



Appeal Decision

Site visit made on 25 March 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/D0121/D/24/3354069

Staddlestone House, Sandy Lane, Abbots Leigh, North Somerset BS8 3SA

- 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 A and Mrs D Nelmes against the decision of North Somerset Council.
 - The application Ref is 24/P/0994/FUH.
 - The development proposed is the erection of a new detached single storey outbuilding for use incidental to the main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the Decision Notice as it more accurately describes the appeal proposal.
3. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. The main parties have been invited to comment on the Framework and I have taken account of any responses from them in my determination of the appeal.

Main Issues

4. The main issues are:
 - whether the appeal site would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on trees; and
 - whether the 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.

5. The appeal site consists of an area of land to the rear of Staddlestone House, which lies within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently

open. The Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. This is echoed in Policy DM12 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1, adopted July 2016 (SPP) which sets out that inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances.

6. The appeal proposal would see the erection of a new detached single storey outbuilding for the storage of the appellants various vehicles and boats, so as to protect them from the elements. There is no dispute between the parties that the proposed development would not constitute an exception to inappropriate development listed at paragraph 154 of the Framework. In addition, the Framework also sets out at paragraph 155, that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where specific criteria apply, including that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
7. The Framework defines grey belt land as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Even if I were to accept that the appeal site does not strongly contribute to the purposes of the Green Belt with regard to unrestricted sprawl of large built-up areas; the merging of neighbouring towns; or the setting and special character of historic towns, so as to comprise grey belt land, and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, and would be in a sustainable location, in order for development not to be regarded as inappropriate, paragraph 155 b) of the Framework also requires that there is a demonstrable unmet need for the type of development proposed.
8. Whilst I acknowledge that the proposed outbuilding would provide storage space required by the current occupier, to replace the existing open storage at the site, there is no substantive evidence before me regarding the availability of this type of development, such as alternative storage facilities in the local area. Moreover, it has not been demonstrated that the appeal proposal is the only means of meeting the appellants need for covered storage space either at the appeal property or elsewhere. Therefore, in the absence of a demonstrable unmet need for the type of development proposed, the proposal would fail to satisfy criterion b) of paragraph 155 of the Framework and would be inappropriate development as a consequence.
9. For the reasons given above, I conclude that the proposed development would not constitute one of the exceptions listed in the Framework and would therefore be inappropriate development in the Green Belt. Accordingly, it would conflict with Policy DM12 of the SPP. As set out in the Framework inappropriate development is, by definition, harmful to the Green Belt and is to be given substantial weight.
10. The Council's refusal reason also cites Policy CS6 of the North Somerset Council Core Strategy, adopted January 2017 (NSCS) but that is concerned primarily with the boundaries of the Green Belt rather than specific development proposals within it so is not directly applicable to this main issue.

Openness

11. A significant part of the appeal site benefits from a Certificate of Lawfulness¹ for residential use ancillary to Staddlestone House. At the time of my site visit there were various motorised vehicles including several cars and boats, some of which were under temporary covers, as well as equipment and parts on the site. The proposed single storey hipped roof outbuilding would be used for the secure covered storage of these items.
12. The proposal would introduce built form on the site, where there is presently none. However, while greater in height than the existing vehicles and boats on the site, and of a solid form, the outbuilding would be considerably smaller in footprint than the area currently covered by the existing storage use, or indeed the area that could be used for such purposes. Moreover, the existing outdoor storage use could continue in the long term and therefore has a degree of permanence.
13. The outbuilding would be set back from the highway to the front of the site and due to the topography would occupy an elevated position in relation to the neighbouring properties. Given this context, along with the existing landscaping to the site boundary, it would not be readily visible from the road or most of the adjoining dwellings. In addition, in longer distance views towards the site from the rear it would be viewed in the context of and against the backdrop of the existing detached outbuildings at the site and would therefore not be unduly conspicuous.
14. Consequently, subject to a planning condition to prevent the continued use of land for storage use, as suggested by the appellant, the proposed outbuilding would lead to an increase in the openness of the site.

Effect on trees

15. The submitted block plans² show a linear row of trees along the side boundary of the site between it and the adjoining manège and garden land. However, I observed at my site visit that there were 3 mature trees on a grassed area within the site, arranged in a staggered row, set in from the side boundary of the site, 2 of which would be near the proposed outbuilding. By virtue of their age and position, the trees make a positive contribution to the character and appearance of the area.
16. The appellant contends that, given the siting of the proposed outbuilding and subject to tree protection measures, the proposal would not compromise or damage the trees, which are said to be retained. Nonetheless, in the absence of an accurate Arboricultural Survey, to confirm the position of the trees and their subsequent relationship with the proposed outbuilding, it is not possible to ascertain the effects of the proposed development on the canopies or root protection areas of the existing trees. Without any substantive evidence on this matter, it has not been demonstrated with any degree of certainty that the proposal would not adversely affect the health and long-term wellbeing of the trees to safeguard their retention.
17. In light of the above considerations, I conclude the development would have a harmful effect on trees and so be detrimental to the character and appearance of the area and biodiversity value of the site. It would therefore fail to accord with the combined aims of Policies CS4, CS5, CS9 and CS12 of the NSCS, which seek to

¹ LPA Ref: 21/P/0184/LDE

² drawing 1845-23-001 rev H

maintain and enhance biodiversity, safeguard the existing network of green infrastructure and require development to achieve high quality design, which is sensitive to the existing local character and to protect and enhance the character, distinctiveness, diversity and quality of the landscape. The proposal would also conflict with Policies DM8 and DM10 of the SPP in so far as they require proposals to conserve and enhance the local natural environment and vegetation characteristics of the area and Policies DM9 and DM32 of the SPP which, require proposals affecting trees to, among other things, demonstrate that the retention, protection and enhancement of tree canopy cover has been considered throughout the design and development process. In addition, it would fail to comply with Policy ENV2 of the Abbots Leigh, Ham Green, Pill & Easton-in-Gordano Neighbourhood Plan 2020-2026, made November 2021, which sets out that development proposals should protect and where practicable enhance the environment and wildlife.

Other considerations

18. The existing certificate of lawfulness establishes the use of a significant part of the appeal site for residential use, including the storage of private leisure boats and trailers used to transport the boats and the parking of domestic vehicles and track cars. This use could encompass a greater proportion of the site than that which is presently used for such purposes and, given it could continue in the longer term, would have a degree of permanence. Accordingly, subject to a condition to prevent outdoor storage at the site, the proposed outbuilding would have less effect in terms of harm to the openness of the Green Belt than the existing or potential future use of the land for outdoor storage. Given the limited overall benefits in terms of visual effects due to the contained nature of the site, this is a material consideration of moderate weight.
19. The appeal submissions suggest that, as the proposed storage building would allow the remainder of the appeal site to be cleared of vehicles and boats currently stored externally on the land, this would offer visual benefits in terms of the appearance of the site. While the current open storage use of the site is somewhat untidy given the range of vehicles and equipment and their proliferation across the site, given the open storage is modest in height and generally visually well contained, it does not have a significant adverse effect on the character and appearance of the wider area. Any benefit derived from its replacement with the proposed outbuilding would therefore be limited.

Other Matters

20. My attention is drawn by the appellant to Policy DM30 of the SPP. Given that this policy refers to off-airport car parking, it is not pertinent to the appeal proposal, which relates to land used for purposes ancillary to a residential property, which may include the parking of vehicles.

Green Belt balance

21. The appeal scheme would represent inappropriate development which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances only exist where the harm by reason of any inappropriateness and any other harm is clearly outweighed by other considerations. The Framework requires substantial weight to be given to any harm caused to the Green Belt.

22. In addition to the harm by reason of inappropriateness, while it would not harm the openness of the Green Belt, the proposal would also give rise to harm to the character and appearance of the area and biodiversity through the loss of trees on the site.
23. Having regard to the relevant factors, the substantial weight to be given to Green Belt harm, and any other harm, is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances necessary to justify the development.

Conclusion

24. For the reasons given above the appeal is dismissed.

E Worley

INSPECTOR