict with Policies that restrict development within the Green Belt. In the absence of planning permission, I find that the fallback position proposed is not available and as such there is no real possibility of it being carried out should this appeal fail. This matter has therefore not altered my overall decision.

30. The appellant has referred to several examples of other developments and appeals in an attempt to justify the proposed development. I do not have the full details in respect of such examples so I cannot be sure of the circumstances of these, and therefore accord them limited weight. In any case, I have determined the appeal on its own merits, based on the evidence before me, and therefore are of limited comparable weight.

31. My attention has been drawn to appeals involving Land adjacent to Charwood Copse and Gunners Earth Copse³, 358 Mapperley Plains⁴, St. John's House⁵, Land at Lower Street⁶ and Land Adjacent to Rudgate Lodge⁷. While I accept the principle of development significantly enhancing its immediate setting and surrounding, and not always being required to be screened, I have found the appeal proposal would harm the character and appearance of the area and as such these appeals are not directly relevant.

32. Land at Munstead Heath Road⁸ relates to a proposal that was considered to enhance the ability to appreciate the local landscape and existing woodland, and it was also considered that the proposal would have a minor effect on openness which differs from the significant impact in respect of the appeal before me.

³ APP/C1760/A/00/1048547

⁴ APP/N3020/A/08/2061839

⁵ APP/D3125/A/03/1129739

⁶ APP/P1045/W/16/3158359

⁷ APP/E2734/A/14/2228145

⁸ APP/R3650/W/15/3140645

33. The appellant has referred to planning permission that has been granted nearby at Watercress Farm and Orchard Farm. These appear to relate to holiday let accommodation which differs from the proposal before me.
34. I note that the appellant considers that the Council have not dealt with the applications evenly, including Watercress Farm, Orchard Farm, Shingles and 92 Clevedon Road, and requested different documents. However, I am only in a position to consider the planning merits of the appeal before me.
35. The appellant states that planning permission has been granted for a new road and junction and 23 bed tourist leisure complex and 12 extra parking spaces nearby. Also, that there is a swimming pool and shop nearby with car parking spaces as well as a 200 space car park to the north of the appeal site. I have been provided with very limited information in regard to these developments. However, while they may be close by they do not appear to relate to residential dwellings so their relevance to the appeal before me is limited.
36. I note that the proposed development has received some support, including from a landscape artist, award-winning landscape architects, academics, the Frank Lloyd Wright Foundation and others. However, this support does not clearly outweigh the harm I have identified.

Green Belt balance and conclusion

37. The proposal would be inappropriate development which, by definition, would harm the openness of the Green Belt, and would conflict with one of the purposes of including land within the Green Belt. The proposal would also harm the character and appearance of the landscape and would not accord with the Council's development plan strategy for the location of housing or accessibility by sustainable means of transport.
38. 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, to which I give substantial weight. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
39. In conclusion, the proposal conflicts with Policy DM12 of the DMP 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