
Appeal Decision

Hearing held on 19 August 2014

Site visit made on 19 August 2014

by Edward Gerry BA (Hons) MSc MRTPI

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

Decision date: 29 October 2014

Appeal Ref: APP/D0121/A/14/2220125

**Land at Tyntesfield Springs, Bristol Road, Wraxall, North Somerset
BS48 1NE**

- 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 Dr H Pratt & Mrs J Pratt against the decision of North Somerset Council.
 - The application Ref 13/P/1541/F, dated 12 August 2013, was refused by notice dated 10 December 2013.
 - The development proposed is described as 'erection of an off-grid Frank Lloyd Wright designed dwelling house and associated works'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In March 2013, a Judgement, following a legal challenge to the North Somerset Core Strategy (2012) (CS), resulted in a number of policies within the CS being remitted back to the Planning Inspectorate for re-examination. On the basis of the latest situation regarding the remitted policies associated with the CS, and the Judge's comments in respect of the legal challenge to the CS, I have given the remitted policies that are relevant to this appeal 'moderate' weight. However, Policy CS6 of the CS, referred to in the Council's decision notice, concerns the boundaries of North Somerset's Green Belt. As the proposal does not involve changing the Green Belt boundary it is not relevant to this appeal.
3. I have given consideration to issues relating to the impact on Tyntesfield Estate which is located to the north of the appeal site. The house at Tyntesfield is a Grade I listed building whilst the landscape is Grade II* listed. Whilst the Council has not objected to the proposal in this respect I have had regard to the statutory duty to pay special attention to the desirability of preserving the listed building and the listed landscape including their setting. Nevertheless, based upon the evidence before me I have no reason to disagree with the view the Council has reached. Therefore I am satisfied that it would preserve those interests.
4. Following the Hearing, Patterson J's judgment in respect of Redhill Aerodrome Limited v Secretary of State for Communities and Local Government, Tandridge District Council, Reigate and Banstead Borough Council (2014) has been overturned by the Court of Appeal. Consequently, the assessment of very

special circumstances below does take into consideration non-Green Belt harm. Given the evidence before me, and the discussion that took place at the Hearing, I find that no party would be prejudiced by me considering non-Green Belt harm.

Main Issues

5. Having regard to Policy RD/3 of the North Somerset Replacement Local Plan (2007) (LP) and the National Planning Policy Framework (the Framework) I agree with the main parties that the proposed development would be inappropriate development in the Green Belt and would impact upon the openness of the Green Belt. On this basis the main issues are:
- the effect of the proposed development on the character and appearance of the surrounding countryside;
 - the effect of the proposed access arrangement on highway safety;
 - whether the proposal would result in a sustainable pattern of development; and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and, if so, whether there exist very special circumstances that justify the development.

Reasons

Character and appearance

6. The appeal site is located in the countryside. It originally formed part of the Tyntesfield Estate, relating to Tyntesfield House, the remains of which are located to the north of the appeal site. The North Somerset Landscape Character Assessment Supplementary Planning Document (2005) (SPD) identifies that the area in which the appeal site is located is characterised by valleys of agricultural land with dispersed water features and little settlement apart from the scattered stone farmsteads on rising ground at the edges of the area.
7. I note the view that the proposal would integrate into the natural landscape and that the accompanying landscape proposals would be of a high quality and sensitive to the defining characteristics of the area. I also acknowledge that English Heritage has no objection to the proposal and is of the view that the proposal would make a positive contribution to the locality. Nonetheless, whilst the style of design of the proposed dwelling may be appropriate in a different context, given the character of the rural landscape in which it would be located, and the traditional design style of the dwellings in vicinity of the site, the proposed dwelling would be at odds with its surroundings.
8. Furthermore, although, I note that the landscaping proposals would help to limit views of the proposed dwelling the proposal would still be visible from certain public viewpoints. In any case, irrespective of the extent to which the landscape proposals would screen the proposed dwelling, the introduction of a dwelling with such a large footprint and its associated development, including a carport and large forecourt area, into the countryside location proposed would have a detrimental impact on the character of the area.

9. For these reasons, the proposed development would have an unacceptable impact on the character and appearance of the surrounding countryside. As a result it would be contrary to policies CS5 and CS12 of the CS, Policy GDP/3 of the LP and guidance contained within the SPD. The policies, amongst other things, set out the need for development to protect and enhance North Somerset's landscape and townscape. In doing so, Policy CS5 of the CS outlines that close regard will be paid to the character of areas identified in the SPD. Policy GDP/3 of the LP seeks to ensure that new development respects the characteristics of a site and its surroundings.

Highway safety

10. The appeal site is accessed from a restricted byway that adjoins the Bristol Road (B3130) which is located to the north of the site. The Bristol Road is a single carriageway road and is subject to a 40mph speed restriction. As was evident from my site visit, and the evidence in front of me, the road is subject to fairly high levels of vehicular traffic. Visibility from the byway to the Bristol Road is significantly restricted by the presence of stone walls and mature vegetation.
11. There is a dispute between the Council and the appellant as to whether the proposal would result in the intensification of the use of the existing access. I accept that the appeal site has extant permission for an agricultural use, with no restriction on the numbers or size of vehicles associated with it, and recently received planning permission for 3 vehicular parking spaces associated with the private fishing lake located to the south of the appeal site.
12. Nevertheless, even if the appeal site was to be intensively farmed, which does not currently appear to be the case, given its size it is unlikely that the site alone would generate four agricultural vehicular movements per day. Furthermore, as the fishing lake is subject to a condition restricting it to private use on a non-commercial basis I am not satisfied that vehicular movements associated with the fishing lake would be as high as is suggested by the appellants. As a result the appellants proposed condition restricting the use of the fishing lake to those occupying the proposed dwelling would have a limited impact in reducing vehicular movements associated with the fishing lake. Consequently, I consider that the proposal would result in a perceptible increase in the level of traffic movements at the access to the appeal site from the Bristol Road. Additionally, a residential use would have a higher degree of certainty and consistency, in terms of vehicular movements, than the extant uses.
13. I note that the loss of potential farm traffic associated with the site would be of benefit to highway safety. In addition, I acknowledge the comments of the Highways Authority including the fact that the section of the Bristol Road, off which the appeal site is located, is characterised by similar access points and thus drivers expect vehicle movements in connection with farms and dwellings situated along this road. Furthermore, that the most recent ten year injury accident record suggests that no highway safety issues exist in the immediate vicinity of the access to the appeal site from the Bristol Road. This includes a period when the speed limit that applied to the road was 60mph. Nonetheless, given the substandard nature of the existing vehicular access, particularly in respect of the visibility levels associated with it, and the fairly high levels of

traffic associated with the Bristol Road the proposal would have a detrimental impact on highway safety.

14. The appellants, as part of their response to the Council's appeal statement, have suggested three possible alternative access points to the appeal site. It is suggested that these access points, which were discussed at the Hearing, or an alternative access, could be secured via a planning condition. Whilst I have given consideration to this possibility two of the suggested alternative accesses (Nos 2 and 3 on Plan 1 (Alternative Accesses – Indicative Only)) are not currently within the appellants' ownership. Whilst the other suggested access (No 1 on Plan 1 (Alternative Accesses – Indicative Only)) is within the appellants' ownership it is in close proximity to the access that has been considered as part of the proposal subject of this appeal. As outlined above, I have highway safety concerns in respect of this access.
15. Therefore, given the evidence before me and the discussion that took place at the Hearing, I am not satisfied that there is a prospect that the Council would agree to an alternative accesses and that any necessary consents would be obtained within the time limit imposed by a planning permission. On this basis, the proposed condition is contrary to advice set out within the Government's Planning Practice Guidance.
16. For these reasons, the proposed access arrangement would have a detrimental impact on highway safety. As a result it would be contrary Policy T/10 of the LP which sets out that development will only be permitted if it would not prejudice highway safety. Although the Council's decision notice also refers to Policy CS10 of the CS I consider that this policy is not relevant to this appeal as it is concerned with the implementation of transport schemes rather than the implications of development proposals on highway safety.

Sustainability

17. As previously set out the appeal site is located in the countryside. I note that the proposal would have full access to a range of services in Nailsea, Clevedon and Bristol. In addition I acknowledge the range of footpaths and cycle routes that are situated in close proximity to the appeal site. Nonetheless, the appeal site has limited access to local services and facilities, employment opportunities and public transport. Consequently, in my view, future occupants of the proposed dwelling would be largely reliant upon the use of private motor vehicles to access services, facilities and employment opportunities in settlements such as Nailsea, Clevedon and Bristol.
18. I note the point that if the tests in paragraph 55 of the Framework regarding the design of the dwelling were met then it would be unreasonable to object to the location of the dwelling on the basis that it would be unsustainable. However, based upon my findings in respect of the design of the proposed dwelling, and more importantly given my findings below that there are not very special circumstances which justify the development, there is no basis for disregarding sustainability matters concerning the location of the proposed development.
19. For these reasons, the proposal would result in an unsustainable pattern of development. As a result it would be contrary to Policy CS33 of the CS and Policy H/8 of the LP. Policies CS33 and H/8 both aim to restrict new residential development in the countryside in order to prevent unsustainable development.

Other considerations

20. The appellants make a number of different arguments regarding the other considerations that need to be taken into account in respect of this appeal. This includes the fact that the proposed dwelling is based on a design by the architect Frank Lloyd Wright and it would be the last of his archived designs to be sanctioned for construction by the Frank Lloyd Wright Foundation. I acknowledge the significance of Frank Lloyd Wright, the importance of his architectural work particularly in the USA. I also note that there are no buildings in the UK which are based upon a design by Frank Lloyd Wright and there is only one such building in Europe. Nevertheless, the prestige or otherwise of an architect does not form a basis for allowing inappropriate development in the Green Belt.
21. Turning to the matter of design, I acknowledge that a member of the Frank Lloyd Wright Foundation has visited the appeal site and considers that it is suitable for the design by Frank Lloyd Wright. In addition, I note the range of arguments that have been put forward in support of both the design of the dwelling itself and the way in which it would sit in the landscape. This includes in respect of the design principles of Frank Lloyd Wright, which are reflected in the design of the dwelling, and the fact that the proposed design reflects a culmination of a particular era of Frank Lloyd Wright's work.
22. However, the original design proposal by Frank Lloyd Wright, on which the proposal subject of this appeal is based, dates back to the 1940s and was planned for a site in California. At the time of its conception the design may have been considered to be highly innovative and exceptional. Nonetheless, in my view, the design, including in terms of its horizontal form and its use of materials, would not be of exceptional quality or of an innovative nature when considered against modern construction techniques and given the extent to which design principles, including in respect of the form of dwellings, have evolved since the conception of the original design by Frank Lloyd Wright. Furthermore, the lake that the proposed dwelling would overlook over is a recent man made construction. Thus, the setting for the dwelling would appear to be at odds with Frank Lloyd Wright's philosophy of 'organic architecture'.
23. In terms of its environmental sustainability credentials it is proposed that the dwelling would be self-sufficient in relation to energy, water and waste. Furthermore, it is planned that the development would generate 160% of its own energy needs and that the excess energy would be fed into the national grid. Nevertheless, the proposed dwelling would only meet Level 4 of the Code for Sustainable Homes (CfSH). I note the factors that would restrict what level of the CfSH the proposed dwelling would be able to meet, the appellant's views regarding the CfSH and the Government's intention to abolish the CfSH. However, the Government has not yet abolished the CfSH and it is currently recognised as a national measure of sustainability for new residential dwellings. Given that Policy CS2 of the CS requires, as a minimum, that all new dwellings are built to Code Level 4 from 2013 undermines the environmental credentials of the proposed dwelling.
24. The appellants, and the Council, both make reference to previous appeal decisions in support of their respective cases. As material considerations I have taken these decisions into account in reaching my decision. I acknowledge that the appeal decision relating to No 358 Mapperley Plains

(Appeal Ref: APP/N3020/A/08/2061839) demonstrates the potential for an exceptional design to represent very special circumstances in the Green Belt. Nevertheless, I note that the decision pre-dates the publication of the Framework and thus the planning policy context pertaining to it is different. In any case, each proposal should be considered on its own merits and it is on this basis that I have assessed the proposed development.

25. Finally, I note the level of support for the proposed development including from academics and professional architects. Whilst I have acknowledged this in reaching my decision such support has to be balanced against the relevant development plan and other material planning considerations.

Conclusion

26. The proposed development is inappropriate development which is, by definition, harmful to the Green Belt. The Framework states inappropriate development should not be approved except in very special circumstances. I have also found harm to the character and appearance of the surrounding countryside and in terms of highway safety and the sustainability of the proposed development. For the appeal to succeed the combined weight of other considerations must clearly outweigh the totality of the harm arising.
27. I conclude that all the harm arising from the proposed development is not clearly outweighed by the other considerations set out above and as such the very special circumstances, as required by paragraph 88 of the Framework, necessary to justify the development proposed do not exist. For the reasons given above the appeal fails.

Edward Gerry

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr H Pratt	Appellant
Mrs J Pratt	Appellant
Mr J Bolitho	White Young Green
Mr S Brooks	Stephen Brooks Architect
Mr M Andrews	Energy Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms C Pearce MRTPI	North Somerset Council
Mr S Exley MRTPI	North Somerset Council
Mr D Robins BSc (Hons) DipTP	North Somerset Council
Ms R Sandy Msc	North Somerset Council
Cllr B Cook	North Somerset Council

INTERESTED PERSONS:

Cllr D Robinson	Wraxall and Failand Parish Council
Mr B Jones	Neighbour
Mr M Roberts	Television Producer
Mr A Wright	Supporter of the development
Mr C Ambrose	Local resident
Ms P Tillett	Local resident

DOCUMENTS

- 1 Timetable for the hearing procedure
- 2 Letter from the Planning Inspectorate to Mr J Bolitho
- 3 Appellant's Response to LPA Appeal Statement
- 4 Current Core Strategy Policy Position
- 5 Energy Assessment of Proposed Dwelling titled 'Tyntesfield Springs'
- 6 Plan titled 'Existing Access to Watercress Farm'
- 7 Briefing Note regarding Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government
- 8 Closing submission on behalf of appellant