



Appeal Decision

Site visit made on 27 November 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/F0114/W/24/3340726

Oaklea, Sleep Lane, Whitchurch, Bristol BS14 0QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Andrews against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/02922/OUT.
 - The development proposed is the erection of up to 9 residential dwellings (use class C3) with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage and matters relating to appearance, landscaping, layout and scale are reserved for future consideration. I have considered the appeal on this basis and treated the submitted plans as indicative with regards to the outstanding matters.
3. An appeal¹ was allowed and planning permission granted for 3 dwellings at the appeal site in 2022. I have had regard to this decision insofar as it is relevant to the appeal before me.
4. The third reason for refusal relates to whether there is sufficient information to demonstrate a suitable drainage strategy. Further information has been submitted with the appeal in this regard and the Council are now of the view that this reason for refusal is resolved. My decision therefore centres on the remaining reasons for refusal as set out in the main issues below.
5. The Council are consulting on a new local plan, however this is at a relatively early stage of preparation and therefore, I attach limited weight to it.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt (GB) 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 GB;

¹ APP/F0114/W/21/3287000

- 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

7. The Framework at para 142 identifies that the fundamental aim of 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) allows for limited infilling in villages.
8. The previous appeal at the site established that although the site is outside of the Housing Development Boundary, having regard to the situation 'on the ground' the site can be considered to be in the village of Whitchurch. I have no reason to disagree with this assessment.
9. The Framework does not define the terms 'limited' or 'infilling'. However, Policy GB2 of the Local Plan Partial Update² (Local Plan) defines limited infilling as the 'infilling of small gaps in existing development comprising: a) The building of one or two houses on a small vacant plot in an otherwise extensively built-up frontage; and b) The plot is generally surrounded on at least three sides by developed sites.'
10. The previous Inspector considered that the development of the site constituted 'infilling' given its position within an extensively built-up frontage, sandwiched between neighbouring/nearby developments. I agree with this assessment.
11. The quantum of development now proposed is significantly greater than that which was found acceptable at the time of the previous appeal, which did not significantly exceed that suggested by Policy GB2. In the context of the overall size of the village, the 9 dwellings proposed represents a relatively minor increase in the overall housing stock. However, whether the proposal represents 'limited' infilling is a matter of planning judgement.
12. The number of dwellings proposed significantly exceeds that which Policy GB2 suggests. Whilst the submitted plans are indicative in respect of the size and layout of the proposal, up to 9 dwellings along with associated accesses and other domestic paraphernalia would inevitably cover a relatively high proportion of the site. The density of such a development would be higher than is apparent in the immediate context of the site. Therefore, I do not find that the proposal would be 'limited' in this instance.
13. Consequently, the proposal would not constitute limited infilling in a village and as such would not represent an exception allowed under paragraph 154 e) of the Framework.

² 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)

14. I have been referred to two appeals at Little Hillingbury³ and Claverdon⁴ for nine and five dwellings respectively. It is contended that these schemes would result in a larger percentage increase compared with the size of the village than the appeal scheme would. I have not been provided with the full details of these cases. In any event, I have based my assessment on the specific circumstances of the proposal and appeal site. Consequently, my findings are not inconsistent with these appeals.
15. I have also been referred to an appeal⁵ at Chipperfield where an Inspector found that more dwellings than referred to in the explanatory text of a policy could still constitute limited infilling. However, as described above, my assessment is based not just on the policy, but also on the specific circumstances of the appeal and the proposals, which differ from case to case. In the appeal referred to, the Inspector found that the footprint of the 5 dwellings proposed would not be dissimilar to that of 2 large dwellings. In this respect the appeal referred to is materially different to that before me.
16. 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 Policies CP8 and GB2 of the Local Plan Partial Update (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

17. Openness is an essential characteristic of the GB that has spatial as well as visual aspects. The site currently comprises an open grassed area for the most part with parking and external storage in the southeast portion.
18. The erection of up to 9 dwellings on the site would inevitably result in a loss of spatial openness as a result of the introduction of buildings on parts of the site where none currently exist, along with associated accesses, parking areas and domestic paraphernalia. The proposed changes to the access and the removal of vegetation would open up views into the site meaning that the proposed buildings would be visible from the public realm, in particular from Sleep Lane. As a result, the proposal would result in a loss of visual openness. Consequently, the proposal would result in a loss of GB openness.

Character and appearance

19. The appeal site comprises a large area of garden, along with parking and storage to the rear. The site is located in an area which is mixed in character, comprising relatively low-density development consisting of dwellings and other buildings set in relatively spacious plots to the immediate north and south of the appeal site. To the west of the appeal site is Sleep Lane which is separated from the A37 by grassed areas. Beyond the A37 is open countryside. The area therefore has a semi-rural character.
20. A short distance from the appeal site to the north and east, higher density development is more apparent and significant development has taken place in recent years. However, there is a sense of separation between these denser,

³ APP/C1570/W/22/3310189

⁴ APP/J3720/W/22/3303416

⁵ APP/A1910/W/19/3231097

more urban forms of development and the looser knit pattern of development within which the appeal site sits. Thus, the appeal site is located in an area of transition between the main built-up area of the village and the countryside beyond.

21. Whilst the final layout of the proposed development is not known, the provision of 9 dwellings on the site would inevitably result in a denser, more cramped and urban form of development than currently exists in the immediate context, and that which was allowed through the previous appeal. This would be at odds with the established pattern of development in the area. It would appear incongruous in this transitional area and would erode its spaciousness thereby resulting in harm to the character and appearance of the area.
22. I recognise that more development may occur in Whitchurch in the future which may change its character and appearance, however details of this are not known at this stage and I have assessed the proposal based on present circumstances.
23. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policies D1, D2 and GB1 of the Local Plan which seek to ensure that development responds to context and to local character and distinctiveness.

Other Considerations

24. Whilst the Council can demonstrate a 5-year housing land supply, the proposal would nevertheless contribute towards housing supply. It would make efficient use of the land and result in additional dwellings of varying sizes and affordability. The houses would be located in an area which has reasonable access to facilities and services in Whitchurch and is close to bus routes and cycle paths which provide access to Bristol. It is proposed to enhance the footway and crossing facilities as a result of the proposal.
25. The proposal would result in economic benefits through council tax payments, and jobs during the construction phase. It would also achieve biodiversity and landscaping enhancements to the site. I also recognise that the proposal has received some support.

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 harm to the openness of the GB and harm to the character and appearance of the area. The Framework requires that substantial weight should be given to any harm to the GB. Set against this, I ascribe only moderate weight to the benefits of the proposal.
28. 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.

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