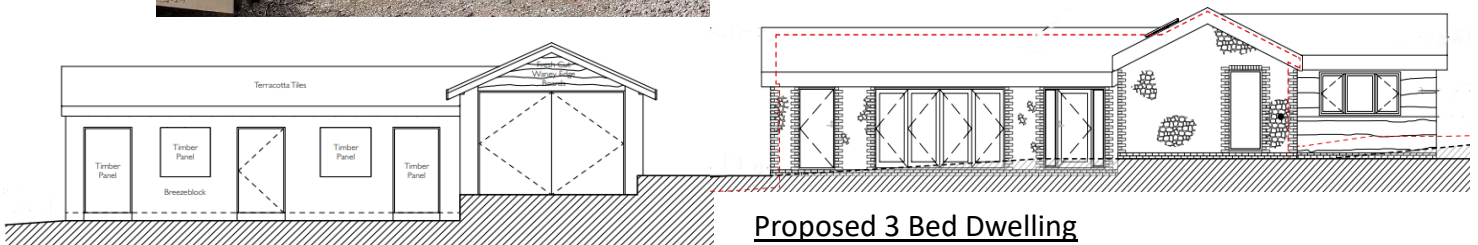


SUPPORTING STATEMENT

HOUSEHOLDER PLANNING APPLICATION



1



Existing Builders Store

Proposed 3 Bed Dwelling

Address: Builders Store/Yard, Tickenham Hill, Tickenham, BS21 6SW

Applicants: Ms K Jacquest & Mr G Traviss

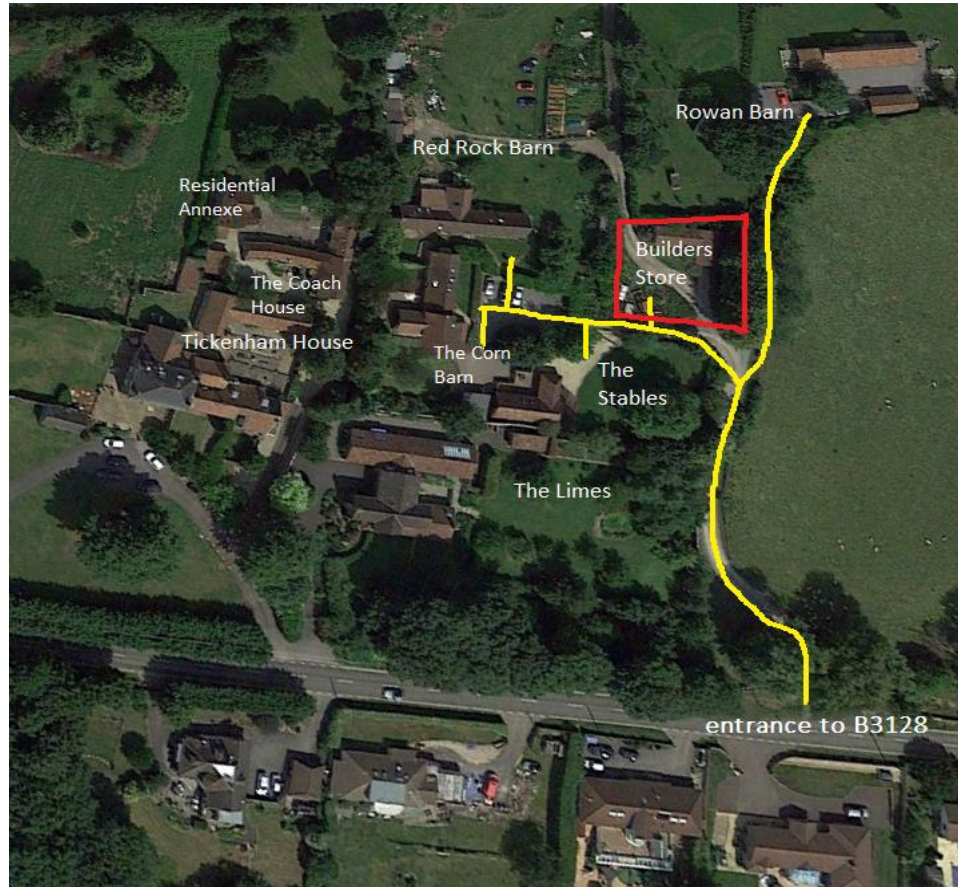
Red Rock Barn, Tickenham Hill, Tickenham, BS21 6SW

Dated: 29 July 2023

Description: Conversion of Builder's Store/Yard to 3 Bed Residential Dwelling

This document has been prepared to support an application for the change of use of a Builders Store/Yard to a Residential 3 bed Dwelling and the felling of Leylandii trees on Eastern Boundary at:

Red Rock Barn
Tickenham Hill
Tickenham
BS21 6SW



1.01 Aerial view of application site in relation to surrounding residential settlement

Location:

The site is a generous plot located within a small residential development of barns converted in 1992.

Nailsea Town Centre lies 1.2 km to the South.

The village does not currently have a settlement boundary. There are public rights of way to Nailsea and Bus Stops 480 meters to the west, providing regular services between Bristol and Clevedon via Nailsea and Portishead to Nailsea.

The site comprises of a Builders Store and Yard (sui generis, as confirmed by certificate of lawfulness 21/P/3159/LDE). The Builders Store occupies the North East corner of the site with the rest occupied by various vehicles, building materials and equipment.

Builders Store/Yard, Tickenham Hill, Tickenham, BS21 6SW

The site is previously developed land within the Green Belt and is not within a conservation area. There are no Listed Buildings on site, and no Tree Preservation Orders. It is in an area that is designated as SAC Bat consultation zone C.

Site Photos

The following images show views of the existing Builders Store/Yard and the Leylandii running along East Boundary.



1.02 South Elevation of Builders Store



1.03 View of Builders Yard (The Stables roof visible behind fence)



1.04 Eastern Elevation of Builders Store



1.05 Western Elevation of Builders Store

A previous application 22/P/2837/FUL for the demolition of the Builders Store and erection of a 3 bed dwelling was recently refused on grounds of being contrary to policies CS6, CS14 and CS33 of the North Somerset Core Strategy, DM12 of the North Somerset Sites and Policies Plan (Part 1) and Section 13 of the National Planning Policy Framework.

A number of matters from the previous application remain the same and have been dealt with in the delegated report for 22/P/2837/FUL dated 21/2/23.

EIA Screening – A formal EIA screening opinion is not required.

Coal mining hazards – Advice note to applicant is recommended warning that the site lies within an area that has been defined by the Coal Authority as containing potential hazards arising from coal mining.

Setting of Listed Building – The proposal does not affect the setting of any listed buildings.

Impact on neighbours – The proposal complies with policies DM32 of the Sites and Policies Plan (Part 1)

Parking and highway safety – The proposal complies with policies DM24, DM28 and DM32 of the Sites and Policies Plan (Part 1).

Protected species (bats) – A protected species survey concluded negligible potential for bats to be affected. A condition is recommended to secure the recommendations set out in the ecologist's report. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended, including by the Conservation of Habitats and Species (Amendment) (EU) Regulations 2019) and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Trees – It is recommended that a landscaping condition to require a replacement native hedge to be planted in the same location as the Leylandii hedge to be removed.

As the above issues are settled, the remainder of this document will focus on the reasons for refusal of the previous application.

The new proposed scheme is an application for the conversion and extension of the existing Builders Store to a 3 Bed Dwelling. Unlike the previous application this proposal will be using the existing building. The roof height will only change by 125mm, the amount needed to comply with insulation regulations and the footprint is proposed to be only 50% larger than the existing.

Planning History

Originally Tickenham House/Hales Farm consisted of the house and attached cottages along with outbuildings and land consisting of the majority of the adjoining valley. In the early 1990s the owners sold the land and some barns, with permission for residential development, which now make up The Coach House, The Corn Barn, Red Rock Barn and Rowan Barn and a new accessway onto the BS3128 was approved.

Various planning applications have been approved for separate Residential Accommodation to the above properties. The following shows planning precedents for new residential accommodation in the immediate vicinity of the application site.

The Coach House: Approved Application

Convert a Curtilage Barn into a 2 Bed Residential Annexe, 01/0826/F

Rowan Barn: Approved Application

Conversion of existing garage to 2 bed accommodation 14/P/1122/F

The Corn Barn: Approved Applications

1. New 2 storey Garage/Stable/Office/Games Room 07/P/2571/F
2. Retrospective Application for Conversion to a 2 Bed Residential Annexe, 17/P/5013/FUH
3. Separate 3 Bed Dwelling, renamed The Stables 18/P/4859/FUL

The following images show the residential settlement the application site is situated within.



1.06 The Corn Barn



1.07 Red Rock Barn



1.08 The Stables



1.09 Rowan Barn



1.10 The Coach House



1.11 The Coach House



1.12 The Residential Annexe for The Coach House



1.13 The above image shows a view of how Red Rock Barn, The Corn Barn and The Stables relate to the Builders Yard.

(Please note that the panoramic photo has distorted the width at the front between The Stables and Builders Store)



1.14 The above image shows how Rowan Barn relates to the Builders Store



1.15 The above image shows the view from Rowan Barn, the garden behind the Builders Store. It shows that the builders store roof is shielded behind the existing mature hedge and not visible from the North (valley) elevation.

Image 1.01, page 2 shows an aerial view of how the application site sits within the residential settlement and images 1.13 and 1.14 above also show at ground level the close proximity of the Builders Yard to the existing residential properties. The Builders Store is the closest building to the road, B3128 and the first you see. The neighbours have to drive past the Yard to get to their properties.

In the previous application the case officer was of the opinion that the application site was located close to a small pocket of farmhouses and separated from the barns by an access road, however:

- a. As demonstrated above the site is not situated within farmhouses and barns but situated within a small residential settlement. The on the ground experience is that the Builders Store is the first building one comes to when using the driveway to access the other properties.
- b. Aerial photographs do show what appears to be an access road cutting diagonally across the site. As the applicants own Red Rock Barn also, it is just that it has been convenient to exit diagonally across the application site from the rear of Red Rock Barn onto the shared driveway. A new access from the rear of their property will run straight instead of diagonal, along the west side of the application site, onto the shared driveway.

The Case Officer goes on to say that the application site has relatively open landscapes to the north and east.

- c. Image 1.14 shows that the building is tucked down in the landscape and won't affect the openness of the Green Belt to the east even with the removal of the Leylandii.
- d. Image 1.15 shows the view from the north side - which is the garden of Rowan Barn. The existing evergreen hedge shields the whole of the Builders Store past the ridge height therefore having no effect on the Green Belt from the north either.

Sustainable Location

Public Transport

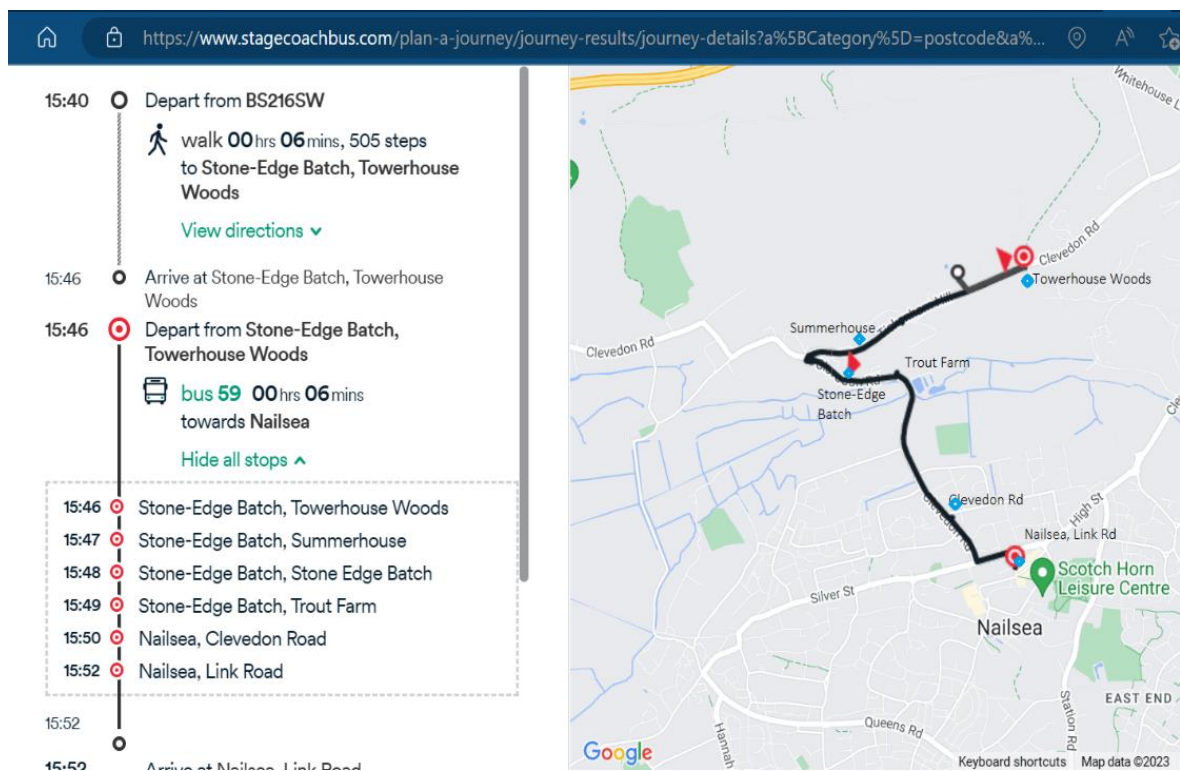
The previous Case Officer commented,

'The site has limited access to local services and facilities, employment opportunities and public transport and future occupants would be reliant on the private motor vehicle'

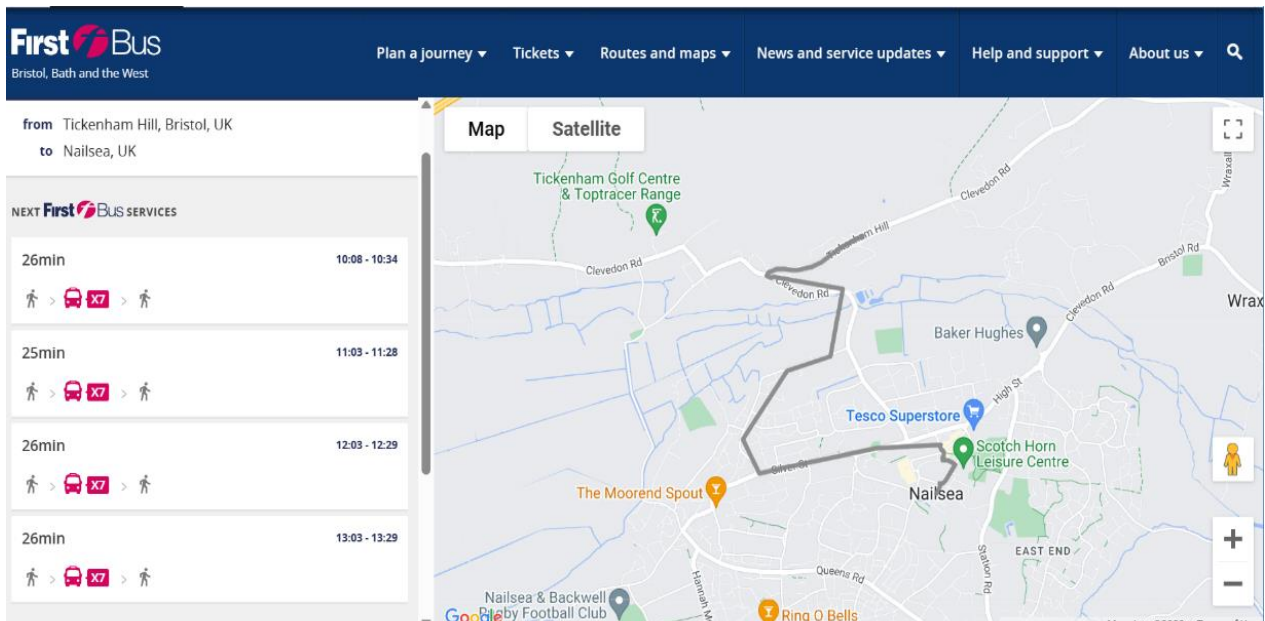
She also went on to say,

'The site is in an isolated area, some distance from the nearest larger settlement (Nailsea). In this position it is considered that the occupants of the proposed dwelling would rely on the use of their private vehicles to access local shops, health facilities and schools. As such the it is not considered to be a sustainable location'

The following images show that public transport is available from the Stagecoach Bus Company and First Bus. There is also a North Somerset Westlink bus service that picks up from Summerhouse if you go online and book a pick up.



1.15 The above image shows the Route Planner for Stagecoach Bus Company from Tickenham Hill to Nailsea Centre.




1.16 The above image shows the First Bus Route Planner for the X7 that stops on Tickenham Hill.

The application site does have a choice of sustainable transport as shown above. This is supported by an approved application at the same address for the conversion of a Residential Annexe to a 3 Bed Dwelling at The Corn Barn, Tickenham Hill, 18/P/4859/FUL, approved 2019. The distance between the Residential Annexe, (or The Stables as it is now named) and the application site is the width of the single shared accessway onto the B3128.

The Case Officer concluded that *‘The application site is situated amongst a group of existing buildings set to the north of Tickenham Hill and so cannot be described as ‘isolated’. Nailsea, which has a significant availability of services and facilities, is also within a relatively close proximity and would be accessible by bus, foot and private vehicle.’*

Another reference in support of sustainability and accessibility along the B3128 is an application to use a previously developed site to build 3 Dwellings at Hillside Nursery, Tickenham Hill, Appeal Ref: APP/D0121/A/14/2225472 located 1 km from application site, which was approved at appeal. The Inspector concluded,

‘there is a regular bus service stopping at the nearby Zoo Farm. The bus stop is a short distance from the site on foot, and although the route from the site to the bus stop would lack footpaths, given the short distance, regularity of the bus service and destinations including to major settlements, I do consider the bus service in this location would provide a realistic and sustainable alternative means of transport to the private car.’

59 from Nailsea to Portishead 

from 30 January 2022

	Mondays to Saturdays				
Nailsea Link Road	0755	1000	1200	1400	1600
Tickenham Hill Summerhouse	0800	1005	1205	1405	1605
Noah's Ark Farm Zoo	0802	1007	1207	1407	1607
Portbury Mill Lane	0809	1014	1214	1414	1614
Gordano School	0819	1024	1224	1424	1624

1.17 Extract from Stagecoach timetable for Route 59

The Hillside Nursery properties are 640 metres from Noah's Ark Zoo Bus stop and the application site is 480 metres from Summerhouse Bus Stop.

Appeals Cited by Previous Case Officer

The Previous Case Officer cited a dismissed appeal at Birdcombe Farm Cottage, Tower House Lane, Wraxall, BS48 1JR ((LPA ref: 21/P/0340/FUL, PINS ref: APP/D0121/W/21/3276355) as evidence in support of her recommendation to refuse the application.

She quoted that the Inspector concluded *'it is likely that future occupiers would be dependent on a private car to meet their every day needs, and there are no characteristics of the site that would allow me to conclude that it would be suitably located for the development proposed. The proposal would be contrary to Policies CS14 and CS33 of the CS, which together set out the Council's settlement strategy and seek to ensure that development proposals in countryside areas are strictly controlled to prevent unsustainable development.'*

A closer study of the Birdcombe Farm appeal reveals a different on the ground situation and as a result not a comparable reference.

The full quotation by the Inspector is;

'17. For these reasons it is likely that future occupiers would be dependent on a private car to meet their every day needs, and there are no characteristics of the site that would allow me to conclude that it would be suitably located for the development proposed.'

'For these reasons,' was omitted by the previous Case Officer and these reasons for refusal were based on:

1. the agricultural status of the land and:
2. accessibility to non car modes of transport

Access to Public Transport - The appellants of the Birdcombe Farm application have said in their Design and Access document,

'The existing farm and this development site can be accessed in two ways. The main vehicular access is off Tower House Lane and the secondary access is directly off Clevedon Road via a private lane.'

'The site is within easy walking distance of local amenities. These amenities include a shop, pub, post office, churches, schools and bus stops that connect to Nailsea, Clevedon and Portishead.'

The Inspectors response to this, after a visit to the site is:

'The appeal site is close to the edge of Nailsea. The appellant suggests that the site is within easy walking distance of a range of services, and that the site is close to bus stops that would provide access to Bristol and Clevedon.'

The Inspector goes on to say,

'travel into Nailsea or to the bus stops would involve the use of a length of private lane that is unlit.'

'Furthermore, there is no evidence to suggest that this is land that is within the appellant's control. There is therefore no guarantee that it would remain available for future occupiers to use, and it would not appear necessary to rely on it as most vehicles appear to enter the site from Tower House Lane. Footpaths exist that would provide access between the site and the road, however these pass over fields and would thus not provide access that could be relied upon in all weathers for day to day travel.'

Agricultural Setting – With reference to the setting of the site the Inspector comments,

'Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless they fit within a list of exceptions'

5. The exception set out at paragraph 149 d) cannot apply as the proposed dwelling would be in a different use to the agricultural buildings that it would replace.

6. The exception set out at paragraph 149 g) can also not apply as the appeal site is currently in agricultural use and cannot therefore be considered previously developed land (PDL), with reference to the definition set out within the Framework glossary.'

In summary the reasons for dismissal is a lack of access to the road, B3130, by foot and consequently no access to public transport and the site being in an agricultural setting. These issues are not comparable to the current application site.

The Case Officer also highlighted a dismissed appeal in Sandford to support her conclusion of unsustainable location: She states:

'The proposed development is located in an unsustainable location where the proposal is contrary to Policies CS14 and CS33 of the Core Strategy and is therefore contrary to the development plan as a whole which is attributed substantial weight. The above stance is supported by a recently dismissed appeal decision referred to above (LPA ref: 20/P/1286/OUT, PINS ref: APP/D0121/W/20/3265489) for the erection of a single storey detached dwelling at Land Accessed from Nye Road Sandford where the inspector found in paragraph 21 that:

"As a consequence, while accepting that the site may not be isolated from other dwellings and opportunities to maximise sustainable transport solutions will be more limited in rural areas, in this case the location of the site and the nature of the access routes would mean that there is likely to be a dependence on the private vehicle to access services and facilities both locally and further afield. Because of such a likely dependence, the site would not be generally well positioned in relation to the settlement and other locations and I therefore attribute substantial weight to the conflict with the policies in the development plan which direct the location of development."

The Inspectors reasons for refusal are; *'as a consequence'* of

1. the location of the site, and
2. nature of access routes.

As can be seen in image 1.16, Nye Road, is a narrow 'C' class road and not on a bus route.

There is no mention of any accessibility to public transport in the application or appeal and similar to Birdcombe Farm there is the issue of the only alternative access being via a footpath. The Inspector says he



found it uneven and muddy in places and concluded it would not be a reasonable alternative. Also, the Parish Council objected on the grounds it was Agricultural Land.

In Summary both the above applications are in different locations and different circumstances to the application site. It has been established that neither have access to public transport and neither are previously developed land.

Principle of Consistency in Planning

'It is well established case law that previous planning decisions are capable of being material considerations, meaning that they need to be taken into account by those determining subsequent applications for permission.

The reasoning behind this was explained by Mann LJ in North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137: "One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency..... Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system." [Decision Making Behaviour - Town Planning Expert \(tpexpert.org\)](http://tpexpert.org)

The Case Officer on the previous application has cited Birdcombe Farm and Nye Road applications for their lack of access to alternative modes of transport to the private car and thus deemed to be unsustainable locations and contrary to CS14 and CS33. The consequences being both applications were refused.

However, the Case Officer for The Stables and the Inspector for Hillside Nurseries Appeal have both approved these applications. These applications are also more locationally relevant to the application site. Hillside Nursery site is also located on the B3128, 1 km away with accessibility to the same public transport as the application site. The Stables is in fact on the same shared access onto the B3128 as the application site.

In the interests of consistency in decision making, it is reasonable, for all intents and purposes that the current application should be considered the same site as The Stables. As such the decision to grant permission in respect of The Stables should be considered a material consideration on the current application.

Other Transport Choices

The application site is 1.2 km from Nailsea which is a short distance for those choosing to cycle and there are public footpaths, LA/16/12/10 and LA/20/2/20 nearby.

In Summary the application site provides a realistic and sustainable alternative means of transport to the private car and would therefore accord with the strategy for development set out in policies CS14 and CS33 of the Core Strategy.

Redevelopment of Previously Developed Sites in Green Belt Setting

The previous Case Officer states *'The NPPF permits infilling or the redevelopment of previously developed land (PDL) in the Green Belt provided it does not have a greater impact on the openness. Policy DM12 in the SPP1 provides further guidance on redevelopment of PDL.'*

The definition of PDL set out in the NPPF includes the curtilage of the developed land, although advises that it should not be assumed the whole curtilage should be developed. However, the definition excludes land in built up areas such as residential gardens. However, even if the LPA were to accept the site is PDL, policy DM12 requires the proposals do not have a greater impact on the openness of the Green Belt.'

The glossary of the NPPF, Page 70, previously developed land is defined as: *'Land which is or was occupied by a permanent structure, including the curtilage of the developed infrastructure.'* The LPA approved application, 21/P/3159/LDE for Builders Store and Yard. In this way the application site falls under the NPPF definition of Previously Development Land.

The Case Officer continued to say *'Although the site has been previously developed, the size of the proposal is significantly bigger than the existing and therefore does not comply with NPPF requirements. The proposal, therefore, constitutes inappropriate development in the Green Belt and is contrary to the requirements of the National Planning Policy Framework and to policy DM12 of the Sites and Policies Plan (Part 1)'*

The Case Officer's appraisal of the previous application is that because the proposal is significantly bigger than the existing, it does not comply with NPPF requirements of the development not having a greater impact on the Green Belt therefore, constitutes inappropriate development.

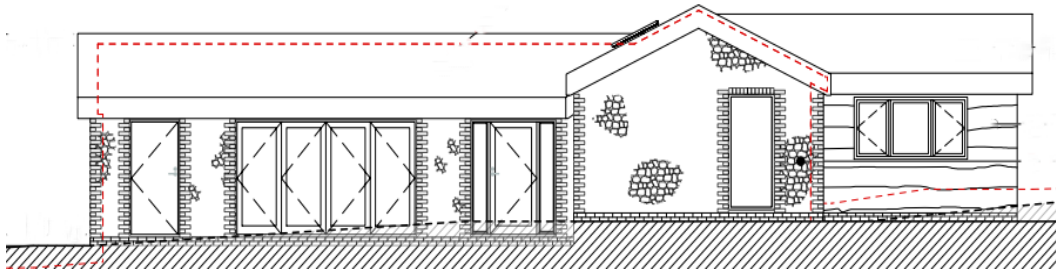
In order to address this the new proposal is to reuse the existing Builders Store and in order create a reasonable dwelling increasing the original footprint by 50%. This allows for 3 moderately sized bedrooms and living space.

The visual character of the site and surroundings have all been taken into account. The look of the building will be greatly improved with the use of materials sympathetic to the area. The concrete blocks will be clad with reclaimed bricks around the fenestration with stonework in between as seen, in images 1.10 and 1.11, pg 6, of The Coach House. This applies to the South and West elevations.

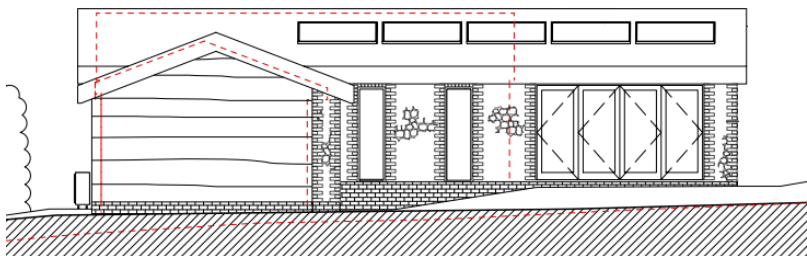
The rest will be clad with waney board, similar examples seen in images 1.08 of The Stables and 1.06 of The Corn Barn, pg5.

The low pitch of the roof of the Builders Store with the covering of clay tiles are already a reflection of Rowan Barn as seen in image 1.09, pg 5.

The design and choice of materials are considered to be sympathetic to this location and character of neighbouring properties.



1.19 Proposed South Elevation



1.20 Proposed East Elevation

The existing fence dividing the shared access which is leaning and in need of replacement, as seen in image 1.13, page 6, would be replaced with native hedging enhancing the visual aspect of the driveway.

With both east and north boundaries being replanted with native species of hedging and other recommendations implemented from the ecologist report, including bat and sparrow boxes, there will be a bio diversity gain.

The builders yard comprises of hard standing and concrete surfaces. The new proposal is to have lawns and native landscaping which will result in environmental improvements on damaged land as directed by NPPF.

DM12 is concerned with development within the Green Belt and seeks to clarify the circumstances where such development is not regarded as inappropriate. The policy also covers redevelopment on previously developed land.

According to DM12 an extension *'of a building will not be regarded as inappropriate provided that it is within the existing curtilage and does not result in disproportionate additions over and above the size of the original building'* and that *'an extension will not normally be regarded as disproportionate provided it does not exceed 50% of the gross floor area of the original building.'*

It goes on to say that redevelopment on previously developed sites outside the settlement boundary is not inappropriate provided it does not have a greater impact on the openness of the

Green Belt. The new scale of the proposal by virtue of its design, height and location on the site will now comply with DM12 in respect of not having a greater impact on the Green Belt.

Section 13, 149 states that although a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, there are exceptions and the above proposal concords with the exception g.

g) 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development;*
or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

The above proposal now concords with DM12 and the exception g) Section 13, paragraph 149 of the NPPF.

Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. CS6 of the NSC Core Strategy is a reflection of the NPPF.

'CS6: North Somerset's Green Belt'

'Background

3.91 The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, the most important characteristic of the Green Belt being its openness. Green Belts perform five important functions in:

- preventing urban sprawl*
- preventing towns from merging into one another*
- safeguarding the countryside from encroachment*
- preserving the setting and character of historic towns*
- helping urban regeneration, by encouraging the recycling of underused and outworn urban land and buildings.'*

The site is an existing previously developed site. As such, development of the site would not result in unrestricted sprawl, would not cause neighbouring towns to merge and nor would it result in encroachment into the countryside, and therefore not conflict with the above. The last two bullet points are not considered applicable. It is therefore felt that the scheme would not conflict for the purposes of including land within the Green Belt and concords with CS6 of NSC Core Strategy.

CS14 and CS33

As the application site is outside of any settlement boundary in policy terms it is countryside and therefore, the erection of new dwellings is not normally permitted in accordance with policies CS14 and CS33 of the Core Strategy.

CS33 states:

'New residential development will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers.'

Policies CS14 (Housing distribution Strategy) and CS28 to CS33 (locational housing policies) inclusive of the CS do not support housing in the Green Belt, and direct development away from unsustainable locations, however, para 149 of the NPPF, which is more recent, supports redevelopment of 'Previously Developed Land' in the Green Belt (which this site is) provided that proposals do not have a greater impact on the openness of the Green Belt than the existing development.

As demonstrated above the proposal concords with the policies regarding sustainability and protection of the Green Belt and as such is in harmony with the intents and purposes of CS14 and CS33.

In the absence of a 5-year land supply, there is a presumption in favour of sustainable development unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

E5 Tickenham Ridges and Combes

The application site is situated in E5 Tickenham Ridges and Combes.

Even though there is no objection to the felling of the Leylandii in the previous application, the Case Officer did say that removing them '*would increase the prominence of the proposed dwelling.*'

However, the new proposal doesn't seek to increase the height of the existing builders store and will therefore be 2.91 metres lower than the previous proposal. As can be seen in image 1.21 below, the building sits low in the landscape and the removal of the Leylandii will not lead to an increase in prominence. There are other mature trees along the eastern boundary on the neighbour's side more in keeping with the surroundings.



Image 1.21 Leylandii Cypress and Builders Store

It is also noteworthy that the Leylandii are about 30 years old and approximately 50+ feet tall. According to Leylandii.com some of the earliest Leylandii were planted more than 100 years ago and are still growing. It is not known how long they live for. The Woodland Trust say that Leyland Cypress can grow up to 130 ft and are not found in the wild. At present the trees on the site already obscure the Tickenham Ridge when viewed from the B3128 thus having an effect on the openness of the Green Belt in themselves. Removal of these trees would improve the openness of the Green Belt without exposing any buildings.

Conclusion

This statement has set out the planning policy relevant to the determination of the planning application - based on the grounds on which the previous application was refused. The proposed development has been designed and assessed in this context.

Following a recent appeal decision at Moor Road, Yatton (APP/D0121/W/21/3285343), it has once again been established that the Council does not have a 5-year housing land supply. The proposal would make a contribution of one dwelling towards the Council's windfall housing, as part of the Council's strategy for re-establishing its 5-year housing land supply.

The new proposal would not result in a greater impact on the openness of the Green Belt whilst it would see the re-use of previously developed land and improve the site from its existing state. Environmental improvements would follow from the landscape enhancements proposed.

The site has a lawful use which generates greater movements to and from the site than the proposed use. The change to residential would result in a comparative overall reduction in carbon emissions. It has been established the bus service in this location would provide a realistic and sustainable alternative means of transport to the private car.

For these reasons the proposal would constitute sustainable development and have no greater impact on the Green Belt and should be supported.