



Appeal Decision

Site visit made on 11 March 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/D0121/W/25/3358452

12 Clevedon Road, Tickenham, North Somerset BS21 6QT

- 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 Richard Backhouse against the decision of North Somerset Council.
 - The application Ref is 24/P/1580/FUL.
 - The development proposed is erection of a replacement dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published. Parties have been had the opportunity to comment on the changes within the appeal timetable. Therefore, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including the effect upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal is inappropriate development, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site is within the Green Belt. Construction of new buildings in the Green Belt is inappropriate development, other than for the specific exceptions set out in para 154 of the Framework, including at (d) the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. Policy DM12 of the North Somerset Sites and Policies Plan (Part 1) (PP) outlines that a replacement building will not normally be regarded as

materially larger provided it does not exceed 50% of the gross floor area of the original building.

5. The proposal is for the replacement of a single storey dwelling with a two storey dwelling. The evidence before me suggest that the proposal is 89% larger in floor area than the existing dwelling and therefore significantly exceeding a 50% increase.
6. Prior approval for a permitted development extension has been approved by the Council in relation to a proposed first floor (the fall back). However, unimplemented development under permitted development rights cannot, on the basis of the interpretation of the plain words of paragraph 154 d) of the Framework, be included. Moreover, the wording of PP Policy DM12 is specific in that it relates to the 'original building'.
7. The proposal would be materially larger than the one it would replace, and would therefore not meet the exception set out in para 154 d) of the Framework. Nevertheless, paragraph 154 g) allows for the limited infilling or the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt.
8. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 further states that when considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness.
9. The replacement dwelling would be significantly taller, and have a greater visual massing, bulk and volume compared to the building it would replace. Due to its increased size, the proposal would be prominent and highly visible from Clevedon Road and more distant views when travelling along the M5 motorway where the openness of the Green Belt is apparent.
10. The spatial and visual effects of the significantly greater size of the proposal would lead to substantial harm to openness. Accordingly, the proposal would not meet the exception set out in paragraph 154 g) of the Framework and would also add to the harm to the Green Belt identified by reason of inappropriateness in relation to paragraph 154 d).
11. It is also put to me that the site constitutes grey belt land. The appellant's undisputed evidence indicates an unmet need for housing in the Council's area within the terms of Framework Footnote 56. In reading the Framework as a whole, the objective of paragraph 155 is to exempt the development of additional homes on grey belt land from being inappropriate development where there is, amongst other criteria, a demonstrable unmet need for housing.
12. In my view, in order to meet the exception to inappropriate development outlined in paragraph 155, a housing development must contribute to addressing the demonstrable unmet need for housing by delivering a net gain in housing units. However, as the proposal relates to a replacement dwelling, it would not contribute positively to addressing the unmet need for housing.

13. Therefore, even if I were to agree that the appeal site would comprise grey belt land, and that the proposal met the other requirements of Framework paragraph 155, the proposal would not meet the requirement of paragraph 155(b).
14. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt and would result in a harmful effect on the openness of the Green Belt. The proposal would therefore conflict with PP Policy DM12. This Policy seeks to provide consistency of approach concerning built development in the Green Belt, clarifying the circumstances where such development is not regarded as inappropriate, and the provisions of the Framework in relation to Green Belt.

Character and appearance

15. The appeal site is part of a ribbon of development along Clevedon Road, which features a mix of residential building forms including bungalows, such as that currently at the appeal site, as well as larger scale two storey dwellings. The area has a semi-rural character, due to the visual prominence of agricultural land surrounding existing development, including an open field directly opposite the appeal site.
16. The proposal would reflect design elements seen elsewhere in the area including a gable, pitched roof and materials including natural stone walling, render and slate roof tiles. Whilst substantially larger than the existing bungalow, the bulk of the proposal is not dissimilar to other dwellings in the area and would not be seen as incongruous or out of scale with the street scene, or otherwise harm the character and appearance of the area.
17. PP Policy DM44 seeks to ensure that replacement dwellings protect the countryside from inappropriate sized dwellings that would harm the character of the area. Amongst other criteria, the policy requires that a replacement dwelling is not increased in size by more than 50% then the dwelling it replaces. The explanatory text to the Policy explains that the size of the replacement dwelling will be assessed on the size of the existing dwelling at the time the application is submitted, irrespective of any outstanding unimplemented planning permission for extensions to the property.
18. In this regard the proposal would conflict with this element of PP Policy DM44. However, I have found that the proposal would not harm the character and appearance of the area, and as such, whilst there is some conflict with a part of the Policy, the proposal would accord with the overall aims of PP Policy DM44 which I have outlined above.

Other considerations

19. If the appeal proposal were to be dismissed, the appellant suggests the existing dwelling could be extended by way of the permitted development fallback. Given that the appellant has previously applied for and gained prior approval for the fallback, and has stated an intention to make the dwelling bigger, I consider that there is a real prospect of the fallback development taking place.
20. However, the fallback would have notably lesser floor area and a lower ridge height than the appeal proposal, and less visual massing. As such, I find that this fallback would have a lesser impact on the openness of the Green Belt than the

appeal proposal. As a result, the potential for the permitted development fallback to be implemented is a matter that carries modest weight.

21. The proposal would make a neutral contribution to housing supply since the proposal is for a replacement dwelling, however there would be economic benefits during the construction period, although given the scale of the proposal the weight I attach to this is modest.

Green Belt balance

22. The proposal constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 proposal, is clearly outweighed by other considerations.
23. There would be harm arising from the inappropriate development and the erosion of the Green Belt's openness. I attach substantial weight to these harms, in accordance with Paragraph 153 of the Framework. Other considerations, either individually or cumulatively, only carry modest weight and therefore do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

24. The Grade II listed Cadbury Court Farmhouse is located near the appeal site. I observed that the significance of this heritage asset derives in part from its historic and architectural value as an example of a period farmhouse. The immediately surrounding open land convey the functions between the farmhouse and farmland with nearby fields contributing to the historic value and setting of the farmhouse.
25. The appeal site forms only a small part of the wider rural setting and given the separation distances and modern surrounding built form, the proposal would, in so far as it relates to this appeal, have a neutral effect on the significance of the heritage asset, including its setting.
26. Even if the Council is unable to demonstrate a 5-year housing land supply, the policies in the Framework relating to the Green Belt provide a strong reason for refusing the development proposed. Moreover, the proposal would in any case have a neutral effect on housing supply.

Conclusion

27. For the reasons given above, whilst I find that the proposal would be acceptable in terms of character and appearance, it would be inappropriate development in the Green Belt and would erode its openness. Accordingly, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR