



Appeal Decision

Site visit made on 23 April 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025.

Appeal Ref: APP/F0114/W/25/3359888

Augusta, Norton Lane, Norton Malward, Bristol, Bath and North East Somerset BS39 4EY

- 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 Luke Duffin against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/04688/FUL.
 - The development proposed is replacement of existing outbuilding to a dwelling, and associated adjustments to the existing vehicular access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, and for the purposes of this decision I have referred to the latest version of it.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt considering the effect of the proposal on the openness of the Green Belt, and having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal is in a suitable location for a dwelling having regard to relevant development plan policies;
 - If the proposal is inappropriate, whether any 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 the proposal is inappropriate development and the effect on openness

4. The appeal site is located within the Green Belt and comprises a single storey outbuilding with associated concrete hardstanding. There is a bungalow to one side with the rest of the site being surrounded by open fields.

5. The appeal seeks to demolish the building on the site and replace it with a new dwelling which would appear single storey at the front and two storeys at the rear, due to the topography of the site.
6. Policy CP8 of the Bath and North East Somerset Core Strategy (Core Strategy) requires the openness of the Green Belt to be protected from inappropriate development in accordance with national planning policy.
7. In terms of inappropriateness parties consider paragraph 154(g) of the Framework to be relevant. This allows for an exception to inappropriate development in the Green Belt where previously developed land (PDL) is developed where there would not be substantial harm to openness. The site and building was previously associated with the adjacent residential property and I am therefore satisfied that would fall within the definition of PDL.
8. Openness is one of the Green Belt's essential characteristics and Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
9. The building currently on the site is single storey with intersecting mono pitched roofs. The rear section of the building is at a lower level. Although the proposed house may have a slightly smaller footprint than this building there would be an increase in terms of volume. Parties agree that the volume of the existing building is 692.6m³. The Council calculate that the volume of the proposed building would be 1112m³ representing around a 60% increase.
10. Various figures in relation to volume increase are reported in the evidence from the appellant. In the Appeal Statement the appellant quoted a figure of 866.3m³ being independently verified by an architect. During the appeal process the appellant provided further calculations which refer to a volume of 868.05m³ which would represent around a 25% increase. I have taken this as their final conclusion in respect of volume.
11. There is a significant difference between the percentage increases calculated by the parties. Reviewing the various volume calculations the difference appears to arise from whether the voids below the roof overhang and balcony are included in the calculations.
12. National planning policy and guidance do not stipulate acceptable volume increases and I have not been provided with any local policies relating to this specific scenario. The appellant has referred to the acceptability of a 33% volume increase where replacement dwellings are considered. Even if this metric were applied the overall impact on openness needs to be considered not just volume increase. In this case the significant increases in height and apparent mass weigh against the scheme.
13. Even if the appellant's lower volume calculation was accepted, effect of the replacement building on openness relative to the existing structure needs to be considered. Although the height of the building may be similar for a small section at the front, the roof slopes upwards significantly to the rear of the building where the existing building reduces in volume. Although the proposed building makes use of the change in levels it would appear as two storeys at the rear and significantly larger than the existing building.

14. Therefore, although the volumes above and below the balcony may not have been included in the appellant's calculations this element of the building would contribute to its apparent massing and visual impact.
15. The Council calculate the area of the street facing elevation to increase by approximately 43% and would be even greater at the rear. The increase in scale, massing and height of the building would be visible from the road. Views of the increased scale of the side elevations would be apparent when travelling in both directions on Norton Lane. The building would also be visible from the elevated position of the Public Right of Way opposite the site and due to its increased scale would have a more dominant visual impact when compared to the existing building.
16. The increase in the height of the proposed building would have a significantly greater impact on both the visual and spatial aspects of openness, causing substantial harm in this regard. Although the level of activity may be similar to that generated if the extant consent (22/03854/FUL) were implemented. Whilst the duration of the consented and proposed buildings may be similar, the appeal proposal would result in a much larger building remaining on the site resulting in a greater degree of harm. Therefore, the appeal proposal would not fulfil the requirements of criterion 154 (g) of the Framework.
17. The recently updated Framework also considers the development of grey belt land as not inappropriate development. However, in order for this to be a consideration the Council would need to have a lack of five-year supply of deliverable housing and this is not currently the case.
18. With the above in mind, the proposal represents inappropriate development in the Green Belt as defined by the Framework and causes substantial harm to openness. Given that I have concluded that the proposal would cause substantial harm to the openness of the Green Belt, it would also therefore conflict with Policy CP8 of the Core Strategy.

Character and appearance

19. The appeal site is in a rural location. The surrounding area has a mix of building types, styles, and architecture. The adjacent bungalow has a simple pitched roof form. The closest houses on Norton Lane differ in style to one another and the bungalow. The houses in Norton Marlewood are a mix of modern housing with simple hips and gable roofs alongside older cottages. The prevailing materials are a mix of natural and reconstituted stone and render.
20. The existing building has a functional form and is constructed of a mix of materials. Whilst it does not enhance the visual quality of the area its single storey form means that it has an unobtrusive visual impact, appearing, particularly from the front as an ancillary building.
21. The proposed building is of a contemporary design which uses a mix of materials which are either similar to those in the surrounding area or on the existing building. Whilst the design, in particular the roof, may differ from the surrounding houses there is a lack of consistent style on Norton Lane. The proposed building would appear as further variation in the street scene. However, whilst a contemporary approach may be acceptable, due to the siting and scale of the house it would appear dominant on the site, an effect which would be worsened by the dark colour of the metal cladding and the solar panels protruding from the roof.

22. The proposed house would be visible from the road with the particularly deep side elevations being apparent when travelling in either direction along Norton Lane. The scale of the building would appear at odds with nearby houses and the contemporary design would compound this effect. It would not therefore make a positive contribution to the local context.
23. The proposal would therefore be contrary to policies CP8 of the Core Strategy, GB1, D1 and D2 of the Placemaking Plan, D5 and NE2 of the LPPU which, amongst other things, seek good design which reinforce and contributes to local context and character and protect the visual amenities of the Green Belt.

Location

24. Although adjacent to a dwelling and having other housing nearby the appeal site is located outside of any settlement boundary. The development is not located within walking distance of any facilities or services and I have not been provided with any details of access to frequent public transport options. The appellant accepts that the proposal would be contrary to policies DW1 of the Local Plan Partial Update (2023) (LPPU) and Policy RE4 of the Placemaking Plan for Bath and North East Somerset (2017) (Placemaking Plan).
25. Planning permission 22/03854/FUL granted permission for the conversion of the building on the site to a three-bedroom dwelling. This permission remains extant until December 2025 and there are no pre-commencement conditions attached. The appellant has confirmed that they would implement this permission. Therefore there is a greater than theoretical possibility of this fallback option being realised and I attribute significant weight to this.
26. Given that the principle of residential development has been established on the site whilst the development may not be well located for services and facilities the situation would be similar for occupants of the approved dwelling and the appeal dwelling.
27. The proposal would be contrary to Policy DW1 LPPU and Policy RE4 of the Placemaking Plan. These policies amongst other things restrict development outside of housing development boundaries and seek to ensure that a site is located with a good range of local facilities and public transport. However, a similar effect would be achieved by the fallback position and therefore the principle of a dwelling in this location is accepted.

Other considerations

28. The extant consent on the site is recognised as a realistic fallback. Whilst I have given weight to this in terms of the location of a new dwelling the assessment in terms of the Green Belt has different implications. The conversion of the building may result in a reduced footprint compared to the existing. The single storey form would be retained and there would be minimal external alterations. The building proposed at this appeal would be significantly larger, particularly when the rear elevation is considered, as a result it would be a greater impact on the openness of the Green Belt.
29. In terms of character and appearance I have identified visual harm in respect of the proposed design, and as a result, I do not consider that the appeal scheme would result in a form of betterment for the site over the extant approval.

30. The proposals would provide ecological enhancements with the Biodiversity Net Gain metric reporting 54.22% of increase habitat units and 103.98% of hedgerow units. This attracts moderate weight in favour of the scheme.
31. The provision of renewable energy and the below compliance levels for energy usage are given moderate weight.
32. The scheme would provide a new dwelling on a small site which could potentially be built out quickly so support housing delivery. It would also contribute to the local economy in the construction phase and beyond. However, the same benefits would also largely be attributed to the fallback proposal which would have less of an impact on the openness of the Green Belt and therefore I can only give these limited weight.

Green Belt Balance and Conclusion

33. For the reasons set out earlier, the development constitutes inappropriate development in the Green Belt which 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 harm to the Green Belt and any other harm is clearly outweighed by other considerations.
34. Furthermore, there would be harm to the openness of the Green Belt. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.
35. Whilst I have accepted the location of the proposed dwelling when taking the fallback into consideration, harm has also been found in respect of the impact on the character and appearance of the area.
36. Having taken into account the other considerations, I consider that the benefits of the proposal both individually and cumulatively do not clearly outweigh the harm to the Green Belt and its openness. Thus, the very special circumstances necessary to justify the proposal do not exist.
37. I conclude that the proposed development would conflict with the development plan and the Framework which seek, amongst other things, to protect the Green Belt from inappropriate development. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

H Faulkner

INSPECTOR