

Development Management
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Town Hall
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Weston-super-Mare
BS23 1UJ



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Bedminster
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28 March 2024

Dear Sir or Madam,

RE. LINDEN GROVE, THE BATCH, BUTCOMBE, BS40 7UY

HOUSEHOLDER APPLICATION – OUTBUILDING (RETROSPECTIVE)

Please find enclosed herewith a Householder planning application in respect of the above property.

The purpose of this application is to retrospectively agree an outbuilding that has been constructed at the application site.

In terms of background, the outbuilding was constructed by the applicant under the impression that the building met with the pertinent permitted development legislation under Schedule 2, Part 1, Class E of the General Permitted Development Order, following receipt of a certificate of lawful development granted under reference **19/P/1072/LDP**.

Since the construction of the outbuilding, concern was raised by North Somerset Council (NSC) regarding the established line of the residential boundary to the west

side of the site, and the effect the boundary position had on the outbuilding complying with Schedule 2, Part 1, Class E of the GPDO. There was a disagreement over the exact position of the boundary, and these discussions resulted in the LPA offering the applicant the opportunity to submit a Householder Planning Application to apply for retrospective planning permission for the constructed outbuilding. The applicant was happy to follow this suggestion to regularise the matter and a householder planning application was made on 21 November 2022 to North Somerset Council (NSC).

During the application, it was noted that from the Ordnance Survey mapping resources, the outbuilding appears to partially encroach within the administrative area of Bath and North East Somerset (BaNES). A duplicate copy of the application was sent to BaNES in response. Both applications were subsequently refused under planning references 22/P/2781/FUH (NSC) and 23/00945/FUL (BaNES).

Since receiving the two refusals, site visits with both LPAs have been undertaken to discuss planning matters in respect of the outbuilding, culminating in a further invitation from BaNES (in consultation with NSC) to resubmit the planning application with proposed changes to the outbuilding. These changes include:

- Removal of the dormers on the west roof slope,
- Cladding the exterior in stone (*in lieu* of the existing render),
- Rooftiles replaced to match those of the host dwelling (Linden Grove).

With these changes in place, it has been confirmed that neither authority would have an objection to the application in principle (BaNES email dated 22 January 2024).

The Site

Linden Grove is a dwellinghouse in Butcombe, accessed via Howgrove Hill Lane (albeit the house address is 'The Batch').

The property is detached and located on a large site in a rural area. The site is surrounded on all sides by agricultural land.

The site is not within a Conservation Area and there are no Listed Buildings or Scheduled Ancient Monuments affecting the site. The site is in Flood Zone 1 and is in the Green Belt.

Site History

The Planning History for the site is set out below.

Planning Applications (6)

- [The erection of an outbuilding.](#)
Ref. No: 19/P/1072/LDP | Status: Approved (Lawful)
- [Application to remove condition 3 attached to planning permission 00/P/1885/F \(restoration of existing house together with new extension to form 4 bedroom dwelling\) to return permitted development rights to the property to allow extension and alteration to the dwelling under The General Permitted Development Order](#)
Ref. No: 22/P/2253/FUL | Status: Refused
- [Retrospective application for the erection of a single storey outbuilding to the rear of the property, hard landscaping and associated works.](#)
Ref. No: 22/P/2781/FUH | Status: Refused
- [Application for a Certificate of Lawful Use Existing for the stationing of a caravan for residential purposes and associated garden area.](#)
Ref. No: 17/P/0518/LDE | Status: Approve without Conditions
- [Proposed erection of a single garage on the site of a former outbuilding \(now derelict\) .](#)
Ref. No: 16/P/0037/F | Status: Approve with Conditions
- [Restoration of existing house together with new extension to form 4 bedroom dwelling](#)
Ref. No: 00/P/1885/F | Status: Approve with Conditions

Planning Appeals (2)

- [Without planning permission, the erection of a single storey rear extension](#)
Ref. No: 23/00015/AT04 | Status: ALLOW
- [Application to remove condition 3 attached to planning permission 00/P/1885/F \(restoration of existing house together with new extension to form 4 bedroom dwelling\) to return permitted development rights to the property to allow extension and alteration to the dwelling under The General Permitted Development Order](#)
Ref. No: 23/00016/AT02 | Status: Appeal allowed with conditions

Planning Analysis

Notwithstanding the fact that this application is submitted further to discussion and invitation from both affected authorities (BaNES and NSC), it is worth rehearsing the planning case, and this is set out below.

The provision of outbuildings within the domestic curtilage of a property is acceptable in principle under Policy DM38 (Extensions to Dwellings) subject to its design, scale,

impact on surrounding amenity and street-scene, with single storey buildings being preferred.

The site is within the Green Belt and therefore Policy DM12 applies (Development within the Green Belt). Policy DM12 does not consider the provision of outbuildings to constitute inappropriate development in the Green Belt assuming that they are:

“...of a scale and height subordinate to the original dwelling and should not adversely affect the openness of the Green Belt.”

The outbuilding is constructed to the rear of the property in a position where it has little impact on the street-scene. The application site is surrounded on all sides by agricultural land, so the outbuilding does not affect private residential amenity. The design and proposed finishing materials compliment this domestic site and are of a quality that contributes positively to the locale. The building is single storey (compared with the two-storey host dwelling) and as such the impact on the openness of the Green Belt is not harmful.

When considering a fallback position, taking the building's relationship to the boundary to one side, Class E of the GPDO permits an outbuilding with a flat roof within 2m of a boundary (if no taller than 2.5m). It is submitted that the proposed roof design (dormer removed on west slope) creates no additional impact on the openness of the Green Belt compared to the flat roof that would otherwise be permissible within 2m of a boundary under the GPDO. A flat roof would also result in a building with a significantly reduced architectural merit, compared to that proposed under this application.

Furthermore, an outbuilding with the same dual pitched roof (as constructed or proposed) could be built over 50% of the rear curtilage under permitted development (subject to the other provisions of Schedule 2, Part 1, Class E) in a more prominent position on site compared with the building's current location along one edge of the curtilage near the host dwelling.

In making this planning analysis, the pertinent BaNES planning policies have been referred to, the thrust of which are the same as those provided by NSC and the NPPF.

Therefore, the material considerations of this case demonstrate that the outbuilding is not inappropriate development in the Green Belt, does not adversely impact neighbouring amenity, and is of an appropriate design (LPAs' suggested design alterations included). As such this application should be approved, and the development aligns with the design that the LPAs have confirmed are acceptable in principle.

If you require any further information, please do not hesitate to contact us.

Kind regards.

Yours sincerely

Ben

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