



Appeal Decision

Hearing Held on 22 January 2019

Site visit made on 22 January 2019

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2019

Appeal Ref: APP/P0119/W/18/3211537

Alveston House Hotel, Davids Lane, Alveston BS35 2LA

- 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 Cahill against the decision of South Gloucestershire Council.
 - The application Ref PT17/5480/O, dated 24 November 2017, was refused by notice dated 30 July 2018.
 - The development proposed was described as "an outline application for the demolition of buildings and the erection of up to 39 no. self-contained units for occupation by people over 55 years, with associated communal areas, parking, and landscaping, with access to be determined and details of layout, scale, appearance and landscaping reserved."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out in the banner heading was taken from the planning application forms. Following submission, the Council required details of all the reserved matters for consideration as part of the application under the terms of Article 5(2) of the Town and Country Planning (General Development Management Procedure) (England) Order 2015. The drawings submitted related to a revised scheme for 34 units and it was that scheme that was considered by the Council when they came to their decision.
3. A further scheme for 29 units was submitted prior to determination of the application. This was not subject of public consultation during the course of the application. Although the appellant requested that I determine the appeal based on this scheme, the amendments required in reducing the number of units by five is substantial. Given the lack of consultation during the course of the planning application, I have not taken the amended plans into account in coming to my decision and have considered the proposals on the 34 unit scheme.
4. At the hearing I queried whether sufficient information had been provided in order to determine the appearance of the buildings and landscaping. I have concluded that sufficient information has been provided to enable me to determine the appeal, albeit further information would be required by condition

if it were to be allowed. Consequently, I have dealt with the appeal as if approval has been sought at this stage for the access, appearance, landscaping, layout and scale.

5. The National Planning Policy Framework (the Framework) was revised following the hearing. The Council and appellant had the opportunity to comment and I have taken the contents of the revised Framework into account in coming to my decision.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the village and wider rural landscape;
- The effect of the proposal on the non-designated heritage asset, Alveston House Hotel;
- The effect of the proposal on the designated heritage asset, Grade II listed building Street Farm House;
- the effect on the living conditions of neighbouring occupiers of dwellings on Paddock Gardens with particular regard to privacy, noise and disturbance;
- The effect of the proposal on a tree;
- Whether or not the proposed development would make adequate provision for affordable housing;
- Whether or not the proposed development would make adequate provision for public open space;
- Whether there are other considerations weighing in favour of the proposal; and
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development in the Green Belt

7. The proposed development comprises the redevelopment of Alveston House Hotel with 34 self-contained retirement living units with associated communal areas, parking, and landscaping. It is located in the village of Alveston, a village washed over by the Green Belt, on the junction of Davids Lane with the A38. Over the A38 are open fields and farm development around Street Farm House, with village development to either side of Davids Lane and extending some distance along the A38 in either direction.
8. The Framework states that new buildings within the Green Belt should be considered inappropriate with a number of exceptions. This includes limited

infilling in villages, referred to as small scale infill development in Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (CS). In addition, the exceptions include the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

9. The appeal site is located on the edge of the village of Alveston between properties fronting the A38 and development on Davids Lane. The proposal would provide a large complex of 34 self-contained units with supporting infrastructure, including car parking and additional units to the rear. In relation to the exception to inappropriate development comprising infilling within villages, whilst between other development on Davids Lane and the A38, the scale of the development proposed would not be limited or small scale as required by the Framework and Policy CS5 of the CS.
10. It has been suggested that the smaller building in the parking area to the rear would be infilling as it is wholly surrounded by other development. This building would form part of the development as a whole and I consider that it would not be appropriate to consider this building separately from the remainder of the development.
11. Consequently, I conclude that the proposed development would not comprise limited infilling in a village.
12. The Framework defines previously developed land to include land which is occupied by a permanent structure, including the curtilage of the developed land. This excludes land in built-up areas such as residential gardens, parks, recreation grounds and allotments. This is not a closed list and other land with similar characteristics may be excluded from the definition.
13. The appeal site comprises the main hotel building with extensive parking areas between it and the roads. To the rear is an area of hotel garden that is used ancillary to the main use of the property as a hotel. That garden is located within the built-up area of Alveston and is similar in character, appearance and function to a residential garden or park. As a result, the hotel buildings and car parking to the front comprise previously developed land, but the garden to the rear does not. In addition, I note that the definition in the Framework states that it should not be assumed that the whole of the curtilage should be developed.
14. The existing hotel building comprises the main original building and a series of extensions that result in a substantial block of building in the centre of the appeal site. The original building is a tall two storey building above the road on the slope of the land with lower extensions to the side and rear. The proposals, by contrast, would be a similar size of footprint spread across the site on the existing car park, fronting Davids Lane and the A38 and, although on lower land, would be of similar height to the existing building. It would extend to the rear, behind Paddock Gardens, along with additional accommodation within the proposed car park on the existing rear garden and an octagonal outbuilding.
15. Both the existing and proposed buildings would visually dominate the roads directly in front of the site, the existing by virtue of its substantial bulk and height, and the proposal by its substantial height, width and proximity to the road frontage. Taking all those factors into account, I consider the proposed large frontage building, combined with the octagonal building to the rear,

would have a greater effect on the openness of the Green Belt than the existing building. The car park and additional accommodation would not comprise redevelopment of previously developed land as it would be located on the existing garden.

16. As a result, the proposed development would not constitute the redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt than the existing development.
17. For these reasons, I conclude that the proposed development would not fall within the exceptions to inappropriate development as defined within the Framework. As a result, the proposal would comprise inappropriate development in the Green Belt contrary to the Framework and Policy CS5 of the CS.

Village and landscape character

18. Alveston House Hotel is in a prominent location on the junction of the busy main A38 and Davids Lane, on the edge of the village. The existing hotel comprises a substantial, tall and bulky two storey building behind a large car park with limited landscaping around set above the level of the road. The site is located within the village, but over the A38 are open fields of the surrounding countryside. There are other buildings with large footprints along the A38 in Alveston, such as on Courville Close and the vehicle dealership, but these are generally lower than the existing building. Over Davids Lane and neighbouring the hotel along Davids Lane are modern detached houses of two storeys in height, those fronting the A38 also have rooms in the roofspace.
19. The replacement building would extend around the frontage of the site with the A38 and Davids Lane and up to three storeys in height. It would be located lower on the site than the existing such that the overall height would be similar, but the bulk of the building would be significantly more evident than that of the existing. The front elevation of the building would be broken up into sections with a number of front doors providing access to the proposed flats and there would be a landscaped frontage that would replace the existing car park and soften the proposed development in views from the road. However, due to the combination of the length, proximity to the frontage and height of the proposed building it would have a hard, urban appearance that would dominate the roads in front of the site and the open countryside directly over the A38.
20. For these reasons, I conclude that the proposed development would harm the character and appearance of the village and wider rural landscape. As such, it would not comply with Policies CS1 and CS34 of the CS, Policies PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (PSPP) and the Framework that seek the highest possible standards of design that respond constructively to the buildings and characteristics that make a positive contribution to the distinctiveness of the area, including the rural character and beauty, and the distinctiveness and special character of the landscape.

Street Farm House

21. Street Farm House is a Grade II listed building with a walled garden, located within the countryside surrounding Alveston, over the A38 from the hotel and a short distance along The Street. The Framework states that great weight

- should be given to the conservation of heritage assets, including listed buildings. Any harm to the significance of a heritage asset, including from development within its setting, would require clear and convincing justification.
22. Street Farm House is visible in views from along the A38 within the surrounding open countryside, as well as from Alveston. It is surrounded by open fields and this, combined with the adjacent farm buildings, provides an agricultural character and appearance to this area. It is this rural character and appearance of the immediate surrounds of Street Farm House in which it is primarily appreciated. Consequently, that provides the principle setting to this listed building.
23. That rural setting contrasts with the village development within Alveston on the opposite side of the A38, in which Alveston House Hotel sits. The hotel is located directly over the A38 from the listed building. The two buildings are experienced in views along the road, although the hotel is more prominent due to the relative proximity of the building to the road, orientation of the road and the size of the building. Taking the use and setting of the two buildings into account, there is little functional relationship between them.
24. The orientation of the hotel is such that its side elevation, containing few windows, faces toward the listed building. The hotel is prominent in views, albeit restricted by the walled garden, from the rear of the listed building. This limits the visual relationship between the hotel and listed building. Nevertheless, views from the hotel site, particularly from the car park, allow the listed building to be appreciated within its rural setting.
25. The proposal would result in a long and tall building that would dominate views along the A38. That and its proximity to the road mean that it would be more prominent than the existing hotel and conspicuous in views along the road and from the listed building.
26. Views along Davids Lane toward the listed building have an urban appearance. The existing hotel buildings are set back from the road such that they have a limited impact on views from this direction. The new houses at the end of Paddock Gardens and Courville Close are closer to Davids Lane, so frame the view along the road and toward Street Farm House. The proposed development would encroach into that view as it would be further forward on the site than the existing hotel building. Given the height of the proposed building, it would significantly alter and dominate the view along Davids Lane in which the listed building is appreciated.
27. The proposed building would be located within the village such that it would not affect the rural surrounds of Street Farm House. It would continue to allow the listed building to be appreciated within its principle, rural, setting. However, for the reasons given above its size and proximity to the road would make it dominate its surroundings, in particular views along the surrounding roads and from the listed building itself. This would detract from the ability to appreciate the listed building within its setting and, as a result, from its significance.
28. For these reasons, I conclude that the proposed development would harm the setting of the listed building such that it would affect its significance. As such, the proposed development would conflict with Policies CS1 and CS9 of the CS, Policy PSP17 of the PSPP and the Framework that seek to protect and, where

appropriate, enhance heritage or better reveal the significance of heritage assets and their settings.

29. The Framework advises at Paragraph 193 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 195 of the Framework, the harm to the listed building is nevertheless a matter of considerable importance in this case.
30. Paragraph 196 of the Framework establishes that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the proposal would contribute 34 units to the supply of housing, specifically that for occupation by older people. Whilst I consider that can carry considerable weight, it is not sufficient to outweigh the harm to the significance of the heritage asset.

Loss of a non-designated heritage asset

31. The original Victorian section of the existing building is a substantial and dominant building in this prominent location on the A38 within Alveston. It is not on the local list of buildings of architectural or historic interest, which I understand is extensive. It has been assessed by Heritage England for inclusion on the national list of buildings of historic or architectural interest. They concluded that it was not of sufficient architectural and historic interest to merit listing. Nevertheless, they did conclude that it is of good local interest for its history and contribution to the character of the area. I see no reason to disagree with their conclusions in this regard. As a result, it is a non-designated heritage asset of modest significance.
32. I note that the appellant has submitted prior notification of the demolition of the hotel. That was refused due to concerns as to how the boundary wall with neighbouring properties in Paddock Gardens would be demolished. Although it indicates that the hotel building could be demolished under the prior notification procedure, this is not certain. Consequently, I give limited weight to the potential for demolition of the building under this process.
33. For these reasons, I conclude that the loss of this non-designated heritage asset would be a factor of modest weight against the proposed development, in accordance with the Framework. In addition, the loss of the asset would conflict with Policies CS1 and CS34 of the CS and Policies PSP1 and PSP2 of the PSPP that seek to protect, conserve and enhance existing heritage features that make a particularly positive contribution to the distinctiveness of the locality and landscape, including through incorporation into development.

Living conditions

34. The proposed flats would return rearwards from the back of the frontage building, with the front of that return facing the rear of houses on Paddock Gardens over the access road. The bin store would be located adjacent to the rear boundary of the first property on Paddock Gardens, with the access route

running to the rear of that and neighbouring properties. The appeal site is set slightly above the height of the neighbouring properties in Paddock Gardens. The existing boundary wall to Paddock Gardens would be retained and is of significant height.

35. The access road to the proposed flats would be located across the end of the existing car park and continue over the location of the existing hotel to the present rear garden. The access would be moved closer to the boundary with houses on Paddock Gardens. This would result in additional vehicles coming and going along the access to and from the car park close to the rear of those neighbouring gardens. I note that the existing use can generate noise and disturbance from comings, goings and events and the neighbouring houses would be separated from the proposed development by the existing tall wall. However, the location of the access would lead to an increase in the number of vehicle movements close to the boundary and consequent noise and disturbance to neighbouring occupiers.
36. There would be three floors of accommodation on the return facing toward Paddock Gardens, with first and second floor windows serving living rooms and bedrooms. As a result of the orientation of these windows facing toward the rear of houses on Paddock Gardens, there would be overlooking toward those neighbouring properties. Although there is some separation between the proposed building and the neighbouring houses, including a substantial wall, the proposal would result in a degree of overlooking between the properties.
37. The bin store would be located on part of the existing car park such that there would be limited additional movements in this location. As a result, this would not materially affect the living conditions of occupiers of the neighbouring property.
38. For these reasons, I conclude that the location of the proposed access would result in additional and unacceptable noise and disturbance to occupiers of neighbouring houses on Paddock Gardens, albeit not from the location of the proposed bin store. In addition, overlooking would result in a loss of privacy to the occupiers of houses on Paddock Gardens that would harm the living conditions of those occupiers. As a result, the proposal would conflict with Policy CS1 of the CS, Policy PSP8 of the PSPP and the Framework that seeks the highest possible standards of design and site planning, including that they do not have an unacceptable impact on living conditions of occupiers of nearby properties, including in relation to privacy and overlooking, noise and disturbance.

Affordable housing

39. The Framework anticipates that at least 10% of housing should be affordable in major developments, although there are exemptions such as relating to specialist accommodation. Policy CS18 of the CS requires developers to provide 35% of the development as affordable housing unless the developer demonstrates that the economic viability of a site is affected by specific factors. No mechanism has been provided in this case to contribute toward affordable housing provision. I understand that the appellant considers the proposals to be unviable with the provision of affordable housing, although no evidence has been provided to demonstrate this.

40. In the absence of any mechanism to provide affordable housing or evidence to show that the proposals would be unviable with the provision of affordable housing, I must conclude that the proposed development would conflict with Policy CS18 of the CS and the Framework.

Public open space

41. Policies CS6 and CS23 of the CS seek contributions toward the provision of infrastructure, services and community facilities to provide for the needs of proposed developments, including provision of public open space. The proposed flats would put pressure on existing public open space in the vicinity of the site and it is necessary for financial contributions be put toward improvements toward that public open space.
42. Consequently, in the absence of any mechanism to provide contributions toward the provision and improvement of public open space in the vicinity of the site, I conclude that the proposal would conflict with Policies CS6 and CS23 of the CS.

Tree

43. The Robinia tree at the front of the site adjacent to the neighbouring property fronting Paddock Gardens is protected by a Tree Preservation Order. It is a mature tree in good condition that contributes to the character and appearance of the area, softening the appearance of the adjacent car park. The hard surfacing of the car park extends in close proximity to the tree.
44. The proposed development shows the access drive and bin store encroaching into the root protection area of the tree in the Arboricultural Report by Silverback Arboricultural Consultancy Ltd. Nevertheless, these are further from the tree than the existing hard surface. The report suggests that this will be retained and used as part of the new access road and the bin store constructed on top of the hard standing. The canopy of the tree would need to be raised to allow access along the new road. Nevertheless, the proposed tree would be retained and the works required would be modest.
45. For these reasons, I conclude that the proposed development would include modest works to the tree that would not materially affect its contribution to the character and appearance of the surrounding area. As such, the proposal would not conflict with Policy CS9 of the CS or Policy PSP3 of the PSPP that seek to protect and manage the environment, including protecting trees.

Other considerations

46. My attention has been drawn to the alleged lack of a five year supply of deliverable housing sites within the district that is disputed by the Council. The Framework states that the supply of specific deliverable sites should be identified and updated annually. Where there is not a five year supply of deliverable housing sites, paragraph 11 of the Framework states that development plan policies, including those within the CS and the PSPP, that are most important for determining the application are out-of-date. If that is the case, it states that the application of policies in the Framework that protect areas or assets of particular importance would provide a clear reason for refusing the development proposed. These areas and assets of particular importance include the Green Belt and designated heritage assets.

47. The Council have provided an assessment of housing supply titled Authority's Monitoring Report 2018 (Early Extract 14/12/2018) Five Year Land Supply Assessment that indicates a supply of deliverable housing sites of approximately 6.2 years. That is based on the standard method for assessing Local Housing Need, referred to at paragraph 73 of the Framework and set out in planning practice guidance (PPG). My attention has also been drawn to paragraph 74 of the Framework, but this would only be relevant where established in a recently adopted plan. That is not the case in this instance.
48. I understand that the previous annual calculation of housing land supply concluded that the Council could demonstrate a supply of deliverable housing sites of 4.6 years. Given my conclusions on the effect of development on the Green Belt and on the significance of a designated heritage asset, there is a clear reason for refusing the development proposed such that I do not need to conclude whether there is a five year supply of deliverable housing sites.
49. The proposed development would contribute 34 dwellings that would relate to the specific needs of older people based on a retirement living concept, including extra care and assisted living accommodation. It would provide apartments around a core of facilities, including a lounge, mobility scooter stores and manager's accommodation. This would provide independent living with some flexible care and support for residents. Some of the supporting infrastructure would be shared with other older people in the local community. The need for accommodation targeted at older people is recognised at paragraph 61 of the Framework and in the PPG¹. There is also evidence of a need on a local level, including provision of extra care housing in accordance with Policy CS20 of the CS and the Affordable Housing and Extra Care Housing Supplementary Planning Document. In addition to the provision of housing for older people, the proposal would result in freeing up their existing homes to provide homes for other sections of the population.
50. The Framework seeks to significantly boost the supply of homes so the provision of homes as proposed would carry considerable weight in the planning process.
51. The proposed development would not affect ecology in the area. The access to the development would not affect the safe and efficient operation of the highway network and parking would be provided to meet the needs of residents and visitors to the flats. Nevertheless, these would be neutral factors in the overall planning balance.

Conclusion

52. I have found that redevelopment of Alveston House Hotel to provide up to 34 no. self-contained units for occupation by people over 55 years, with associated communal areas, parking, and landscaping would comprise inappropriate development within the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt. I have concluded that the proposal would result in harm to the significance of a heritage asset.
53. In addition, the proposed development would result in the loss of a non-designated heritage asset. The proposed access and flats would harm the living conditions of neighbouring occupiers by reason of overlooking and privacy,

¹ PPG Reference ID: 2a-020-20180913

noise and disturbance. It would not contribute affordable housing or toward public open space within the vicinity, as required by development plan policies.

54. The proposal would contribute 34 dwellings toward housing for older people and that would result in the release of other properties toward the wider population. As such, it would contribute toward the supply of homes.
55. Taking all these factors into account, I conclude that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed, either individually or cumulatively, by other considerations sufficient to demonstrate very special circumstances. As such, the proposed development is contrary to Policy CS5 of the CS and the Framework that seek to protect the Green Belt from inappropriate development. This, along with and including the harm to the significance of a designated heritage asset, provides clear reasons for refusing the development proposed.
56. As a result, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kit Stokes BA(Hons) DipTP MRTPI Stokes Morgan Planning
Kevin Morley BA(Hons) MTP MRTPI Stokes Morgan Planning

FOR THE LOCAL PLANNING AUTHORITY:

Olivia Tresise Planning Officer, South Gloucestershire Council
Ian Gething BSc(Hons) PGDipTP IHBC Conservation Officer, South Gloucestershire Council
Tim Borthwick Housing Enabling Officer, South Gloucestershire Council
Dawn May Housing Enabling Team, South Gloucestershire Council

DOCUMENTS SUBMITTED AT THE HEARING:

- Document 1: Extract from the South Gloucestershire Council Authority's Monitoring Report 2017 re: Extra Care housing
- Document 2: Report and decision notice reference PT18/5849/PND for the prior notification of the intention to demolish buildings at Alveston Hotel
- Document 3: Local List Supplementary Planning Document
- Document 4: Drawing No. 2936/14 Revision B titled Site Sections