



Appeal Decision

Site visit made on 13 November 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2024

Appeal Ref: APP/F0114/W/24/3342592

The Teasel Barn, Stanton Road, Pensford, Bristol, Bath and North East Somerset BS39 4JJ

- 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 William Wookey against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/04030/FUL.
 - The development proposed is the demolition of existing detached single storey garage to be replaced with a two storey, two bedroom detached dwelling (annex).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fourth reason for refusal relates to whether it has been demonstrated that adequate solar panels can be installed to achieve the requisite levels of energy generation. The appeal was accompanied by a drawing which demonstrates how the roof could accommodate the required number of solar PV panels. The Council considers that on this basis the fourth reason for refusal has been addressed. My decision therefore centres on the remaining reasons for refusal as set out in the main issues below.

Main Issues

3. 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;
 - whether the appeal site is a suitable location for the proposal, having regard to local planning policies and the accessibility of services and facilities; 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 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 d) allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. The appeal building comprises a single storey, pitched roof stone and tile building in use as garaging in connection with the host dwelling. The proposed replacement building would have a similar footprint to the existing structure but located slightly further east. The eaves and ridge of the proposed building would be higher than existing, and the roof would contain dormer windows, serving first floor accommodation.
6. The Framework does not define 'materially larger'. However, the parties agree that the proposed building would represent an increase of approximately 33% in volume over and above the original building. This additional volume is notable and would result in a considerable increase in the bulk and mass at roof level to accommodate an additional storey, when compared with the existing building.
7. Consequently, regardless of its use, the proposed building would be materially larger than the one it would replace and as such would not represent an exception allowed under paragraph 154 d) of the Framework.
8. 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 and GB2 of the Local Plan Partial Update¹ (Local Plan) which seek to ensure that the openness of the GB is protected from inappropriate development and dealt with in accordance with national planning policy.

Openness

9. Openness is an essential characteristic of the GB that has spatial as well as visual aspects. Whilst the footprint of the proposal would be similar to that of the existing building there would be an overall increase in its size and it would be significantly bulkier at roof level. This would lead to a loss of spatial openness. The building would be visible from the shared access which serves the small group of buildings within which the appeal site is located. However, the land rises to the north of the appeal site and as such the visual effect of the proposal would be relatively localised. However, by reason of its size, the proposed building would have a greater impact on the openness of the GB compared to the current situation, resulting in a loss of openness.

¹ 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)

Suitable location

10. The appellant contends that what is proposed would be a residential annex and that errors were made in the application in referring to the accommodation as a dwelling. Be that as it may, the description of development refers to the building as both a 'dwelling' and an 'annex' and therefore is not sufficiently precise in describing the proposal so as to be definitive.
11. The proposed building would provide accommodation which would provide facilities for independent day-to-day living including two en-suite bedrooms, kitchen/dining room and separate living area as well as a small garden and adjacent parking area. Nevertheless, whether the accommodation would be a separate planning unit from the main dwelling would be a matter of fact and degree.
12. The appellant contends that there would be a functional link between the two buildings by way of shared access, parking, garaging, services, waste container storage, cycle storage and garden, although it is noted that separate garden and parking areas would be provided adjacent to the proposed building.
13. It is understood that the proposed accommodation is intended to provide accommodation for a family member, however limited evidence has been provided to demonstrate the manner in which the building would be occupied. It is not clear whether future occupiers would live independently or as part of the household in the main house including whether they would share meals, whether care would be provided and the likely degree of comings and goings between the two buildings. Therefore, I cannot be satisfied that the development would be additional accommodation to the main dwellinghouse, and that its use would be part and parcel thereof.
14. The Old Park Farm appeal² I have been referred to relates to the provision of an annex in a different local authority area. The inspector found that this would accord with a local plan policy in respect of self-contained residential annexes. I note that the description of development in the case referred to was 'a residential annex' and was proposed for use by an elderly relative. As such, the circumstances differ from those of this appeal, and it is of limited relevance in this instance.
15. It has been suggested that a condition could be imposed limiting the use of the building to an 'ancillary' use. However, case law has established that a residential annex would be part and parcel of the main dwellinghouse and therefore such a condition would not be appropriate, given my findings on this matter. Consequently, for the reasons outlined above I have considered the appeal on the basis that it would result in the provision of a separate dwelling.
16. 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. For the purposes of the Local Plan, the appeal site is located in the open countryside. Policy RE4 states that new dwellings will not be permitted in the open

² APP/J1915/D/21/3274162

countryside unless there is an essential need for a rural worker to live permanently at or near their place of work, or to support a newly established rural business for a temporary period. This is not the case in respect of the proposal and as such it would not meet the provisions of this policy.

17. There are some facilities and services available in Pensford, however accessing these by foot would require future occupiers to navigate unlit country lanes for some distance before footways would be available. In any event, the range of facilities nearby is limited and future residents are likely to be reliant on a private car to meet the majority of their day-to-day needs.
18. I conclude that the appeal site is not in a suitable location for the proposal, having regard to local planning policies and the accessibility of services and facilities. The proposal would conflict with Policies DW1 and RE4 of the Local Plan as referred to above. It would also conflict with Policies ST1 and ST7 of the Local Plan which seek to ensure development is located where there is a range of realistic opportunities for sustainable travel.
19. The Council's reason for refusal refers to Policies RA1 and GB2 of the Local Plan, however these refer to development in villages outside or excluded from the GB and infill proposals within infill boundaries of GB villages and therefore are not applicable to this main issue.

Other Considerations

20. The proposal includes the provision of an air source heat pump and solar panels as well as appropriate insulation and damp proofing. Additional landscaping and biodiversity enhancements would accrue as a result of the proposal. The proposal would result in minor economic benefits through employment opportunities during the construction phase and it is proposed to use locally sourced materials. The provision of additional accommodation would also provide a minor social benefit. I also note that the proposal has some support from interested parties.
21. I acknowledge that the design of the proposed building was not considered to be unacceptable and that no harm would occur to the living conditions of nearby properties. However, the absence of harm in respect of these matters is a neutral factor in the appeal.

Green Belt Balance and Conclusion

22. 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.
23. The proposal would be inappropriate development in the GB and harmful by definition. The proposal would also result in harm to the openness of the GB and harm through the provision of a dwelling in an unsuitable location having regard to local planning policies and the accessibility of services and facilities. 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.
24. Consequently, the harm by reason of inappropriateness, to the openness of the GB and from the unsuitability 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.

25. 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