



Appeal Decision

Site visit made on 10 December 2024

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/D0121/W/24/3347419

North Hill Farm, East Dundry Lane, Dundry, North Somerset BS41 8NJ

- 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 Mrs Rosa Nolan against the decision of North Somerset Council.
 - The application Ref is 24/P/0385/FUL.
 - The development proposed is demolition of existing agricultural barn, erection of residential dwelling, extension of residential curtilage and ancillary works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Rosa Nolan against North Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant has provided amended plans that show a reduction in size of the curtilage of the proposed development. The *'Procedural Guide – Planning Appeals – England'* advises that if an appeal is made, the appeal process should not be used to evolve a scheme. The *Holborn Studios Ltd*¹ judgement established that there are two tests that must be considered before deciding whether to accept amendments to a proposal, namely a substantive test and a procedural test.
4. The amendment would not result in a substantive change to the proposal. Furthermore, there was an opportunity within the appeal timetable for the Council and interested parties to comment on the proposed amendment. I am therefore satisfied that no party would be prejudiced by the acceptance of the amended scheme. Accordingly, I have determined the appeal on the basis of the amended site edged red, along with the previously submitted drawings.
5. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). This included revisions to policies that are pertinent to the appeal, such as those relating to development in the Green Belt. During the appeal, the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In my decision, I have had regard to the parties' written responses.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

Background and Main Issues

6. The appeal site is located within the Bristol/Bath Green Belt. The main parties have agreed that the proposal would be inappropriate development in the Green Belt as defined in development plan policy and the Framework. I concur with that position.
7. Accordingly, the main issues are:
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the appeal site is a suitable location for new residential development having regard to the development plan and access to local services and facilities; and
 - 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 proposed development.

Openness of the Green Belt

8. The appeal site comprises a barn that is single storey and externally finished with concrete block walls that have been left exposed or clad in render or metal sheeting. It is on the northern extent of the farmyard, and it is part of a group of barns, some of which were being converted to dwellings when I visited the site.
9. The proposal is to demolish the barn and erect a single storey dwelling that would have four double bedrooms and an open plan kitchen, dining and living area. Prior approval was granted in 2023 for the conversion of the barn to a three bedroom dwelling².
10. The Framework attaches great importance to Green Belts. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt.
11. Policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 (2016) (SPP Part 1) provides guidance and consistency of approach concerning built development in the Green Belt, which includes minimising any harm to the openness and purposes of the Green Belt.
12. Spatially, there is an existing barn that currently occupies the site. The proposed dwelling would have a notably smaller volume than the barn. The ridge of the dwelling would also be slightly lower than the barn. However, the dwelling would have a somewhat larger footprint than the barn. Additionally, the floor plans of the two buildings would be significantly different. The barn has a rectangular floor plan, and the dwelling would be more spread out with areas, such as a courtyard, being partially enclosed by the dwelling on three sides. Notwithstanding the reduction in

² North Somerset Council application reference 23/P/1301/CQA

the built volume on the site and the slightly lower ridge height, the increased footprint and radiating form of the building, which partially encloses some areas of the site, would result in the reduction of the spatial openness of the site.

13. Visually, the site is fairly well screened from public vantage points. However, the site is elevated and has open views to the east, and this provides the potential for views into the site, albeit at a significant distance. In addition to the long distance views of the site, the proposed dwelling would be visible from the access track leading to the farmstead and it would be overtly visible from the residential properties being formed in the barns adjacent to the site.
14. As mentioned above, the dwelling would extend further towards the boundaries of the site, bringing the built form closer towards the adjacent barns and reducing the visual separation between them. Additionally, a residential curtilage would be formed that would occupy areas beyond the confines of the existing barn and the adjoining yard, within which it is likely that domestic paraphernalia would be placed further impacting on the openness of the vicinity.
15. For the above reasons, the proposed development would have a greater impact on the openness of the Green Belt than the existing development and would be contrary to Policy DM12 of the SPP Part 1. The scheme would also conflict with the Framework.

Character and appearance

16. As previously established, there is an extant prior approval for the change of use of the barn to a dwelling. The principle established by the grant of prior approval and planning permission represents a genuine 'fallback' position. Even in the absence of the start of any construction works, there is every prospect that the barn would be converted to a dwelling should this appeal fail and a clear intent to develop the site has been demonstrated. The prospect of the 'fallback' being developed is therefore greater than theoretical.
17. The existing barn on the site is typical of the size and appearance of agricultural structures that are not uncommon or discordant within the countryside adjacent to other farm buildings. The plans for the consented conversion of the barn shows that the existing barn's form would be retained as part of the approved works. The consented scheme would therefore retain the agricultural proportions of the barn and ensure that its form remains in keeping with its rural setting.
18. The two existing openings in the barn would be filled with glazing above render walls, and a Juliette balcony would be installed in front of one of the areas of glazing. Further smaller glazed openings and an entrance doorway would be formed in the elevations. There would therefore be limited intervention into the existing built fabric and existing larger openings would be utilised in a sympathetic manner that respects the simple agricultural character of the barn. The external materials retained and used as part of the conversion would also be reflective of the local agricultural vernacular. The appearance of the conversion would therefore be congruent with the built and natural surroundings of the site.
19. The shapes of the existing barn and the proposed dwelling would be very different. The development would not follow any built form that is either established on the site or reflected in the adjacent barns. The proposed dwelling would be finished externally with brick and timber cladding. Such materials would not be congruent

with the palette of materials used in the construction of the existing barn or the nearby barns. This would result in the proposal being a strident addition into the agricultural landscape that the site is located within. The large areas of glazing, in particular, the gable glazing facing over the adjacent field, would exacerbate the negative effect of the proposal.

20. The design of the dwelling would be a modern form of development that would not typically be found on a farmstead, and it would therefore not maintain the intrinsic character and beauty of the countryside. The proposed development would significantly change the appearance of the site and would be an uncharacteristic building in the countryside.
21. The formation of a curtilage that extends beyond the confines of the existing barn and its associated yard would increase the domestication of the site. The removal of permitted development rights would ensure control over the erection of buildings and structures in the garden, but it would not prevent domestic paraphernalia that does not constitute 'development' as defined by the Town and Country Planning Act 1990 (as amended). Furthermore, the control of domestic buildings and structures in the garden would not overcome the harm to the character and appearance of the area that I have identified.
22. By reason of its contemporary design and materials, and the extent of built form and urbanising appearance, it would be more prominent than the existing barn and extend built form harmfully into the open countryside, thereby harming the character and appearance of the area.
23. I acknowledge that the character and appearance of the area has changed through previous conversions nearby and would change further if the 'fallback' scheme was implemented. However, the adjacent conversions appear to be utilising the shell of the historic stone barns and not introducing a new build dwelling that is at odds with its rural setting. Moreover, the extent of change from the 'fallback' scheme would be limited within the shell of the existing building and limited external space such that the proposed dwelling and associated curtilage would have a greater and more harmful effect.
24. In light of the above, the proposal would cause greater harm to the character and appearance of the area than the 'fallback' scheme.
25. For these reasons, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. Consequently, the proposal would conflict with Policies CS5 and CS12 of the North Somerset Core Strategy (2017) (CS) and Policies DM10 and DM32 of the SPP Part 1, which collectively seek, in part, to achieve high quality design that is sensitive to the established local character and enhances the area taking into consideration the existing context, and to protect and enhance the character, distinctiveness, diversity and quality of Somerset's landscape.

Whether suitable location

26. The appeal site is outside a settlement boundary and is therefore in open countryside for the purposes of the development plan. Policy CS14 of the CS states that development outside the settlement boundaries will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable

development which accords with the criteria set out in the relevant settlement policies.

27. Policy CS33 of the CS sets out that new residential development outside settlement boundaries will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic uses is inappropriate, or dwellings for essential rural workers.
28. I acknowledge that there is an extant prior approval to convert the barn to a dwelling. However, at the time of visiting the site, the approved dwelling had not been brought into use and there is therefore no existing dwelling that the proposed dwelling would replace.
29. On this basis, and as it has not been demonstrated that one of the scenarios listed under Policy CS33 applies to the proposed development, the proposal would conflict with that policy. As the proposal conflicts with Policy CS33 and taking into account that the site is not allocated in the Local Plan for residential development, the proposal would also conflict with Policy CS14.
30. However, the proposal's conflict with Policies CS14 and CS33 of the CS must be weighed against the fact that there is an established 'fallback' position for the change of use of the barn to a dwelling.
31. A key purpose of restricting residential development in the countryside is to reduce the need to travel by private car in order to reduce carbon emissions. The site is a significant distance from the nearest settlement. There are no services and facilities within easy and safe walking or cycling distance of the site. As such, walking and cycling to and from the site to local services and facilities would not provide an attractive alternative to using a private motor vehicle. Particularly during the hours of darkness and inclement weather. I have not been provided with information of bus services that would be accessible to future users of the proposed development. The use of a private motor vehicle would therefore present the only practical means for residents to access the day-to-day services and facilities.
32. However, any harm in this regard would be offset by the fact that the existing building could be used as a dwelling under the prior approval in place. Whilst the proposed dwelling would have one more bedroom than the consented dwelling, this would be a minor increase in bedspace, and the number of trips generated to and from the site would therefore be largely comparable.
33. For these reasons, the appeal site is in the countryside and is not readily accessible other than by private motor vehicles. However, notwithstanding the conflict with Policies CS14 and CS33, which collectively seek, in part, to steer development to those locations where there are the opportunities for employment, services and transport accessibility and ensure that unsustainable patterns of development are not created through inappropriate development being dispersed into rural areas, in light of the fallback position, in this instance the appeal site is a suitable location for new residential development.

Other considerations

34. The appellant has put forward the 'fallback' position as a material consideration that outweighs the finding that the proposed development constitutes inappropriate

development in the Green Belt. However, for significant weight to be afforded to a 'fallback' position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.

35. The appeal proposal would see the erection of a detached dwelling that is not of rural design and would urbanise the site and its setting, thereby causing harm to the character and appearance of the area. I have previously found that the proposal would cause greater harm to the character and appearance of the area. Consequently, the weight that is attributed to the 'fallback' position is moderate.
36. In terms of the contribution to the existing housing stock and the Framework's emphasis on boosting housing supply, having regard to the 'fallback' position, the proposal would be in a suitable location for residential development but it would have a broadly neutral effect on the local housing supply, as the extant prior approval for a dwelling would be replaced by a permission for one dwelling, albeit the proposal would have an additional bedroom. The additional bedroom would also result in a minor increase in the associated social and economic benefits arising from the proposal. There would also be small scale social and economic benefits during the construction period of the proposal. Given the relatively small scale of the proposal, these benefits are given limited weight in the planning balance.
37. The appellant asserts that there would be an improvement in terms of energy efficiency when compared to the extant scheme, which aligns with the Framework's aim to support energy efficiency. To this benefit I apportion modest weight given the limited scale and nature of the proposed development.

Green Belt balance and conclusion

38. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
39. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness, and the harm to the character and appearance of the area that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
40. The Council accepts it cannot demonstrate a five year housing land supply. In these circumstances, Paragraph 11(d)(i) of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, having regard to footnote 7. This includes land designated as Green Belt.
41. The proposed development would be inappropriate development in the Green Belt, it would harm its openness, and the very special circumstances necessary to justify the development do not exist. As such, the Green Belt policies in the Framework provide a strong reason for refusing the development proposed and Paragraph 11(d)(ii) is not therefore engaged.

Conclusion

42. For the reasons given above, the proposed development would conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR