



Appeal Decision

Site visit made on 25 June 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal Ref: APP/F0114/W/25/3359593

2 Bathway Meadows, London Road West, Lower Swainswick, Bath BA1 7DD

- 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 William Wright against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/03067/FUL.
 - The development proposed is described on the decision notice as 'Erection of one storey detached outbuilding (retrospective)'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one storey detached outbuilding at 2 Bathway Meadows, London Road West, Lower Swainswick, Bath BA1 7DD in accordance with the terms of the application, Ref 24/03067/FUL, and the plans submitted with it.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice as it more accurately reflects the proposal before me than the one provided on the planning application form. I have amended the description in the formal decision by deleting the word 'retrospective' which is not an act of development.
3. I saw at my site visit that the building had been constructed and was in use as a games room and gym.

Main Issue

4. The main issue in this appeal is whether the appeal development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy CP8 of the Core Strategy for Bath and North East Somerset, adopted July 2014 (CS) aims to ensure that the Green Belt is protected from inappropriate development and kept permanently open. Policies GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset, adopted July 2017 (PMP)

seek to enhance the visual amenities of the Green Belt and permit extensions or alterations to buildings in the Green Belt where they would not represent a disproportionate addition over and above the size of the original. In these respects, the CS and PMP policies are consistent with the Framework.

7. The Framework identifies that certain forms of development are not inappropriate in the Green Belt. Paragraph 154 (g) sets out that limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt, would not be inappropriate.
8. The appeal site has the benefit of a Certificate of Lawfulness for an existing use as a residential garden¹. The Framework defines previously developed land as land which has been lawfully developed and is or was occupied by a permanent structure but, insofar as is relevant to this appeal, excludes land that is or was last occupied by agricultural or forestry buildings and land in built-up areas such as residential gardens.
9. Whilst the previous building on the site may have originally been built for agricultural use, it was included within the land identified in the CLU as residential garden land. The Council do not make the case that there has been any other intervening use of the land since granting the CLU. Consequently, the last use of the land was residential garden. In the absence of substantive evidence to the contrary, I conclude that the land was not last occupied by an agricultural building.
10. I now turn to whether the appeal development is located within a built-up area. The host dwelling is located on London Road West, a well trafficked road which is lined with residential development. The host dwelling lies outside the identified Green Belt. In contrast, the appeal site is an open area of land laid to grass. It is located to the south side of the host dwelling and together with other green open space to the north of the River Avon, lies within the identified Green Belt. The Council have not provided evidence that the appeal building lies within the Bath City Boundary and having regard to Policy B1 of the Bath Spatial Strategy, which the appellant has referred me to, it appears that the existing urban area of Bath is defined by the Green Belt boundary, which the appeal site lies outside of. Its inclusion in the City of Bath World Heritage Site (WHS) indicates that it is important to the Outstanding Universal Value of the WHS rather than it being 'built-up'. For these reasons, the appeal site is not located within a built-up area.
11. Taken together, I conclude that the appeal building is located on previously developed land. I must now consider whether the appeal building causes substantial harm to the openness of the Green Belt.
12. The single storey appeal building measures 11 metres by 4 metres and has a flat roof. It is sited close to the boundary of the site and on ground which is significantly lower than the two dwellings to the north identified as 'Serenity' and 'Affinity' on the site location plan. It replaces an earlier building although I do not have conclusive evidence, such as a scale drawings, against which to determine the scale, mass and height of the previous building. Notwithstanding this, the appeal building's simple design, modest size and scale and its siting close to existing development, means that it does not cause substantial harm to the

¹ LPA Ref: 24/01409/CLEU – Use of land as residential garden for a period exceeding 10 years

openness of the Green Belt, even when viewed from the public right of way (PRoW) to the south of the site.

13. Bringing all this together, I conclude that the appeal building is not inappropriate development in the Green Belt by virtue of Paragraph 154 (g) of the Framework and no conflict with Policy CP8 of the CS and Policies GB1 and GB3 of the PMP arises.

Other Matters

14. Any damage which was sustained to the PRoW during construction of the building is not relevant to the matter before me.
15. The appeal site lies within the WHS which is internationally recognised to be of Outstanding Universal Value. There is no evidence before me that the appeal site contributes to the significance of the WHS. Accordingly, the appeal development has a neutral impact on the significance of the designated heritage asset.
16. The Bath Conservation Area (CA) covers a large area and includes the appeal site. The appeal development by virtue of its design, scale, massing, position and external appearance has a neutral impact on the CA as a whole.
17. Although the appeal building can be seen from the PRoW to the south, it cannot be seen from the wider landscape setting. Views of the building are therefore very localised and, as set out above, it is viewed against more substantial development on the higher ground to the north. Consequently, the impact of the proposal on the character and appearance of the area is neutral.

Conditions

18. As the appeal development is retrospective, I have allowed the appeal on the basis of the submitted plans and a time limit condition is not necessary.

Conclusion

19. The appeal development adheres to the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

Alison Fish

INSPECTOR