



Appeal Decision

Site visit made on 16 October 2017

by **Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2017

Appeal Ref: APP/F0114/W/17/3179353

New Willow Farm, Littleton Lane, Wellow, Bath BA2 8PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Phillips against the decision of Bath & North East Somerset Council.
 - The application Ref 16/05111/OUT, dated 18 October 2016, was refused by notice dated 17 January 2017.
 - The development proposed is for the redevelopment of the farmyard comprising the demolition of the existing buildings and the erection of 12 dwellings with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal is accompanied by a draft unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990 as amended. The appellant unilaterally agrees to provide 4 no. affordable housing units and to make a financial contribution to the provision of open space. The refusal reasons do not criticise the appeal scheme in this regard although later submissions by the Council raises the issue of whether the planning obligation would satisfy the Council's affordable housing policies. I deal with this issue later in this decision.
3. The appeal proposal is expressed in outline with all matters reserved. Sketch plans have been submitted that depict both possible layout and form of development. Accordingly, I have treated these plans as illustrative only.

Main Issues

4. The main issues in this case are
 - (a) whether the development would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) the effect on the openness of the Green Belt and the purposes of including land within it;

- (c) the effect of the development on the character and appearance of the area, including the Area of Outstanding Natural Beauty and adjoining Conservation Area, and;
- (d) if the development is inappropriate development, whether any 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 development.

Reasons

Inappropriate development

5. The appeal site lies within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). It comprises a medium sized former dairy farm complex containing several buildings that remain in agricultural use together with others that allegedly have been used for other non-agricultural purposes, including one large building presently occupied by a car repairs business. The complex has the appearance of a neglected farm with many of the buildings in need of repair and/or upgrade to meet modern farming requirements; part of the site contains the remnants of a fire-damaged building. The complex is located on rising land to the north and just outside the village limits of Wellow, an attractive village that includes a sizeable designated conservation area.
6. Paragraph 79 of the Framework highlights that the Government attaches great weight to the importance of Green Belts and says that that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the "essential characteristics of Green Belts are their openness and their permanence". Paragraph 87 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 89 and 90 set out the forms of development which are not inappropriate in the Green Belt.
7. There is some dispute between the parties in relation to the extent of previously developed land (PDL), which is one of the exceptions listed in Paragraph 89 of the Framework. The appellant's plan that seeks to portray the extent of PDL appears not be supported by evidence of previous use or by what I saw at my site visit. Consequently, the PDL does not appear to extend beyond the area of land that occupies the southern portion of the appeal site and which includes the building presently occupied by the car repairs business. There is a recognition between the parties however that the remaining and substantial part of the appeal site would amount to inappropriate development.
8. On the first main issue and despite the uncertainty as to the extent of PDL, the appellant's plan defines the extent of the site that would constitute inappropriate development. I now turn to consider the effects on the Green Belt and purposes.

Effect on openness and purposes

9. Openness is an essential characteristic of the Green Belt. The defined area of land comprising the commercial premises and land therefore falls as PDL for the purposes of the Framework. Paragraph 89 of the Framework allows for the redevelopment of such land, whether redundant or continuing in use (excluding temporary buildings). However, this is subject to the caveat that development

- would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
10. The Council does not appear to disagree with the appellant's assessment that the proposed removal of substantially sized buildings, outbuildings and other structures on the site and their replacement by more modest domestic buildings would represent a significant reduction in the amount of built development volume on site.
 11. However, the appeal proposal indicates that housing development would be placed across the entire site. This includes areas of open land between and beyond the area of buildings on site. The illustrative layout indicates that the appeal development comprising a suburban housing scheme would include the provision of domestic garden curtilages, driveways, estate roads. Despite the probable reduction in the height and volume of built development, the combination of these elements would reduce the open character of the spaces that presently fall outside and between existing buildings on site.
 12. Although the appeal site in its entirety no longer operates as a fully operational working farm and I observed that many buildings are in need of substantial modernisation in order to perform efficiently, the complex retains the site's original agricultural character, particularly from more distant views. The site performs as a visual transition between the built-up edge of Wellow and agricultural land and open countryside beyond. The proposal involving all those elements described above would further erode the open aspect of this part of the Green Belt and the appearance and built-form of the dwellings proposed, combined with their curtilages, would represent an intrusion or encroachment into the countryside, irrespective of the amount and quality of additional landscaping or the introduction of vernacular character into the design of the buildings. This conflicts with one of the purposes of including land within the Green Belt, which is a serious planning objection.
 13. In conclusion, despite the appellant's contention, the proposed development would have a materially harmful effect upon the openness of the Green Belt and the purposes of including land within it. This would be contrary to Bath and North East Somerset Core Strategy Policy CP8 that sets out to apply national policy guidance and with Section 9 of the Framework.

Character and appearance

14. The surrounding area is characterised by undeveloped and undulating countryside. The site is at the southern edge of the village and lies on the upper slopes of the valley; it is visible from short and long distances given the area's topography. There are public footpaths nearby. The site lies within the AONB. According to the Framework, great weight should be afforded to the enhancement of the AONB, which is a valued landscape and is afforded the highest status of protection. In addition, the site is close to the southern boundary of the designated Wellow Conservation Area. Two Scheduled Ancient Monuments are also located within the vicinity comprising Upper Hayes Roman Villa to the west of the site and Stoney Littleton Long Barrow to the south.
15. The Council accepts that with detailed and careful consideration of Reserved Matters, it is likely that the development of 12 houses could be satisfactorily designed. Most certainly, a modest development of this nature by comparison with a highly prominent farm complex comprising large utilitarian agricultural

buildings together with commercial and other buildings and outbuildings would have the potential to represent an enhancement of this part of the AONB as well as the setting of the Willow Conservation Area. These considerations are of moderate weight in my consideration of this appeal.

16. I do not accept that the settings of the two Scheduled Ancient Monuments are significantly affected by the presence of this farm complex and the benefit of the proposed development in this regard is a neutral consideration in the determination of this appeal.
17. That said, the development would result in the creation of 12 houses with residential curtilages. Compared to what exists, I consider that the scale of development would be significantly different because of the built-form of the dwellings. The housing scheme would be noticeable and highly visible from the surrounding area, irrespective of any new landscaping due to the prominence of the site on rising ground in an undulating pastoral landscape. I consider that the dwellings would be visually seen as an extension of the village's southern boundary and nearby residential group, because of the location, likely suburban layout and domestic paraphernalia.
18. Taking all these points together, notwithstanding the presence of this farm complex, which is typical of this largely agricultural community and thereby not out of context, the proposed development by comparison would be inconsistent with the generally open character of this part of the AONB and would appear as an unplanned and incongruous residential adjunct to the village. Accordingly, the development would fail to comply with Policies HG6 of the Bath and North East Somerset Local Plan, Policy CP8 of the Council's Core Strategy and Policy GB2 of its Platemaking Plan. These policies amongst other things seek to protect the visual amenity of the Green Belt, including by ensuring that development in villages in the Green Belt will not be permitted unless it is limited to infilling and located within the defined settlement limits.

Other considerations

19. The appellant has put forward a number of other factors in support of the scheme.
20. The site is in a relatively accessible location close to the settlement where there has been limited amount of housing development carried out in recent times. There is a comment that the Council cannot demonstrate a five year's supply of deliverable housing sites, which is disputed by the Council. The appellant in his final comments offers no contradictory evidence. It is argued however that the development would sustain the village community.
21. That said, although the contribution to housing supply is relatively modest, the boost to housing supply, including the provision of affordable housing, in a sustainable and accessible location is a matter that weighs in favour of the proposal. However, I would agree with the Council that given the Council's undisputed position in relation to housing supply, paragraph 14 of the Framework is not engaged. Any community benefit arising from the provision of new housing in the village has therefore to be viewed in this context as well as the counterbalance that would arise following the loss of an existing employment site in the village. This suggested benefit therefore carries limited weight in my consideration.

22. The appellant maintains that the proposed housing scheme should be viewed as 'enabling development' as it would provide release of capital that could be reinvested to provide a new farmstead that would complement and indeed sustain the appellant's existing farm enterprise comprising 820 acres at four separate parcels in the Wellow/Chilcompton area. A site has been identified and which obtained planning permission in 1990 as a poultry farm. I was able to view this site during my site visit. The appellant's submissions provide some detail in relation to the likely form of development and how such an enterprise could evolve. There is little doubt that the enterprise if sited in the appellant's preferred location would be less prominent in landscape terms than the existing farm complex and, as a modern facility, would be built to exacting environmental pollution control standards. It would also be located away from protected dwellings.
23. However, whilst I have no doubt about the appellant's intentions in this regard, the Council explains that planning permission has yet to be granted for the new enterprise, which raises a degree of uncertainty as to the outcome. Moreover, no meaningful business plan has been provided setting out alternative scenarios, including either the upgrading of the Wellow Farm complex or investment at other sites owned by the farm business. Further, there is no mechanism in place in the form of a legal agreement that would provide the necessary reassurances that the capital raised would be reinvested in the way that the appellant suggests. Accordingly at this stage, I can only attach limited weight to this aspect of the proposal.
24. As stated elsewhere, the appellant argues that the development would lead to a significant enhancement of the landscape quality of this part of the AONB through the redevelopment of prominent and unsightly and neglected buildings. Although there is a real prospect that a sensitive development could replace existing large structures, I do not necessarily accept that the existing farm complex at Wellow Farm is untypical of those found throughout the AONB. From the other side of the valley to the north of the village, the complex appeared similar to other farmsteads, which combine to form an intrinsic part of the countryside in this area. In these circumstances, this benefit would only attract moderate weight.
25. Also as stated above, I did not find that the existing farm complex has any seriously harmful effect on the setting of nearby heritage assets.

Whether very special circumstances exist to justify the development within the Green Belt

26. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
27. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposals would have a materially harmful effect upon the openness, permanence and purposes of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

28. In terms of the proposed housing scheme, I conclude that the harm to the Green Belt by reason of inappropriateness and the other harms identified to its openness is clearly not outweighed by the other considerations, and no very special circumstances therefore exist to justify inappropriate development in the Green Belt. In this respect this aspect would also conflict with Policy HG6 of the Local Plan, Policy CP8 of the Core Strategy and Policy GB2 of the Placemaking Plan and also with the Section 9 of the Framework.

Other matters

29. The appellant has provided a draft Unilateral Undertaking (UU) that makes provision for affordable housing on site together with a financial contribution towards open space provision and the Council's monitoring of the undertaking. The Council has commented that the affordable housing provision as detailed in the UU does not meet the Council's policy requirements. However, As I am dismissing this appeal on the substantive grounds, the matter does not require further consideration at this time.

Conclusion

30. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should fail.

Gareth W Thomas

INSPECTOR

Richborough Estates