
Appeal Decision

Site visit made on 24 October 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 28 October 2016

Appeal Ref: APP/N0410/D/16/3156432

Haywood Cottage, Tilehouse Lane, Denham, Bucks UB9 5DA

- 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 Mike Lewis against the decision of South Bucks District Council.
 - The application Ref 16/00560/FUL, dated 30 March 2016, was refused by notice dated 23 May 2016.
 - The development proposed is the erection of a 5 car garage with ancillary storage accommodation over.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The date on the planning application forms is given as 30 June 2016. This appears to be a mistake as the application was determined by the Council on 23 May 2016 and other documents refer to an application date of 30 March 2016. I have used this date in March as the date of the application.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the Green Belt and the locality.

Reasons

4. The appeal relates to this detached dwelling which is located within the Green Belt. Policy GB10 of the South Bucks District Local Plan (LP), which was adopted in 1999 states, amongst other things, that ancillary buildings within residential curtilages within the Green Belt will normally be permitted where they are small scale in relation to the dwelling and the curtilage. However, the National Planning Policy Framework (the Framework) states at paragraph 89 that the construction of new buildings should be regarded as inappropriate development in the Green Belt and then list a number of exceptions, none of which specifically includes ancillary buildings within the curtilages of dwellings.
5. The Framework was issued far more recently than the Council's Local Plan. Paragraph 215 of the Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. In this respect, I consider that significantly less weight can be placed on the Local Plan as it is not consistent with the Framework in the way

that it seeks to control development as proposed by this appeal. Therefore, I consider that the proposal represents inappropriate development in the Green Belt.

6. The proposal is for a garage to accommodate 5 cars, with first floor accommodation for storage purposes. In my view this would result in a significantly sized building; it is said by the Council that the building would be 13m wide and would have a maximum height of 5.8m. Although the garden of this property could not be described as small, it is not so extensive that the proposed building would have little effect on its setting. On the contrary, I consider that the proposal would have a significant presence within the plot and would appear large and out of place as an ancillary structure. I consider that it would have a considerable and negative effect on the openness of the site. I have taken account of the appellant's statement about the screening of the site. Whilst I agree that the site is well screened from the main road to the east and from the front due to the boundary treatment, within the site itself, it would appear large and out of place. In any event, in my view the principle of the effects on openness go beyond whether a structure is screened from public view or not.
7. Therefore, I have found that the proposal represents inappropriate development in the Green Belt and that it would have an unacceptable effect on openness, which is an important attribute of the Green Belt. I attach substantial weight to the harm to the Green Belt in the determination of this appeal.
8. The appellant has indicated that the screening of the proposed building would reduce its effects and that the Council gave an indication that it may be acceptable in the location now proposed. I have considered the matter of screening above and in relation to the Council's advice, I have not been provided with any more details. In any event, I have come to my own conclusions on the effects on the Green Belt and I have found the proposal to be unacceptable.
9. The Council's second reason for refusal includes a reference to the scale of the building leading to a possible use which is not ancillary to the main dwelling. I have no other information to support this and it would in all likelihood be something that requires planning permission and so would be within the Council's control. Therefore, this does not add to my findings against the proposal.

Conclusions

10. I have found that the proposal would give rise to harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt. I have considered whether there are any other matters which are sufficient to clearly outweigh that harm and I have found that there are none. Therefore, the very special circumstances necessary to justify the proposal do not exist. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR