



Appeal Decision

Site Visit made on 1 December 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/P0119/W/20/3257774

Land off Abson Road, Abson Road, Pucklechurch, South Gloucester BS16 9RH

- 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 Adrian Sykes, Skye Property Group Limited against the decision of South Gloucestershire Council.
 - The application Ref P19/18252/O, dated 1 December 2019, was refused by notice dated 3 August 2020.
 - The development proposed is described as "an executive quality development of Self-Build Residential Dwellings with the requisite number of Affordable Self-Builds".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Adrian Sykes, Skye Property Group Limited against South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the address in the banner heading above from the appeal form, as this accurately describes the location.
4. The application was submitted in outline. The application form indicates that all matters were reserved for subsequent approval. I have determined the appeal on this basis.

Main Issues

5. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt,
 - the effect on the openness of the Green Belt,
 - whether the location is suitable for dwellings having regard to policies restricting development in the countryside,
 - whether the scheme makes adequate contribution towards infrastructure, and

- if the proposals are inappropriate development 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 or not the proposal is inappropriate development in the Green Belt

6. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at para 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Limited infilling in villages is one of the listed exceptions and this is the exception relied on by the appellant.
7. The site lies on the western side of Absom Road, to the south of the built up area of Pucklechurch. Along the frontage of the site, the road has a distinctly rural character. Whilst there are a small number of dwellings located along the road and adjoining the appeal site, these are well-spaced apart and there are little cohesive qualities as far as they are positioned along the lane. The dwellings here share little visual affinity with the higher density development that is present to the north.
8. To the north is the built-up area of the settlement, comprising higher density residential development. However, the presence of Back Lane, a byway that is enclosed by substantial hedging and trees, provides a delineating feature between the settlement and the surrounding countryside, providing both a visual and functional distinction. In light of this, with the site's location, its limited relationship with existing development and to a settlement, and its physical circumstances, I find that the site cannot reasonably be described as being within a village.
9. Therefore, as the site does not lie within a village, it would be inappropriate development in the Green Belt. The scheme would therefore conflict with the provisions of the Framework. As a consequence, whether or not the site could be said to be 'limited infilling' is not a determinative factor. In any event, even if this was the case, and despite the appellants contention it would in my view be of a scale so as not to comprise "limited", this would not address the conflict with the exception in relation to the site not being located in a 'village'.
10. I note the appellants comments that the exception provided by para 145(e) does not include a test for harm to the openness of the Green Belt. While it is accepted that the exception does not include such a test, para 133 of the Framework sets out that the "fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open". As such, given that I have found above that the proposal would not accord with the exception provided by para 145(e) and would be inappropriate development in the Green Belt, consideration of the proposals effect on openness is necessary.

The effect on the openness of the Green Belt

11. Whilst the application was submitted in outline with all matters reserved, it was accompanied by an indicative layout showing 15 dwellings and this is reflected in the number of proposed units stated on the planning application form.

12. The site is currently laid to grass, enclosed by fencing and hedging, with no built development within it. The proposal would result in the introduction of a substantial amount of built development within the site, together with the associated paraphernalia that would result from the residential development, such as domestic buildings and boundary treatments. Accordingly, the proposal would visually and spatially result in a significant loss of openness of the Green Belt at this location.

Location of development

13. The site lies outside of any settlement boundary and is not within what could be considered to be any settlement without a boundary; it therefore lies in the countryside. Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (2013) (the Core Strategy) sets out a framework for the location and scale of development, outlining that in the countryside, new development will be strictly controlled. Within the Green Belt, small scale in-fill development is permitted within settlement boundaries of villages. The Council outlines that the site lies wholly outside of the settlement boundary and thus the scheme conflicts with this requirement of the policy.
14. Given the location of the site outside the settlement boundary, policy CS34 of the Core Strategy, which refers to rural areas, is also relevant. This policy sets out a number of criteria required of development in rural areas, in order to balance conservation of the countryside with sustaining rural communities; in particular the provision of affordable housing through exception sites or neighbourhood planning. There is no substantive evidence before me to show that the scheme would accord with this criterion.
15. Accordingly, I find that the location of the development would not be acceptable, in that it would be contrary to the locational strategy of the development plan, thus the proposal would conflict with both policy CS5 and CS34, and as a consequence would also conflict with policy CS4a of the Core Strategy, in terms of delivering sustainable development.

Infrastructure

16. Policy CS6 of the Core Strategy sets out the Council's approach to securing infrastructure and developer contributions on new development in order to improve the sustainability of communities.
17. Policy CS18 requires that all new housing developments provide 35% on-site affordable housing; this is supported by an Affordable Housing and Extra Care Housing – Supplementary Planning Document (the SPD). Whilst I note the intention of the appellant to deliver self-build housing, including "Affordable Self-build Units", in the absence of any legal agreement securing the affordability of the units, they could comprise open-market dwellings with no control over the future tenure or affordability. In this respect, the scheme would fail to accord with relevant policies, as there would be no certainty that affordable housing, as envisaged by these policies, would be delivered.
18. Policy CS24 requires that new development should comply with local standards of provision in terms of green infrastructure, outdoor space, as well as sport and recreation facilities. The Council set out the minimum requirements arising from the proposed development in the Delegated Report. In this respect also,

there is no completed legal agreement which would secure the delivery of the required matters. Therefore, the proposal would fail to accord with this policy.

19. Accordingly, the scheme would fail to make adequate contributions towards infrastructure, in conflict with policies CS6, CS18 and CS24 of the Core Strategy. The scheme would also conflict with the SPD.

Other considerations

20. I acknowledge that the scheme is intended to deliver self-build housing, for which there is an unmet demand within the Council area. However, there is no mechanism before me, such as a legal agreement or unilateral undertaking, to ensure that the development that would be delivered would comprise self-build units. Nonetheless, given that the scheme would provide 15 dwellings, there would be economic and social benefits associated with the delivery of the scheme.

Green Belt Balance

21. The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that substantial weight should be given to any harm to the Green Belt. 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. In addition to the Green Belt harm, there would be additional harm resulting from the location of development in the countryside that would be contrary to the locational strategy of the development plan, as well as from the lack of provision towards infrastructure.
22. As I set out above, I acknowledge that there are other considerations that weigh in favour of the proposal. These include that the scheme would be self-build units; and I accept that there is an identified need for such development, however given the lack of any formal mechanism securing the self-build nature of the proposal, this matter carries little weight. The social and economic benefits of the scheme, given the scale of the proposal, would in my view carry limited weight also.
23. Overall, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that the very special circumstances needed to justify the development do not exist.
24. Therefore, the scheme conflicts with policies CS5 and CS34 of the Core Strategy and policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017), insofar as they seek to prevent inappropriate development in the Green Belt. There is also conflict with the provisions of the Framework.

Other Matters

25. The appellant contends that the presumption in favour of sustainable development, as contained within paragraph 11 of the Framework, applies in this case. This is alleged to be due to there being no relevant development plan policies i.e. there are not specific policies for the delivery of Self-build developments. Nonetheless, the Council's policies do set out a strategy for the location of development. Whilst self-build development is not specifically

referred to, this strategy clearly sets out the locational requirements for new residential development, which would include self-build units. Thus, there are relevant policies contained within the development plan. Moreover, the proposal would be inappropriate development in the Green Belt, and I have found that the very special circumstances necessary to justify the development do not exist. Thus, the Framework, as a material consideration, provides a clear reason for refusing the development.

26. Consequently, on the basis of the above, the presumption in favour of sustainable development, as envisaged by paragraph 11, does not apply in this case.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Mr Martin Allen

INSPECTOR