



Appeal Decision

Site visit made on 7 February 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/F0114/W/24/3355662

Land at Parcel 1636, North of Wells Road, Hallatrow BS39 6EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Andrew Harris against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/02319/PIP.
 - The development proposed is the erection of 1 no.self-build dwelling with associated works..
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). Both main parties have made reference to this document in their submissions, and I have had regard to the comments made.
3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second, 'technical details consent' (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. The Council's reasons for refusal relate to location and use, and I have determined the appeal accordingly.

Main Issues

5. The main issues in this appeal, which relate to location, land use and amount of development, are:
 - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the development plan; and
 - The effect of the proposed development on the use of best and most versatile agricultural land (BMV).

Reasons

Location

6. Policy DW1 of the Bath and North East Somerset Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (2023) (the CS&PP) sets out the Council's district wide spatial strategy. The policy seeks to promote sustainable development, including through focussing new housing, jobs and community facilities in Bath, Keynsham, and Somer Valley, as well as in rural areas within settlements with a good range of local facilities (criterion d).
7. The proposed dwelling would be a self-build unit. Policy H4 of the Placemaking Plan (2017) (PP) sets out that the provision of self-build housing will be supported where, amongst other matters, they are in line with other policies in the development plan.
8. The appeal site lies outside the Housing Development Boundary (HDB) of Hallatrow and is therefore within the open countryside for policy purposes. The proposal would not fall within any of the exceptions set out by PP Policies RE4 or RA1.
9. PP Policy RA2 however considers development in villages outside the Green Belt not meeting Policy RA1, which is the case for Hallatrow. It states that limited residential development on sites adjoining the HDB at these villages will be acceptable *'if identified in an adopted Neighbourhood Plan (NP)'*. There is no dispute between the main parties that, at present, there is no 'made' NP, and in any case, the appellant does not dispute the Council's assertion that the NP currently under review does not identify the appeal site as suitable for residential development. Therefore, even if the site was adjacent to the HDB, it would not meet the requirements of this policy.
10. From what I observed, the services and facilities in Hallatrow are restricted to a public house. As such it does not have a good range of local facilities and does not therefore meet the requirements Policy DW1 d). Whilst I observed that the services and facilities of Paulton, High Littleton and Temple Cloud are not within safe and convenient distance for walking or cycling, there are bus stops near the appeal site that would provide a good access to public transport.
11. Nevertheless, the appeal site is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would conflict with the plan-led approach endorsed by the Framework. The proposal would therefore conflict with spatial strategy goals of CS&PP Policy DW1 and PP Policies RA1, RA2 and RE4.

Best and most versatile agricultural land (BVA)

12. PP Policy RE5 requires *"BVA land to be protected and development directed to areas of poorer quality land, particularly, development on land identified as Grades 1 and 2 will not be permitted unless significant sustainability benefits are demonstrated to outweigh any loss"*. This is because it is stated that agricultural land is one of the district's most important resources.
13. The Framework requires decisions to contribute to and enhance the natural and local environment by recognising the economic and other benefits of the BVA land, which is defined as land in grades 1, 2 and 3a of the Agricultural Land

Classification. It is common ground between the main parties that the site comprises grade 3a quality land, as identified in the submitted field based study¹.

14. As such, and notwithstanding the emphasis on Grades 1 and 2 in the above PP Policy, there would be a loss of what is considered to be BVA land, albeit at the lower end of the classification.
15. In the context of the wider district, the appeal site would likely represent a small proportion of the available BVA land. Nonetheless, the proposed development would still result in an erosion of the BVA land.
16. The development would therefore be contrary to the protection of BVA land goals of PP Policy RE5.

Planning Balance and Conclusion

17. There would be moderate temporary economic benefits during construction and once complete, an on-going benefit to the economy through spend by residents in the local economy and the support to local services, facilities and related employment. The addition of 1 unit would make a minor difference to the overall supply of housing.
18. The Framework supports small sites coming forward for self-build and custom-build housing. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that an authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period.
19. The self-build information provided by the Council (dated 10 Jan 2024) suggest that the Council is failing in its statutory duty to meet the demand for self-build and custom housebuilding by a significant amount.
20. However, even if a self-build scheme could be secured at TDC stage, given the limited quantum of development in this case, I give this matter moderate weight in favour of the proposal.
21. The lack of harm to the adjacent public right of way or that may arise from a sensitively designed scheme are a neutral matter in the overall planning balance. It is not demonstrated that the proposal is the only way of providing local retirement accommodation for the appellant. This therefore carries limited weight in favour of the proposal. Any benefit in terms of additional landscaping, biodiversity and ecological enhancement to the site would be minor given the scale of development. Similarly, any benefit from access improvements would be small, given the scale of the development.
22. The proposal would conflict with the housing strategy in the development plan as it is located outside of the defined settlement boundary in a location without a good range of local facilities. CS&PP Policy DW1 and PP Policies RA1, RA2 and RE4 are broadly consistent with the Framework where it states that the planning system should actively manage patterns of growth. Therefore, I give the conflict with these policies moderate weight. There is also no support therefore from PP Policy H4.

¹ Agricultural Land Classification and Soil Resources by Reading Agricultural Consultants, Feb 2024.

23. The proposal also conflicts with the protection of BVA land goals of PP Policy RE5. This policy is consistent with the Framework, which states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. As such, I give the conflict with this policy significant weight.
24. The appeals referenced by the appellant were considered by the Inspectors to be either in a sustainable location in respect to access to services and facilities, or have moderate weight afforded to the conflict with the development plan. In addition, both schemes were for 3 or 4 units. As such, it is not demonstrated that these examples are directly comparable to the proposal before me.
25. The 2023/24 monitoring report sets out that the Council's housing land supply is 5.5 years. This does not take into account the 2024 Framework, and the appellant sets out that there is a requirement for a substantial increase in housing delivery.
26. Even if I were to conclude there is a shortfall in the five-year housing land supply as suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
27. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude that the appeal is dismissed.

B Phillips

INSPECTOR