

Minutes of the Priston Parish Council Meeting

held on Zoom on Monday 14th September 2020 at 7.00 pm

Present: Cllrs Doug Pattison (Chair), Peter Hopwood, Vicky Pai, Bruce Clarke, Robert Davies and Jocelyn Nichols (Clerk), Richard Bottle (meeting facilitator), Tania Weaver, Lissa Carter, Simon & Lucy Barnes, Claire Cross, Janice Thacker, Howard Jones, Robin Anderson.

Apologies: Fiona Hassard

Planning Application 20/02819/FUL Barns at Church Farm Priston

The meeting was set up to discuss our response to the planning application proposing the building of 3 houses of 4 bedrooms each.

It was agreed that the following response objecting to the application be submitted:

Planning Application 20/02819/FUL Barns at Church Farm Priston

The above Planning Application has been submitted for consideration by B&NES consisting of 3 two storey houses including double garages on the site of the metal barns about 50 metres north of the Church. The site is outside, though adjacent to, the Housing Development Boundary and the village is 'washed over' by the Green Belt.

The Parish Council feels strongly that if officers recommend approval, this application should be brought to the Planning Committee, and that there should also be a site meeting.

Executive Summary

The Parish Council OBJECTS to the above Application for the reasons summarised below:

- 1. The site is within the village (less than 100 metres from the village Green), but fails to conform to Policy GB2 as it outside the Housing Development Boundary and is not infill. The location is unsustainable because the village has few facilities and is almost completely reliant on private motor transport.**
- 2. Attempts to justify the proposal through the NPPF para 145 fail on two grounds, but principally because the site of the barn on which residential development is proposed lies in large part (or possibly wholly) outside the curtilage of the equestrian use as defined in the Certificate of Lawful Use. The development site is therefore not previously developed land.**
- 3. Also, development on this site would cause harm to the openness of the Green Belt, despite the claim that the proposed size would be less than that of the pre-existing barns. The Parish Council points to several cases supporting the view that despite a smaller built volume the development is unacceptable, because the distinctively suburban development means that the proposal would be far more visually intrusive in the Green Belt than the current buildings. This would diminish the distinctive character of Priston, and introduce a discordant element into a tranquil rural landscape. In addition, the site lies within a cluster of historic buildings, many of which are listed and this development would be detrimental to their setting contrary to policy HE1.**
- 4. The Parish Council points to many deficiencies in the Application, for example, the general lack of detail, including the absence of any drawing dimensions, detailed specification of materials, and the provision of services. Neither does it offer any consideration of how the numerous problems with the site are to be addressed (for example flood mitigation, access and parking, and continued equestrian use). The Application also discounts or ignores several legitimate causes for concern, such as the over development of such a small site, serious overlooking issues for the near neighbours as well as the recommendations of Priston Village Design Statement that any development should retain the character and appearance of the village as a whole.**

The Parish Council **OBJECTS** to the above Application for the following reasons:

1. B&NES Core Strategy GB2 states that *“Development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development the proposal is within the Housing Development Boundary”*. The proposed development is outside the Housing Development Boundary and is not infill. The Applicant contends that this policy does not apply because it is maintained that the site is not in the village.

Just because a site is outside the HDB does not mean it is not in the village. The wording of GB2 itself indicates that the village may extend beyond the HDB and that proposals to develop such sites would be counter to policy. The importance of the HDB has recently been emphasised by B&NES Review of Housing Development Boundaries in 2015, and Priston’s HDB was revised then. The role of the Housing Development Boundary is to prevent the unacceptable spread of the village, and to permit residential development on an adjacent site contradicts the purpose of the Housing Development Boundary.

Canvassing opinion from villagers who are best placed to make a judgement on the issue, there seems to be no support for the idea that the proposed site is not in the village. Several representations from villagers confirm this. The photo (below) demonstrates their contention that *“The proposed development is clearly within the village of Priston and outside the Housing Development Boundary and should not be permitted”*.

Priston Parish Council does not accept the view expressed in the Pre-Application advice that warned of a *“tension”* between local and national policies such that *“further planning justification will be needed to defend a departure in this case (from B&NES own policy”, (para 3.3 of the Design and Planning Statement)*. Development decisions need to be Plan-led and all participants should have as much certainty in the process as possible.

The Parish Council OBJECTS because the proposal conflicts with Core Strategy Policy GB2



General view of the existing barns and Priston Church

2. There are other considerations which indicate that, apart from limited infilling, Priston is a quite unsuitable location for further development. Firstly, as stated in para 63 of the Core Strategy *“In the Rural Areas Core Strategy policies RA1 and RA2 (applying to villages with suitable facilities in terms of shops, schools, public*

transport etc.) allow residential development in principle in villages not washed over by the Green Belt.”
Development should therefore be confined to villages which have the facilities to make it sustainable.

Priston is a village almost devoid of facilities and with very poor links to other settlements. Residents have to travel from the village to secure almost every service or requirement and virtually every trip will involve a private car through narrow and hazardous lanes. Secondly, there have been great concerns expressed as to the ability of our sewage works to cope with even heavier loads. There are already instances of sewage backing up into houses at the lower end of the village. The present proposal indicates that drainage will be by septic tank, though no details of how that could be achieved are presented and in any event it would be usual for properties to be connected to mains drainage where it is available.

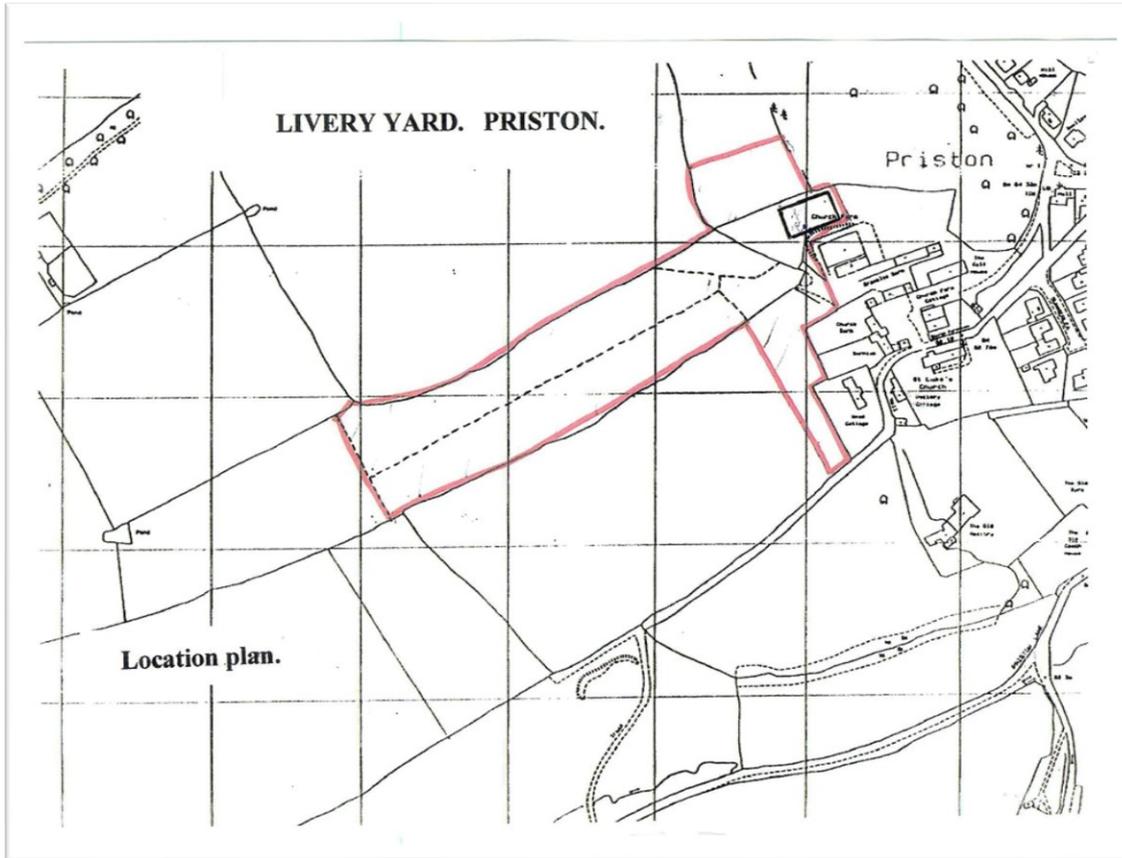
Thirdly, reports from B&NES indicate that the authority has successfully met its Housing Delivery targets and 5 year Housing supply, so there is no pressure to increase housing provision, particularly in unsustainable locations. There is a recognised need in the village for affordable housing but in the absence of this, there seems to be little advantage to the community of Priston in the proposed development.

The Parish Council OBJECTS because B&NES policies RA1 and RA2 steer rural development to more sustainable villages

3. The “tension” referred to above between national and local policy relates to the provision of para 145 of the NPPF which states that *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst others): (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;”*

The Applicant’s Planning and Design Statement makes it clear that it is this provision of the NPPF which he relies on, in spite of the fact that it cuts across Policy in the Local Development Plan. He claims first that the proposed site qualifies as “previously developed land” and second that the proposed development will not harm the “openness of the Green Belt”. According to the Pre-application advice, B&NES accept that it is previously developed land because its use is equestrian rather than agricultural. This use has been confirmed by a certificate of lawful use in 2004 (while a Planning Consent of 2005 gave permission for the construction of a “manege”, not actually on the site of the development).

However, the claim that the site is previously developed land is not supported by evidence. The certificate of lawful use ((04/0636/CLEU) from 2004 states that *“the use described in the first schedule in respect of the land specified in the second schedule to this certificate and edged in red on the plan attached to this certificate was lawful”*. The certificate specifies one plan and this seems to be it (Plan 1 below). Note that the red border **does not include the two barns which are the subject of this proposal.**



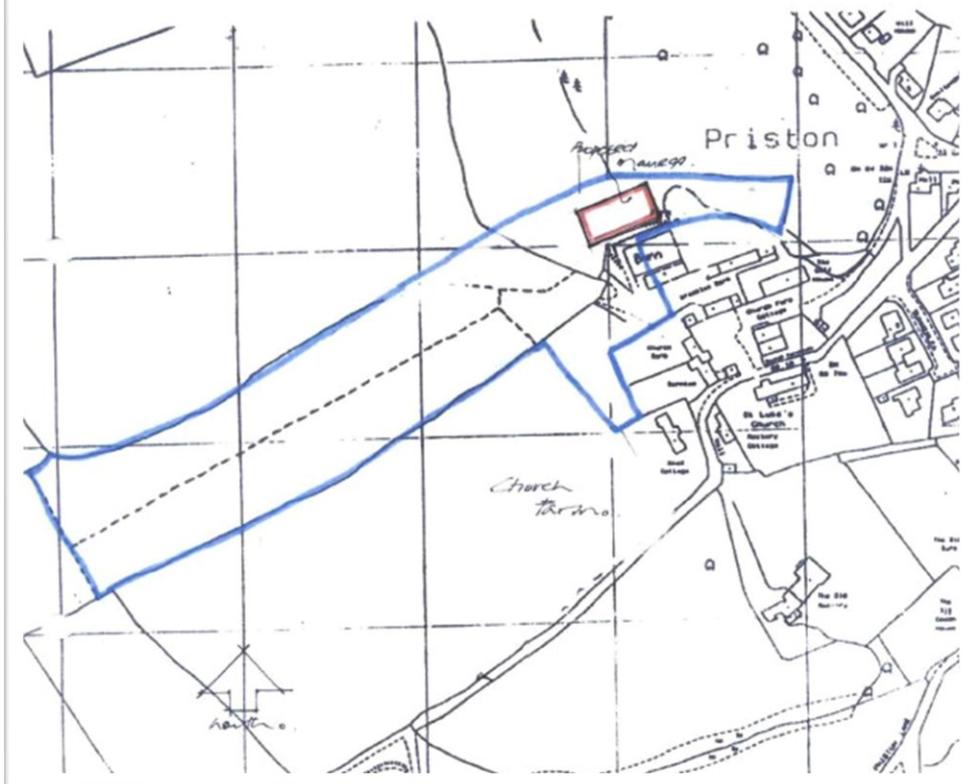
Plan 1

There are other maps in existence, but unless there is other material not archived, all of them are plans **submitted as proposals to B&NES** rather than issued by them in support of a decision, so carry no authority. There is a document submitted by the Applicant (Plan 2) in connection with a proposal for a "Manege" within the site which indicates that the curtilage of the livery passes through a part of the large barn but that much the greater part of that barn, lies outside that curtilage.

There is evidence of considerable confusion here which is partially resolved by examining the 04/0636/CLEU delegated report. This states that *"the application refers to a modern farm building on land at the edge of the development area of Priston and also grassed farmland to the west. Within the farm, 7 loose boxes for horses have been formed, with the remainder of the barn used as a hay store and for general storage."* It seems that the intention of the parties was to include the barn in the certificate, but only in part. Development in the barn was to be limited to 7 stables, the remainder (about 2 thirds) being used for general and hay storage, this presumably retaining its agricultural classification.

Further evidence is contained in some correspondence containing plans relating to the drafting of a lease for the livery. This (Plan 3) shows the livery area as on the map above but detailing the west elevation and a portion of the north elevation of the large barn plus the open Dutch barn to the south of the main barn as the areas over which the lease would run. Associated correspondence makes it clear that the **remainder of the building, including the mezzanine level over the horse boxes, would be excluded from the lease.**

**PROPOSED MANEGE AT
CHURCH FARM, PRISTON.**



Plan 2



Plan 3

In summary, the only authoritative map available accompanying the certificate of lawful use shows a red line around the area which excludes the barns proposed for development altogether. It could be argued that, whatever the intentions of the parties, this is the legal position and that the barns do not constitute part of the equestrian holding and cannot therefore be classified as previously developed land. On the other hand, there is clear written evidence that stables were part of the certificate of lawful use and that these stables were located in the large covered barn. There is also written evidence that only a specified area of this barn be used as

stables, the remainder retaining its agricultural use. There is evidence in the form of maps issued by the Applicant that he accepts that the equestrian permission only extends to a part of the barn. **There is no evidence at all supporting the view that the whole area of the two barns is covered by the equestrian permission.**

The Parish Council OBJECTS on the grounds that the site for the proposed development is not previously developed land and does not conform to the requirements of para 145 of the NPPF

4. Policy under the NPPF is that that residential development is only permitted provided it does “*not have a greater impact on the openness of the Green Belt than the existing development*”. The Applicant has made an assessment on the effect on openness by looking at the spatial aspect-how much space the development would occupy compared to what is there now. Para 5.2 of the Design Statement gives a table showing various measures of relative size. Taking it at face value, it appears, for example, that the volume of the proposed development is only 55% of the volume of what is there already. The conclusion in para 5.2 is that “*this ensures that the proposed development has a reduction in impact on openness of the Green Belt compared to the existing structures.*”

Priston Parish Council objects to this because as well as this spatial aspect of “openness” there is also a visual or perception aspect which has been reflected in several legal decisions. In this case, though the barn to be demolished is not a thing of beauty, it is very much the sort of thing you might expect to see as a legitimate part of the Green Belt. The legal basis for this lacks clarity but the consensus seems to be that it is very much within the competence of the planning authorities to take an appropriate view depending on circumstances, rather than it being a matter of law. The Parish Council is also strongly of the opinion that Priston Village Design Statement should, as a material consideration, carry weight and one of the themes of this document is the need to avoid “suburbanization” of the village, a theme which enjoys widespread support among villagers.

A number of recent appeals have reflected this interpretation of policy. For example, a recent planning appeal decision relating to rejection of the proposed redevelopment of a garden nursery in the Green Belt in Godalming (APP/R3650/W/16/3163050) states that “*Despite the Inspector finding that the development would be approximately a quarter of the existing floor space, it was noted that the existing glasshouses were of agricultural character and the glazed nature of the majority of the buildings also reduced their presence. Compared with this would be the markedly taller and solid buildings and the subdivision of the area into individual curtilages. In dismissing the appeal, the Inspector said the quantum and amount of the more urban form of residential development proposed would therefore reduce openness of the Green Belt despite it having a smaller floor space than the existing buildings.*”

Again, the following report from a case in East London gives a view which is even more relevant to our case in Priston. “*An inspector refused to sanction the redevelopment of a livery stables in the east London green belt with nine houses, holding that the suburban design and layout had a greater impact on openness. The inspector acknowledged that **the proposal would reduce the numerical amount of built form on the appeal site but considered the distinctively suburban development with houses laid out around a tarmac cul-de-sac, residential paraphernalia, boundary walls and fences would lead to a loss of openness.** In addition the siting of some dwellings closer to the boundaries than existing built form would sprawl development across the appeal site. Overall he concluded **the proposal would be far more visually intrusive in the green belt than the current buildings.** Rejecting a lack of five year housing land supply as a very special circumstance in itself to justify the development, the inspector dismissed the appeal.*

Inspector: David Wallis; Written representations

Source: Planning Resource Journal for July 24th 2020 –precise details not revealed except on payment of a fee!

The point the Inspector raises in this case is that despite a smaller built volume the development is unacceptable because the distinctively suburban development means that the proposal would be far more visually intrusive in the Green Belt than the current buildings. The view that the Church Farm proposal would diminish the distinctive character of Priston, and introduce a discordant element into a tranquil rural landscape, thereby causing substantial harm to the Green Belt, is well supported by the village photograph (above) taken from a nearby bridleway.

Priston Parish Council OBJECTS because the proposal would harm the openness of the Green Belt in contradiction to the requirements of para 145 of the NPPF

5. It is noted that the proposed development is located in a very sensitive site in terms of Heritage Assets. It is situated within a cluster of historic buildings. Those listed include the Church (Grade 1), Church Farm (Grade 2), the Granary (Grade 2), and the Manor (Grade 2). Policy HE1 of the Core Strategy states that with respect to Listed Buildings “*development in their vicinity will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings*”. The cluster also includes historic agricultural buildings now converted to dwellings and the residential development proposed would represent a modern and inappropriate intrusion into this traditional setting.

Priston Parish Council OBJECTS because the proposal contradicts the requirements of policy HE1

Issues of Detail

- 6 The information given in the drawings is impossible to assess because there are no dimensions given. Scaling off from on-line documents is not feasible. As villagers have pointed out, it is impossible even to identify the precise location of the proposed houses in relation to the buildings that are currently there. This is contrary to the guidance given by B&NES to Applicants as well as the recommendations in Priston Village Design Statement. There is also a complete lack of detail on, for example, external lighting, the provision of services, materials proposed etc.

Priston Parish Council OBJECT because of lack of detail

- 7 Concerns have been expressed about the restricted access to the site which is likely to result in excessive disruption to existing residents caused by heavy machinery and lorries during the construction period.

Priston Parish COMMENT - suggest restrictions on working hours

1. There are regulations limiting the number of properties serviced by an unadopted road to five. As this development would raise the number to 7, it may be unacceptable, though there must be some doubt as to the applicability or accuracy of this rule.

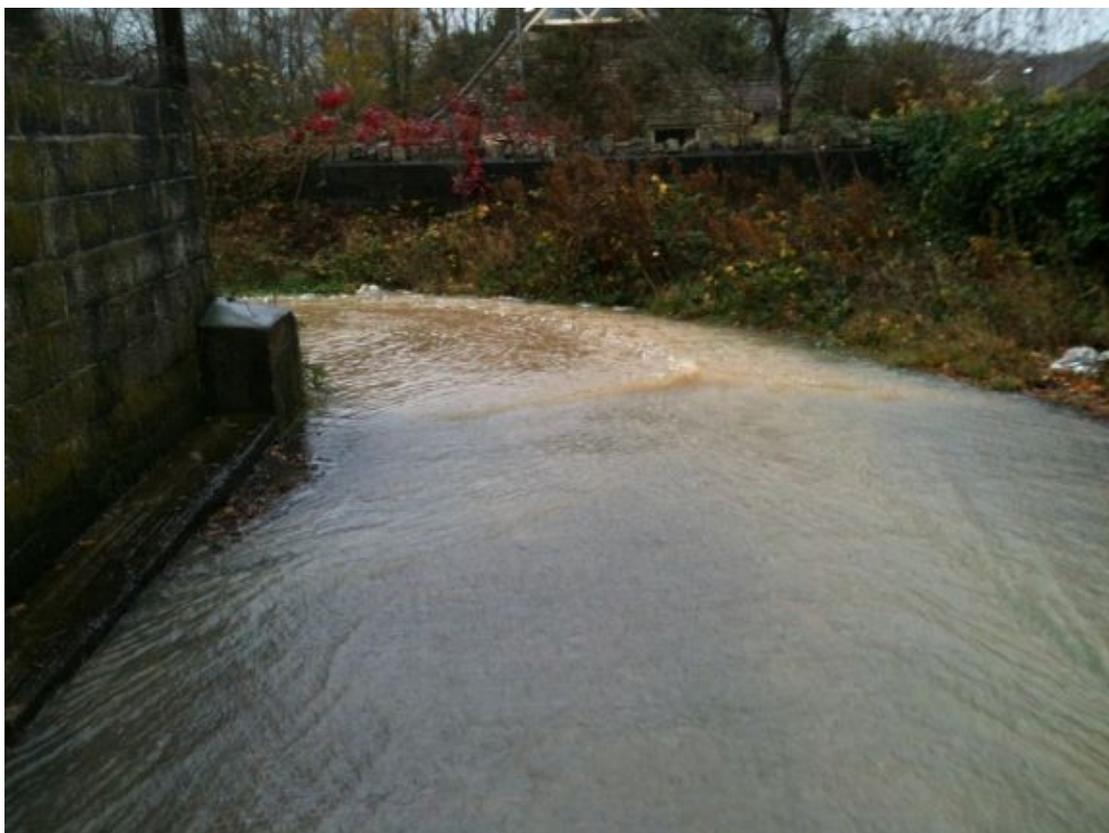
Priston Parish Council COMMENT - suggest clarification

- 8 If the existing equestrian use of the land were to be abandoned, the increased traffic as a result of the development would be compensated for by the reduction in journeys of the clients of the livery. But it has been suggested that assurances have been given that stabling will be provided elsewhere in the site (possibly temporary) so that the equestrian use would continue and traffic and parking issues would be compounded.

Priston Parish Council COMMENT - suggest clarification

- 9 In any event, parking must be an issue. Only six garage spaces are provided for whereas regulations require nine and the possibilities for providing parking and manoeuvring on the access road are very limited.

Priston Parish Council OBJECT - failure to conform with parking requirements



General view of flooding around Church Farm barns

- 10 Flood risk has been identified as severe. This photo shows flood water roaring past the front door of the proposed dwelling 3 in 2012. There is no detail on how this risk would be mitigated both for these properties and for other parts of the village.

Priston Parish Council COMMENT - detail required on mitigation plan

- 11 The indication that sewage is to be dealt with by septic tanks lacks any detail. There would seem to be considerable logistic problems in locating and servicing one or several septic tanks on this restricted, sloping, site while conforming to current stringent regulations. If these considerations prompted a reversion to mains drainage, then there would be strong objections to this additional load on a sewage works designed to cope with fewer than half the properties it now serves.

Priston Parish Council COMMENT

- 12 The proposed exterior materials comprise metal panels, supposedly to enable reference to the appearance of the existing barns. This goes against Recommendation 1 of Priston Design Statement in that it does not *“enhance or retain the character and appearance of the village as a whole.”*
- 13 Recommendation 1 also specifies that *“the size, form and proportion of the building should harmonise with its surroundings and should be sympathetic in scale and height to those surrounding it.”* It should be noted that the redevelopment of the agricultural buildings to the east of the site were restricted in height to one and a half stories to limit their visual impact. In contrast, the proposed houses would represent a very dominant presence.
- 14 Though the Applicant’s Design Statement discounts any overlooking problems, windows on the southern elevations directly overlook Bramble Barn and there are also overlooking issues on the south side.
- 15 A number of villagers have pointed to the fact that the site is incapable of supporting the number of dwellings proposed. *“3 x 4 bedroom, metal clad houses on the plot will make it seem congested and oversized”.*

Priston Parish Council OBJECTS - items 12-15

16 A common view in the village is that there is a real need for affordable housing to be provided particularly for those that already have connections with the village but cannot afford the property prices in what has become a premium location. This proposal unfortunately does not address this need.

Priston Parish Council COMMENT

Considerations for the future

17 In the event of this Application receiving consent, the Parish Council suggests that conditions are imposed preventing further development on the site.

Priston Parish Council COMMENT

The meeting closed at 7.50pm.

Signed

Date

JN 18/9/20