

## 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: 12 June 2025

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**Appeal Ref: APP/F0114/W/25/3359708**

**The Hollies, Land to the south of Hollies Bungalow, Pensford, Somerset  
BS39 4AU**

- 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 Samuel Miller against the decision of Bath and North East Somerset Council.
  - The application Ref is 24/01202/FUL.
  - The development proposed is described as 'The building of a 3-bed bungalow on the garden of The Hollies bungalow. The site is just outside the HDB in the Green Belt. As such it seeks to satisfy the requirements of very special circumstances through high quality design and unique ecological credentials to allow fuel free space heating in winter (zero CO2, zero cost).'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address in the banner heading above has been amended to remove the words 'currently the garden' for the sake of clarity. I have used the original description as an alternative has not been agreed between the parties.
3. In January 2023, the Council updated a number of policies through the introduction of the Local Plan Partial Update. This resulted in the production of a single plan which combined documents forming part of the development framework. Within the Council's Committee Report specific policies are listed from the Core Strategy and Placemaking Plan. The reasons for refusal reference the policies in a different manner with no differentiation between the Core Strategy and the Placemaking Plan. Having reviewed the policies and their sources I have used the references quoted below each policy within the plan document.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
  - The effect of the proposal on the openness and purposes of the Green Belt;

- Whether the proposal is in a suitable location for a dwelling having regard to relevant development plan policies;
- The effect of the development on provision of parking;
- 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 (VSC) required to justify the proposal.

## **Reasons**

### *Inappropriate Development*

5. Policy CP8 of the Core Strategy (CS) identifies the general extent of the Green Belt through the CS key diagram and detailed boundaries are defined on the policies map. Policy CP8 seeks to protect the openness of the Green Belt from inappropriate development in accordance with national planning policy. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate unless one of a number of exceptions apply.
6. The proposed dwelling would be situated within the garden of an existing property outside of the Housing Development Boundary (HDB). Neither party has set out that the proposal meets any of the exceptions in paragraph 154 of the Framework. The appellant's case is that there are very special circumstances for approving the proposed development.
7. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Policy CP8 of the CS and the Framework.

### *Openness*

8. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
9. The dwelling would be sited within the garden of The Hollies. There are some outbuildings close to the existing house, but the garden area is open and free from development. The construction of a bungalow in this location, even with a low roof and modest footprint would inevitably lead to a loss of openness in spatial terms.
10. Access to the proposed dwelling would be from the lane off Hillcrest and there would be some views of the house and its entrance from neighbouring properties, although it is acknowledged that these would be fairly limited. The appeal site is at a significantly higher level than New Road adjacent. The steep bank and mature trees taken with the limited height of the proposed building mean that it would not be highly visible from the main road. Whilst the visual impact of the proposal would be localised, nevertheless, the proposal would visually harm the openness of the Green Belt. Overall, there would be a demonstrable loss of openness, in both visual and spatial terms.

11. With respect to the purposes of the Green Belt, the site is within the garden of an existing house. I am satisfied that the proposal would not result in sprawl or encroachment into the countryside. There would be no conflict with the other purposes of the Green Belt including preventing towns from merging together or preserving the setting and special character of historic towns. Nevertheless, whilst the proposal may not conflict with these purposes the introduction of a dwelling on the site would fail to keep the land permanently open.
12. Therefore, overall, I conclude that with regard to openness the proposals would conflict with the Framework and Policies GB1 of the Placemaking Plan and CP8 of the CS which seek to protect the visual amenities and openness of the Green Belt.

### *Location*

13. Policy DW1 of the Local Plan Partial Update (LPPU) sets out that the overarching spatial strategy for Bath and North East Somerset is to promote sustainable development by focussing new housing, jobs and community facilities in Bath, Keynsham and the Somer Valley. Development in rural areas is directed to settlements with a good range of local facilities and with good access to public transport. Pensford is identified as one of those rural settlements.
14. The HDB for Pensford runs along the side of The Hollies excluding the garden area and the appeal site is outside of this boundary. However, within Policy DW1 there is no specific restriction on development outside of HDB and I have not been provided with any other policies which restrict development in this way.
15. The site is well related to the settlement as it is adjacent to the HDB. Notwithstanding any Green Belt or visual implications, the site is in close proximity to other housing and would have the same access to facilities and services as these. During my site visit I observed a school, a shop, a pub, and a village hall within reasonable walking distance of the appeal site.
16. In terms of public transport, the appellant states that there is a half hourly bus service to Bristol and Wells from the village. Consequently, I am satisfied that although outside of the HDB the site would be in a suitable location well positioned in relation to the settlement and in terms of accessibility and public transport.
17. Therefore, I conclude the proposal is in a suitable location having regard to the relevant development plan policies and would therefore accord with the requirements of Policy DW1 of the LPPU.

### *Parking Provision*

18. Policy ST7 of LPPU requires car parking provision to contribute to the aims of the Climate and Ecological Emergency. This means providing parking at a level appropriate to reduce the convenience of unnecessary car usage and make sustainable transport a more attractive option.
19. Within the application three parking spaces were proposed although no defined parking spaces are marked on the proposed site plan. The provision of three parking spaces is one greater than suggested within the parking standards in the Transport and Development Supplementary Planning Document. Given the

extent of the possible over provision there may only be a limited impact on future car usage, however, the proposal would fail to meet the aspirations of the Council's policy seeking to encourage sustainable future occupants to use more sustainable transport options.

20. Nevertheless, a condition could be applied to limit the number of parking spaces on the site, particularly as no specific parking arrangement is shown on the submitted block plan. Therefore, I am satisfied that limiting the parking provision to two vehicle spaces could be sought by condition.
21. Consequently, the proposal would be acceptable in terms of parking provision and would accord with Policy ST7 of the LPPU.

#### *Other considerations*

22. The dwelling would contribute to the housing provision in the area. Although the Council has identified that it has a five-year supply of housing the dwelling would still contribute to boosting the supply of homes. Small sites are also recognised as making a useful contribution to housing provision as they can be built out quickly. However, given the development would be for a single house the benefits in this context would be modest.
23. Careful architectural consideration has been given to the design of the bungalow. Despite its simple form, the design approach includes some interesting aspects and innovation. However, the proposal does not stand out as doing other than responding to local character and even considering the interesting aspects I can only attach limited weight to this.
24. In terms of sustainability and energy the proposal includes a novel approach whereby the system would need no power feed or toxic mined or imported materials. The system includes maximizing solar gain, making use of thermal mass to moderate temperatures and the use of a mechanical heat recovery ventilation system. The methodology is experimental and currently unproven and therefore there is uncertainty over whether the technology will work. However, as the system is referred to as having the potential to be retro fitted to any building, including listed buildings, it seems to me that this experimental technology does not necessarily need to be tested on a new build dwelling in the Green Belt. Furthermore, if the method is unsuccessful the house would need to be heated by alternative means and a wood burner is shown on the proposed plans. Nevertheless, given the sustainable approach to the heating of the proposed development I give this matter moderate weight.
25. The proposal is presented as being self-build by the appellant. Although this has been suggested there is no evidence that the appellant is on the self-build register and there is no mechanism to ensure that the proposal would be constructed in this manner. A Section 106 (S106) agreement is the most appropriate method of ensuring that the development is self or custom build housing rather than market housing. As the proposal is not accompanied by a S106 agreement I attach limited weight to this matter.
26. The scheme proposes biodiversity enhancements through the planting of a 50-metre-long hedge. Species have been suggested although no planting plan has been provided detailing number and sizes of trees for example. It has been

suggested that the scheme would be exempt from biodiversity net gain requirements, even so given that the self-build situation is not confirmed, this is uncertain. The biodiversity benefits of the scheme are afforded limited weight.

27. The Council are considering other ways to meet its future housing requirements including land near to the appeal site (ref PEN01) which has been put forward as part of the Council's Housing and Economic Land Availability Assessment. However, the adjacent site is not currently allocated and its proximity to the site carries limited weight. Whether the appeal site had been proposed as part of the call for sites or not, does not have a bearing on my assessment of this appeal.
28. There is support for the development, including from the Parish Council. I have taken the matters raised by those in support of the scheme into account in my consideration of very special circumstances.

### **Green Belt Balance and Conclusion**

29. I have concluded that in terms of location the proposed dwelling does not conflict with the development plan and parking provision can be sought by condition. However, the proposed dwelling would be inappropriate development in the Green Belt as defined in the development plan and the Framework and would be harmful by definition. The development would also be harmful to the openness of the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from development is clearly outweighed by other considerations.
30. The novel approach to energy is given moderate weight. A single dwelling where the council has a 5-year housing land supply, attracts modest weight. I give limited weight to the design credentials of the scheme, the dwelling having the potential to be self-build and the indicated biodiversity enhancements. However, these other considerations, even when considered together, would not clearly outweigh the harm to the Green Belt, and the very special circumstances necessary to justify the proposal do not exist.
31. The development would conflict with the development plan when taken as a whole and no other material considerations indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, the appeal should be dismissed.

*H Faulkner*

INSPECTOR