



Appeal Decision

Site visit made on 15 July 2014

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 31 July 2014

Appeal Ref: APP/D0121/A/14/2217369

Hillside Nursery, Clevedon Road, Wraxall, Bristol BS48 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A.W.H Porter against the decision of North Somerset Council.
 - The application Ref 14/P/0047/F dated 16 December 2013 was refused by notice dated 18 March 2014.
 - The development proposed is described as "Application for the demolition of all existing commercial and residential buildings on the site and removal of hardstandings and ancillary structures. Erection of 3 no detached chalet style bungalows with integral garages. Provision of new access drives and landscaping".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following a Judgement in March 2013, the Council indicate that certain policies of the *North Somerset Council Core Strategy* (the Core Strategy) have been remitted for re-examination and, therefore, do not form part of the adopted development plan. Amongst these are Policies CS14 and CS33 which are quoted in the Council's reasons for refusal.

Main Issue

3. The main issues in this case are:
 - whether or not the proposal is inappropriate development for the purposes of the *National Planning Policy Framework* (the Framework) and development plan policy.
 - the effect of the proposal on the openness of the Green Belt and the character and appearance of the area.
 - whether the site is a sustainable location for the proposed residential development having particular regard to accessibility.
 - if the development is inappropriate, whether the 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

Whether inappropriate development

4. Paragraph 89 of the Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate. However, certain exceptions to this are listed. This includes the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
5. The definition of 'previously developed land' provided within Appendix 2 of the Framework excludes land occupied by agricultural buildings and it is argued by the Council that the former nursery was agricultural in nature. However, the appellant draws attention to an Appeal Decision at St Albans¹ where a former nursery was considered to be previously developed land on the basis that it was found to have a *sui generis* use, partly due to the proportion of turnover attributed to hanging basket sales.
6. I understand that hanging baskets were also sold from the site, although there is some dispute between the parties as to the exact extent of retail activity. The appellant argues that the site benefits from a similar *sui generis* use, incorporating a dog care business, residential uses and commercial activity associated with sales. Various evidence is put forward to support this position including trading accounts, images of the business website, the testimony of former occupiers of the site, and the planning permission granted for the dog care business which describes the site as having a 'mixed use'.
7. Nonetheless, even if the appeal site were to be treated as previously developed land, Paragraph 89 indicates that for it to be considered an exception, the proposed redevelopment must not have a greater impact on the openness of the Green Belt and the purpose of including land within it. Amongst other things, the purpose of the Green Belt is to assist in safeguarding the countryside from encroachment.
8. The definition of previously developed land within the Framework includes the curtilage of sites. However, it is stated that it should not be assumed that the whole of the curtilage should be developed. The Council express particular concern that the Plot 2 development would extend into a part of the curtilage which is generally open and undeveloped. Indeed, the house itself would be constructed on what is currently an open paddock. Although the proposal may result in an overall decrease in the volume and footprint of the various built structures within the boundaries of the appeal site, the new development would be spread out over a wider area of Green Belt, encroaching into an undeveloped area of the countryside. Hence, one of the stated purposes of the Green Belt would be undermined, regardless of whether the development reduced the overall quantity of built development.
9. Overall, the proposed redevelopment would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. As such, the proposal would not constitute an exception as specified within Paragraph 89 of the Framework.

¹ Appeal Decision: APP/B1930/A/13/2199820

10. In addition to the St Albans appeal, reference is made to Appeal Decisions in West Horsley² and Woking³ where redevelopment was found to result in an increase in openness even where the new buildings would individually appear taller or bulkier. Whilst I do not have the full details of each scheme, the plan provided by the appellant indicates that the St Albans site was largely occupied by existing structures without significant areas of open space. The circumstances of that particular case therefore appear to be somewhat different from the appeal proposal. According to the Council, the other appeal sites were similarly covered by built structures.
11. Policy RD/3 of the *North Somerset Replacement Local Plan Adopted 2007* (the Local Plan) indicates that the proposed development would be inappropriate, although the appellant argues that the policy is out of date in respect of the Framework's stance on previously developed land. However, I have considered the Framework's stance on this matter in reaching my decision. I therefore conclude that the proposal is inappropriate development for the purposes of the Framework and development plan policy. The Framework states that inappropriate development is, by definition, harmful to the Green Belt.

Effect on openness and character and appearance

12. To a large extent, the effect of the proposal on openness has been covered above. The western half of the site, containing Plots 1 and 3, would potentially achieve a more open appearance by virtue of less area being covered by built structures. However, the Plot 2 dwelling would be constructed in a part of the site that is mostly open at present. Whilst there is already hard standing in the south eastern corner, there are few built structures. The Plot 2 dwelling would be a large two-storey house that would result in a substantial loss of openness in this location. Accordingly, substantial weight should be assigned to this harm in addition to that caused by inappropriateness.
13. In terms of character and appearance, the Plot 3 house would occupy a smaller footprint than the existing dwellings, although the new property would appear taller and the access drive would cross a part of the site which is currently an open field. It is argued that the Plot 1 dwelling would achieve a significant reduction in built development in a corner of the site which is most exposed within the wider landscape. I accept that any residential paraphernalia would not necessarily have a greater impact than commercial paraphernalia associated with the nursery. Nonetheless, the new dwelling would be taller and of a more substantial construction than most of the glasshouses and structures which presently occupy this area. As such, it would not benefit the appearance of the site when seen from long distances to the extent suggested by the appellant, despite the screening and landscaping.
14. Although it is argued that the Plot 2 dwelling would not be easily seen due to its position within the site, the house would not be fully screened from the surrounding area due to its height and scale. Consequently, it would make the relatively open and verdant eastern half of the site appear substantially more urbanised, even though there would be a reduction in hard standing and despite the new landscaping. By virtue of the Plot 2 dwelling, a moderate level of harm to the character and appearance of the area would occur.

² Appeal Decision: APP/Y3615/A/12/2181904

³ Appeal Decision: APP/A3655/A/12/2178517

15. When considered as whole, the development would conflict with Policy H/8 of the Local Plan. Amongst other things, criterion (iii) of this policy indicates that replacement dwellings should not harm the character of the surrounding area or prejudice the openness of the Green Belt.

Whether a sustainable location

16. Because a number of Core Strategy policies have been remitted over concerns regarding the North Somerset housing requirement, the appellant refers to Paragraph 49 of the Framework and its advice that housing applications should be considered in the context of the presumption in favour of sustainable development.
17. However, the Framework provides clear advice regarding housing development in the countryside. Paragraph 55 indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that isolated homes in the countryside should be avoided. The Framework aims to achieve a low carbon economy and a core principle is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
18. As the appeal site already contains two dwellings (which would be replaced) the proposed development would result in a net increase of one additional dwelling in an isolated location outside an established settlement. According to the appellant, the site is just over a mile from the nearest primary school via a public right of way and Nailsea is 2 km to the west. However, it is likely to be beyond convenient walking distance for many potential occupiers of the proposed additional dwelling. Furthermore, much of the surrounding road network is unlit without pedestrian footways and would not facilitate particularly safe walking or cycling, especially during hours of darkness.
19. In the absence of any clear evidence that the site is well served by public transport links to larger settlements, it appears likely that future occupants would be reliant upon private vehicle use in order to meet their day-to-day needs for shops, services, schools and employment. Whilst the drive to Nailsea or elsewhere may be relatively short in length, the need for making such journeys in the first place is likely to be frequent given the relatively isolated location of the appeal site outside an established rural settlement with at least a basic level of service provision. Hence, the proposed additional dwelling would not promote a pattern of development that would contribute to a low carbon economy or enable alternatives to the use of private vehicles, which are both advocated by the Framework.
20. I therefore conclude on this issue that the site is not a sustainable location for the proposed residential development. The proposal would result in an additional dwelling being provided in an isolated location outside an established settlement, contrary to the objectives of Paragraph 55 of the Framework. There would also be conflict with Policy CS1 of the Core Strategy which aims to minimise carbon emissions. Overall, the proposal would not represent sustainable development for which the Framework says there is a presumption in favour. Given that there is only one additional dwelling proposed, I assign this a moderate level of harm.

Other considerations

21. The Framework advises that inappropriate development should not be approved except in 'very special circumstances'. Substantial weight must be given to any harm to the Green Belt and very special circumstances 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.
22. Added to the harm caused by inappropriate development within the Green Belt is the substantial harm to openness which would arise. Furthermore, I have found that there would also be additional moderate harm to the character and appearance of the area and additional moderate harm arising from the unsustainable location of the site.
23. Looking at the proposed development as a whole, I therefore conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the harm which I have identified. The very special circumstances needed to justify it therefore do not arise.

Conclusion

24. For the above reasons, and having regard to all other matters raised, including the letter from an interested party in support of the proposal, I therefore conclude that the appeal should be dismissed.

Colin Cresswell

INSPECTOR