
Appeal Decisions

Site visits made on 27 April 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 23 May 2017

Appeal A Ref: APP/Q3305/W/16/3167455

Land at The Barton, The Barton, Norton St Philip, Bath, BA2 7NE

- 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 & Mrs C Parsons against the decision of Mendip District Council.
 - The application Ref 2016/1292/FUL, dated 9 May 2016, was refused by notice dated 19 October 2016.
 - The development proposed is to erect a single dwelling house with access, garage and parking.
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Appeal B Ref: APP/Q3305/W/16/3167451

Land at The Barn, The Barton, Norton St Philip, Bath, BA2 7NE

- 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 JPW Properties against the decision of Mendip District Council.
 - The application Ref 2016/1293/OTS, dated 9 May 2016, was refused by notice dated 9 September 2016.
 - The development proposed is an outline application for two detached dwellings – some matters reserved.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. As set out above there are two appeals. Although the appeals are different in terms of the number of dwellings proposed (one dwelling for Appeal A and two dwellings for Appeal B) and that they concern separate sites, these sites adjoin each other and are closely related in terms of their immediate context. Furthermore, the main issue in both appeals is the same. Therefore, although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. It is also worth noting that Appeal B is submitted in outline with landscaping reserved for future consideration. I have therefore dealt with Appeal B on this basis.

Main Issue

4. The main issue in both Appeal A and Appeal B is: The effect of the development on the character and appearance of an Open Area of Local Significance (OALS).
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Reasons

5. The Barton and The Barn are both residential properties which are accessed off of and set back from the highway to the front. The Barn is a single storey dwelling converted from a barn, as the name suggests, whilst The Barton is a larger purpose built two storey detached dwelling. The rears of both properties drop down towards Norton Brook and are largely open, undeveloped, green spaces. Together these spaces form part of a larger swathe of open land which is essentially comprised of the banks either side of Norton Brook and which extends to the north into a larger area of open countryside.
6. Norton Brook, and the green spaces on either side of it, provides an attractive backdrop to the properties which surround it and from which this space can be appreciated. It provides tranquillity and relief from surrounding development and gives the area a spacious and semi-rural feel which is appropriate given its edge of countryside location. For these reasons it makes a significant contribution to the character and quality of the area. This is reflected by its designation as an Open Area of Local Significance (OALS) in the Mendip District Local Plan Part 1 (2006-2029) (LP). Both appeal sites fall within this OALS.
7. The rear garden belonging to The Barton drops down to the brook right up to Ringwell Lane. It is from here that a new access would be formed to serve the proposed two storey dwelling in Appeal A. The dwelling in this appeal would be sited almost immediately adjacent to Norton Brook on its eastern side. On the western side would be a double garage and large gravel drive and turning area. Although the proposed development in Appeal A would occupy a lower point within the OALS, development of this scale and nature in what is currently an open, and undeveloped green space would still have a harmful urbanising impact and would be in complete contradiction to this area's designation.
8. In Appeal B two detached contemporary style dwellings are proposed. These would be set into the steep sides of the eastern bank of the brook and would sit very close to Norton Brook itself. Although the split level design of these dwellings would reduce their mass and scale from the front this would be less so in views across Norton Brook where the full extent of the proposed dwellings would be clearly visible. The development proposed in Appeal B would therefore result in unacceptable encroachment of the built form along the open banks of Norton Brook to the detriment of the character and appearance of the OALS. Appeal B is therefore unacceptable in terms of its layout and scale and this is not something that could be overcome at reserved matters stage through landscaping.
9. Policies DP1 and DP4 of the LP seek to protect local landscapes and the distinctiveness of different areas and Policy DP2 more specifically seeks to protect the contribution to distinctive local character made by OALS. Both Appeal A and Appeal B would clearly conflict with these policies. I find these policies to be consistent with the broader aims of the National Planning Policy Framework (the Framework) which seeks to promote or reinforce local distinctiveness.
10. I have also had regard to where the Framework refers to Local Green Space and the criteria for designating such areas. However, I find no significant conflict between this and the OALS designation relevant to these appeals as this area is, as set out above, of particular local significance for its beauty and tranquillity, which is one of the criteria for Local Green Space designation.

11. The appellants question the continued designation of the OALS and state that a review is long overdue. This may be so. Nevertheless, from the evidence before me, and based on my own observations above, the appellants assertions on this matter do not in any way reduce the harm that I have identified nor do they lead me to conclude that the OALS no longer warrants protection in respect of these two appeals. Furthermore, the proximity of the adjoining Green Belt and open countryside to the OALS does not diminish its significance. I am aware that an outline planning permission exists at The Barn (ref 2015/1326/OTS) for a single dwelling. However, this is materially different to the appeals before me as the permitted dwelling is shown as being sited outside of the OALS.

Other matter

12. The Council have not raised an objection in respect of either appeal in terms of any adverse effect on the character or appearance of the Norton St Philip Conservation Area. Nevertheless, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. Given that both sites are largely screened from wider public views I am satisfied that both appeals would preserve those interests.

Conclusion

13. As set out above both Appeal A and Appeal B would cause significant harm to the character and appearance of an OALS. As pointed out by the appellants both proposals would contribute to local housing supply and any future occupiers would likely support local services, which are modest benefits. The appeal sites are also both within the development limits of Norton St Philip, a primary village, which is a sustainable location for new development. However, even taken together, these matters do not outweigh the harm I have identified as arising from both appeals.
14. For these reasons, and having had regard to all matters raised, Appeal A is dismissed and Appeal B is dismissed.

Hayley Butcher

INSPECTOR