



Appeal Decision

Site visit made on 1 February 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/P0119/W/21/3281438

Hillcrest, Abson Road, Pucklechurch BS16 9SD

- 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 Skye Property Group Limited against the decision of South Gloucestershire Council.
 - The application Ref P21/01865/O, dated 18 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is erection of 15 No. affordable housing units (outline) with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved at this stage. Therefore, I have treated the drawings showing the details of layout and access as indicative only
3. In the banner heading above I have referred to the description of development used in the appeal form and the Council's decision notice, as this more accurately describes the proposal.

Main Issues

4. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2021) (Framework) and any relevant development plan policies;
 - the effect of the proposal on openness and the purposes of including land within the Green Belt;
 - whether the location is suitable for dwellings having regard to policies restricting development in the countryside;
 - whether the proposal makes adequate provision toward infrastructure, with particular reference to affordable housing and open space.
 - if the proposal is 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 inappropriate development

5. The appeal site comprises a large T-shape field located outside the settlement boundary of the village. The proposal would comprise 15 dwellings that would be entirely affordable in tenure, while a proportion of these would be self-build units.
6. The Framework outlines that the Government attaches great importance to Green Belts and the construction of new buildings within the Green Belt should be regarded as inappropriate development other than where it falls under a list of exceptions. Of those exceptions the appellant directs me to Paragraph 149 (f) of the Framework which allows limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). The appellant indicates that all the dwellings would be affordable units, therefore I have no reason to dispute that the proposal should be assessed against that part of the Framework.
7. The site is close yet outside, the south boundary of the settlement of Pucklechurch; it therefore lies in the countryside, where according to Policy CS5 of the Core Strategy¹, new development will be strictly limited and where market housing would not normally be acceptable. There are exceptions, however, for the development of affordable housing as outlined in Policy CS19 of the Core Strategy (exceptions policy). These include amongst other things that the proposal is supported by a housing needs survey, is well related to a rural settlement, modest in scale and is supported or initiated by the Parish Council.
8. According to the application form, the appeal site has an area of around 0.8Ha. From Abson Road to the east the site appears as an expansive field that extends significantly in depth from its roadside frontage to its western boundary with Southover Lodge. The site's large scale is also perceptible from Back Lane, where there are views of its long conifer lined western perimeter.
9. Although layout and access have not been fixed at this stage, the indicative drawing shows two lines of dwellings extending across the site and served by new roads, planting, public open spaces and requisite parking and private gardens. The dwellings and associated infrastructure would be arranged over a sizeable area and the number of units proposed would not be small in amount. Therefore, insofar as it relates to the wording of the Framework and the purposes of the Green Belt, the site's area, and the extent of affordable dwellings it would contain would not in my view be "limited". Similarly, it would not be modest under the terms of the Council's exceptions policy.
10. The appellant states that there is demand for self-build properties in the county as indicated by the Council's self-build register. Whilst that evidence is not doubted, the proposal relates wholly to affordable dwellings and the exceptions policy requires details of local demand at a community and Parish level. In the absence of this information the appellant has not demonstrated a genuine local need for affordable housing from people in the locality. There is also no evidence of the proposal being supported or initiated by the local Parish Council, who in this instance have material planning concerns regarding the proposal's compliance with Green Belt and exceptions policies.
11. In contrast to the more built-up part of the village to the north, the appeal site is located in a more spacious and loose knit context next to low density housing and green spaces. It is nevertheless a short distance from the higher density part of

¹ South Gloucestershire Local Plan: Core Strategy, adopted December 2013 (Core Strategy)

the settlement and contiguous with Back Lane, which delineates part of the settlement's southern boundary. Therefore, in this regard it fulfils the exceptions policy's requirement of being well related to the settlement.

12. In the appellant's view it is not the Parish Council's remit to decide whether or not a planning matter should or should not be approved, nor are they appropriately qualified to do so. This refers to one of the exception policy's criteria. However, the Parish council have provided relevant and material planning concerns that align with those outlined in my findings. Their support is also required for the Council's exception policy to be satisfied. Without this the terms of Paragraph 149 (f) of the Framework would not be met. Therefore, the views of the Parish Council are valid and weigh against the proposed development.
13. The appellant considers that the number of residential units proposed is limited numerically compared to some of the much larger housing allocations in the Council's development plan. Whilst the number of units proposed might be limited when taken as a proportion of some of those larger sites, the term 'limited' insofar as it relates to the Framework must be understood in context with the fundamental aim of Green Belt policy i.e. to prevent urban sprawl by keeping land permanently open. In this regard, I have placed limited weight on the appellant's rationale.
14. Even though, I have found that the appeal site would be well related to the settlement of Pucklechurch, in other respects the proposal is not limited or modest in scale, while there is an absence of Parish Council support and evidence that justifies local demand for affordable housing.
15. For the above reasons, this proposed scheme would not accord with the approach to delivering affordable housing and the Council's Green Belt locational strategy set out in policies of the development plan, namely, Policies CS4A, CS5, CS19 and CS34 of the Core Strategy and Policy PSP7 and PSP40 of the Policies, Sites and Places Plan². As such it does not meet the exception under Paragraph 149 (f) and would be inappropriate development in the Green Belt as a result.

Openness

16. Paragraph 137 of the Framework sets out 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. It has been held in the High Court that openness is epitomised by the lack of buildings or development.
17. The new dwellings, roads, attendant parking, and domestic garden paraphernalia would cover an extensive area of undeveloped pastureland. Moreover, the collective mass, height and volume of the proposed dwellings would be clearly visible from Abson Road through the proposal's likely access, and also from Back Lane to the north. It would therefore result in a moderate spatial and visual loss of openness.
18. The proposed development's westward advancement into the site from Abson Road would extend towards undeveloped green spaces near Southover Lodge. Although those green spaces, in part, surround that dwelling, they are nevertheless contiguous with open pastureland. Therefore, in that direction, the proposal would result in a significant encroachment into the countryside.

² South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) (Policies, Sites and Places Plan)

19. When the spatial and visual effects of the proposal are considered together, the proposal would have a moderate effect on the openness of the Green Belt.

Location of development

20. In arriving at my conclusions on the proposal's effect on the Green Belt above, I found that it would not fully accord with the exceptions policy for rural housing. In failing to meet those objectives, it would be in conflict with the Council's wider settlement strategy and its terms for delivering sustainable development.
21. It was also found that the site's location would be physically well-related to the settlement, however, that would not overcome the proposal's failure to meet the other aims of the exceptions policy.
22. Therefore, the location of the development would not be acceptable, in that it would be contrary to the rural housing and locational strategy of the development plan. Thus, the proposal would conflict with Policies CS4a, CS5, CS19, CS34 of the Core Strategy and PSP40 of the Policies, Sites and Places Plan. In so far as they relate to this appeal, those policies require proposals to be modest in scale, to be supported by a housing needs survey and by the appropriate Parish Council.

Infrastructure

23. 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.
24. The appellant has submitted a draft planning obligation. The undertaking covenants that the tenure of the properties shall all be for affordable housing. This would ensure they remain in that tenure to meet local housing need and affordability in the locality. This would also ensure the properties do not become open market dwellings in a location that would not be supported by the settlement strategy. Yet the planning obligation is undated and has not been signed by the Council. Even though the contents of the legal agreement appear acceptable, it has not been completed by the Council and cannot therefore be relied upon to secure the provision of affordable housing. The proposal would therefore fail to accord with Policy CS6 as there would be no certainty that affordable housing, envisaged by that policy, would be delivered.
25. Policy CS24 requires that new development should comply with local standards of provision in terms of green infrastructure. For this scheme the Council have indicated that space would need to be allocated for outdoor sports facilities and allotments. These have not been specifically identified in the submitted drawings or the draft agreement. Even, if they were I do not have a completed planning obligation to secure those facilities.
26. Therefore, in the absence of a completed planning obligation to secure affordable housing and the required green space infrastructure to meet local standards the scheme would fail to make adequate contributions towards local infrastructure. Therefore, it would conflict with the aims of Policies CS6 and CS24 of the Core Strategy. The scheme would also conflict with the SPD and the Framework.
27. It is noted that the Council did not provide the necessary engrossments following the appellant submitting a draft planning obligation to them. Yet, as I have found against the development in other respects, it is not necessary for me to pursue the Council to submit a completed planning obligation.

Other considerations

28. There are other considerations that would weigh in favour of the proposal including the provision of 15 affordable dwellings, yet I can only give limited weight to these in the absence of a completed legal agreement that would otherwise have secured their long-term provision. The provision of self-build units would meet an identified demand for this tenure in the county. But, similarly, there is no way to secure those dwellings as affordable units in the absence of a completed planning obligation, and accordingly only limited weight can be given.
29. The appellant has shown a commitment to provide a children's play area and landscaped open space on the site. However, as these would not comply with the Council's open space requirements for the locality, that scheme benefit only attracts minor weight.
30. Notwithstanding the proposal's failure to comply with the Council's locational strategy requirements, I have found the site to be in an accessible position close to the settlement's services and amenities, along with public transport connections to larger towns. Electric charging points for dwellings would encourage future electric car ownership at the site. There will also be positive benefits associated with the additional spending in the local economy by future residents. In combination, these considerations attract moderate weight in the proposal's favour.

Green Belt Balance and Conclusion

31. The erection of up to 15 affordable dwellings, (including self-build units) on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to the spatial and visual openness of the Green Belt while it would not safeguard the countryside from encroachment. The location of the development also fails to accord with the Council's strategic housing strategy.
32. Additionally, the appellant has failed to meet the Council's exceptions for rural housing, as well as there being a lack of secured provision towards affordable housing and open space.
33. The other considerations that weigh in favour of the proposal only carry moderate weight when considered as a whole. Therefore, in this case they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
34. For the reasons set out above, I conclude that the proposal would be contrary to the Framework, the adopted development plan taken as a whole and there are no other material considerations to indicate a decision otherwise than in accordance with it. The appeal should therefore not succeed.

R E Jones

INSPECTOR