



Appeal Decision

Site visit made on 7 April 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/D0121/W/24/3356034

Birchwood, Cadbury Camp Lane, Clapton in Gordano, BS20 7SA

- 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 Martin Day against the decision of North Somerset Council.
 - The application Ref is 24/P/0698/FUL.
 - The development proposed is demolition of existing dwelling and erection of replacement self-build dwelling, alterations to existing garage and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of additional information, namely lighting assessment, the Council have removed their concerns relating to the second reason for refusal. I have determined the appeal accordingly.

Main Issue

3. The main issues are; whether the proposal would be inappropriate development within the Green Belt and its effect on openness; and whether other considerations clearly outweigh any identified harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Whether Inappropriate Development

4. Policy DM12 of the North Somerset Development Management Policies: Sites and Policies Plan Part 1 (2016) (DMP) states that, within the Green Belt, the replacement of an existing building is not regarded as inappropriate provided the new building is in the same use and is not materially larger than the one it replaces. It goes on to state 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 National Planning Policy Framework (Framework) establishes that the construction of new buildings should be regarded as inappropriate unless one of the specified exceptions applies. This includes the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.

6. The appeal site comprises a large plot that slopes down away from the access road. The existing dwelling and associated garage are set well back from the road behind areas of garden and mature landscaping. The existing dwelling is a large two-storey detached dwelling, with a garage and covered parking area to the front and a raised decking area to its side and rear. A triple detached garage is located along the entrance drive which the appellant has confirmed has first floor storage space.
7. I have been provided with floorspace figures by the Council, indicating that the proposed development would result in a 201.47% increase in floorspace. The appellant disputes this as the Council have not included the garage storage space in their calculations. The appellants calculations detail an increase in floorspace of 180%. Even taking the appellants lower figure the resultant dwelling would be materially larger than the existing dwelling as evidenced by the significant percentage increase in floorspace. As a result, the proposed development would be inappropriate development in the Green Belt.
8. Openness is an essential characteristic of the Green Belt which has both visual and spatial elements. The proposed dwelling would be largely screened by existing mature landscaping and fencing. However, in spatial terms the proposed dwelling would have a larger site coverage resulting in a loss of spatial openness. Due to the landscaping screening most of the site for viewpoints the overall harm to openness would be limited.

Other Considerations

9. In seeking to address very special circumstances the appellant has referred to a number of planning applications where dwellings have been replaced or extended above the Council's policy of 50%. Three of these are in excess of 100%. However, I have not been provided with the details of each of these cases or whether any very special circumstances existed to permit these schemes.
10. Dwellings along Cadbury Camp Lane are located on large plots with limited visibility from the road due to existing vegetation, and the proposed development would echo this. Nevertheless, an absence of harm relating to the character and appearance of the area would only have neutral weight in my considerations.
11. In 2022 the Council granted planning permission for a two-storey extension and loft conversion. In their submission the appellant notes that this would create a dwelling with approximately 500 square metres of floorspace. No further calculations have been provided. Further, the appellant note that permitted development rights remain, and further extensions and alterations could be undertaken. The appellant considers that this forms a fallback position, and the replacement dwelling offers a better design solution than the fallback position.
12. For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out in the event that planning permission were to be refused, but it would also need to be equally or more harmful than the scheme for which permission is sought.
13. The Council's calculations detail that the proposed dwelling would have a floor area of approximately 1101.91 square metres. When taking account of the extant permission for extensions and alterations, the appellants own calculations detail

that it would only result in a dwelling of approximately 500 square metres. This would be significantly less than the proposed dwelling.

14. Further extensions under permitted development rights could also be constructed, but these would be limited in scale. Additionally, I have not been provided with any details, drawings or information as to how further extensions would be undertaken to conclude that there is a real prospect of this being undertaken. In any event there would need to be significant additions to the existing built form for the extensions to be comparable with that proposed.
15. In light of the above, the fallback position would have a greater harmful impact on openness.
16. The Council is not able to demonstrate the housing land supply expected by the Government. However, the proposal would not add to the dwelling stock given that it would replace an existing dwelling.

Planning Balance and Conclusion

17. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework substantial weight should be given to any harm to the Green Belt. In addition, there would be limited harm to openness.
18. There are no other considerations that support the proposal to any significant degree. They do not clearly outweigh the totality of harm and as a result very special circumstances do not exist.
19. There are no material considerations to indicate that a decision should be made other than in accordance with the development plan. Therefore, the proposal would be unacceptable for the reasons given and the appeal should be dismissed.

Tamsin Law

INSPECTOR