

Appeal Decision

Site visit made on 15 June 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 5 July 2016

Appeal Ref: APP/D2320/W/15/3140649

Arnside, Long Lane, Heath Channock, Chorley PR6 9EQ

- 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 Mr C Vose against the decision of Chorley Council.
 - The application Ref 14/01313/FUL was refused by notice dated 17 June 2015.
 - The development proposed is the erection of a level 6 dwelling house together with the demolition of existing bungalow and outbuildings within the site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The proposal would result in a replacement dwelling. A recent planning permission 13/00506/FUL accepted a new dwelling in a position similar to the dwelling now proposed. That permission was varied by decision reference 15/00829/FUL. The current proposal would result in a dwelling of similar overall height but it would be larger than the approved dwelling.

Inappropriateness and any other harm to the Green Belt

4. The appellant advises that the permitted replacement dwelling would result in a 31% increase in volume compared to the size of the existing dwelling. This corresponds with Policy HS6 of the Chorley Local Plan 2015 (LP) which relates to the replacement of dwellings in the Green Belt and accepts an increase of 30% in volume as not being materially larger. A previous application for a larger dwelling was refused and dismissed at appeal. The Council report that it would have resulted in a 50% increase in volume compared to the existing and was found to represent inappropriate development in the Green Belt. It is accepted that the currently proposed dwelling would represent an 86% increase in volume.
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5. The *National Planning Policy Framework* advises that new buildings should be regarded as inappropriate unless they fall within an exception set out in paragraph 89. The exceptions include the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces. I am satisfied that Policy HS6 is generally consistent with this requirement and can be afforded substantial weight.
6. The appellant refers to other buildings on the site and the judgement with regard to *Tandridge DC v Secretary of State for Communities and Local Government*. This established that the term building should not be considered to exclude more than one building, providing as a matter of planning judgement the buildings can sensibly be considered together in comparison with what is proposed to replace them. The layout and arrangement of buildings in that case differed significantly from the layout of the buildings associated with this property.
7. The case reported a previous finding that, in addition to footprint, the concept of a dwelling being materially larger can be assessed by reference to matters such as bulk, height, mass and prominence, as these are relevant to the openness of the Green Belt. There are two sheds to the rear of this site which lie towards the bottom of the garden. They are not closely associated with the dwelling. They are discretely located under existing trees with one of the sheds being very limited in height. A further structure, described as a dilapidated shed, close to the frontage of the site, is also of limited height and although it is relatively prominent and closer to the dwelling than the others, it appears both visually and physically separate from the house.
8. The sheds are quite widely spread across this large site. They have individual impacts on openness, rather than appearing as a group which can result in a greater consolidated impact. Given the particular circumstances of this site, I am not satisfied that the three outbuildings should be considered to form part of the main building for the purposes of this assessment.
9. The large garage is more closely related to the existing dwelling, both physically and visually. However, no measurements of this have been provided. As it is to be retained and the parties have excluded its size from their calculations, I have similarly proceeded on this basis.
10. The appellant advises that the existing dwelling has a volume of 363m³ and a footprint of 98m². The proposal has a volume of 675m³ and a footprint of 148m². Even if the more prominent shed was taken into account, the overall volume of development would be substantially increased and would exceed the tolerance referred to in Policy HS6. The proposal would represent a materially larger dwelling than the one to be replaced. It would therefore represent inappropriate development in the Green Belt and it would be contrary to LP Policy HS6.

Openness

11. The proposed dwelling would be significantly larger than the existing and it would be more prominent. The areas of hard surfacing would be increased and the differing relationship with the garage would increase the perceived spread of development within the site. Even including the three outbuildings, the appellant calculates that there would be an overall increase in the volume of

buildings of 11%. It has been calculated that there would be a reduction in the footprint of development although this does not appear to take into account the overall scale of the surfaced areas proposed.

12. Given the actual increase in the volume of development overall, the proposal would reduce openness. The loss of the widely spread and relatively unobtrusively placed outbuildings would have a less significant impact on openness than the more prominent new dwelling and its relatively close association with the large garage. Given the physical characteristics of the site, I accept that the reduction in openness would result in only limited harm and limited conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. However, the greater scale of development is not a positive feature of the proposal.

Other considerations

13. The dwelling would sit relatively comfortably in this location and would provide benefits compared to the existing appearance of the site. The appellant advises that the proposed dwelling could meet Level 6 of the Code for Sustainable Homes. The Government has now withdrawn the code, aside from the management of legacy cases. However, the development of a property to the highest standards of sustainable construction would gain support from the *Framework*.
14. The appellant refers to a fall-back position. It is suggested that as the approved dwelling has not had permitted development rights removed, substantial garden buildings and extensions to the house could be erected. I acknowledge that there is clearly the potential for significant additional development once the approved dwelling has been occupied.
15. A condition could be attached to this dwelling restricting permitted development rights. A signed undertaking has also been submitted. Any future proposed additions would then need to be assessed by the Council. I note that LP Policy HS5 currently advises that extensions that result in volume increases of up to 50% are not considered to be disproportionate. However, any proposal would also have to be assessed against national policies and any other material considerations, including the planning history of the site. There is no certainty, but I accept that there is potential, over time, for the approved scheme to be extended in a way that would result in a greater amount of development and a greater impact on openness than this proposal.
16. The appellant suggests that the incremental increase in the size of the approved property, utilising permitted development rights, may be a less sustainable approach in terms of the use of resources and the impacts on neighbours, than accepting the current proposal. There is no certainty as to what works would be carried out to either scheme, during the passage of time. Despite the appellant's view with regard to the likelihood of future development associated with the approved scheme, I am not satisfied that this unknown potential and difference with regard to the potential for changes to the appeal dwelling, should be afforded significant weight at this time.
17. The appellant suggests that there is no mechanism for the Council to require that the existing outbuildings be removed as part of the extant permission. The outbuilding to the front of the site is dilapidated, with a roof that is falling in. It

would lie immediately in front of the permitted house and its feature window, that serves the study. Its removal would be necessary to construct the driveway in accordance with the plans. I find the likelihood of this building remaining following the construction of a new dwelling to be extremely limited. The two other sheds are discreetly placed. Their removal would limit the increase in harm to openness but overall, I afford this matter only limited weight given the particular circumstances of this case.

Conclusions

18. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This proposal represents inappropriate development. The *Framework* is clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. The existing dwelling benefits from permitted development rights, as does the extant permission. There is existing potential, over time, for development to exceed the scale of the works now proposed. If this appeal were allowed, it would bring additional works after development, under the control of the planning authority. The proposal also offers the potential to ensure that the existing outbuildings are removed. These are considerations that offer benefits with regard to the openness of the Green Belt, particularly in the longer term.
20. I have not been persuaded that the development of the proposed works in one go, rather than an incremental increase in development based on the approved scheme, would provide significant benefits with regard to sustainability. However, building the dwelling to the highest standards with regard to sustainable construction and energy management, offers significant weight in its favour.
21. The considerations put forward provide considerable weight in favour of this proposal. However, the *Framework* requires that substantial weight should be given to any harm to the Green Belt and I am not satisfied that these considerations clearly outweigh the harm from inappropriateness. As very special circumstances only exist if the potential harm to the Green Belt is clearly outweighed by other considerations, I must conclude that they do not exist in this case. The proposal would conflict with LP Policy HS6 and the specific policies the *Framework* which indicate that development should be restricted. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR