
Appeal Decision

Site visit made on 27 September 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/G5180/D/16/3156675
336 Main Road, Biggin Hill, Kent TN16 2HL

- 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 Miss Kim Wood against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/05317/FULL6, dated 24 November 2015, was refused by notice dated 2 March 2016.
 - The development proposed is erection of a triple garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) whether the proposal would be inappropriate development in the Green Belt;
 - b) the effect of the development on the openness of the Green Belt and on the character and appearance of the area; and
 - c) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. This appeal relates to a two storey detached house on the west side of Main Road to the south of the village of Biggin Hill. The property has a driveway to the front and there is a detached open-fronted double garage backing onto the road to one side of the entrance. On the opposite side I noted a lorry body and large steel container on a concrete hardstanding. The proposal is to replace these with a three bay garage.

Whether inappropriate development

4. The site lies within the Metropolitan Green Belt. Policy G4 of the London Borough of Bromley Unitary Development Plan (2006) (UDP) states that proposals for new outbuildings within residential curtilage and more than 5 metres from the dwelling are considered to be inappropriate by definition and would only be permitted where very special circumstances have been demonstrated.
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5. The proposed garage would be detached and it would be located approximately 11 metres from the principal façade of the house. Having regard to this degree of separation, I am satisfied that the proposal would be inappropriate for the purposes of development plan policy.
6. The appellant makes specific reference to Paragraph 89 of the National Planning Policy Framework (the Framework). Amongst other things, this states that the replacement of a building is not inappropriate where the new building is in the same use and not materially larger than the one it replaces. Notwithstanding any dispute over the lawfulness of the lorry body and steel container, the proposed garage would have greater height and footprint than the structures it would be replacing. This would make it materially larger and therefore the exception for replacement buildings would not apply.
7. Accordingly, I conclude that the proposal would constitute inappropriate development in the Green Belt. Policy G1 of the UDP, consistent with national policy set out in the Framework, explains that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

Openness and character and appearance

8. Openness is an essential characteristic of the Green Belt. In that the proposal would increase the cumulative mass and bulk of buildings on the site the proposal would reduce it. This would represent a small negative impact on the openness of the Green Belt. Consequently there would be a modicum of harm arising from this, in addition to that resulting from the inappropriate nature of the development.
9. The proposed building would be similar in design to the existing garage, albeit it would have an additional bay. The roof would be clearly visible from the road above the front boundary wall. However, the building would not be unduly prominent and its materials would be compatible with those surrounding. For these reasons I do not consider that the development would be materially harmful to the character or appearance of the area.

Other considerations

10. The existing double garage was allowed on appeal and I have been provided with a copy of the relevant decision letter. The Inspector concluded that the development was justified on the basis that it would secure the removal of two large steel containers which were considered to be ugly and intrusive in the Green Belt. These amounted to the very special circumstances necessary to clearly outweigh the harm to the Green Belt.
11. The appellant contends that the same argument would apply in respect of the current scheme. It is put to me that the 'two large steel containers' have been on site for more than ten years and their replacement with a more sympathetically designed building would represent a significant improvement with a net benefit to the Green Belt. It is unclear from the written evidence whether the second steel container referred to by the appellant has been removed, or whether the lorry body has been inaccurately described.
12. I agree that the proposed garage would be significantly more attractive than the existing lorry body and steel container. However, there is no firm evidence

to support the assertion that the latter are lawful. The Council considers that they are not and has stated its intention to take enforcement action. In the absence of a Certificate of Lawfulness, and with the knowledge that removal may be secured by other means, I have attached very limited weight to the visual benefits accruing from the replacement of the structures.

Conclusion

13. To conclude, the proposal would constitute inappropriate development in the Green Belt. It would also result in some loss of openness. Paragraph 88 of the Framework makes clear that substantial weight must be attached to any harm to the Green Belt. The other considerations reviewed above do not clearly outweigh these objections. It therefore follows that no very special circumstances exist and the proposal is contrary to Policies G1 and G4 of the UDP and Green Belt policy within the Framework. Accordingly, for the reasons given I conclude that the appeal should fail.

Robert Parker

INSPECTOR