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## Appeal Decision

Site visit made on 17 October 2016

**by H Baugh-Jones BA(Hons) DipLA MA CMLI**

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

**Decision date: 15<sup>th</sup> November 2016**

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**Appeal Ref: APP/K0425/D/16/3159539**

**Dunsmore Park Lodge, Dunsmore, Wendover HP22 6QH**

- 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 and Mrs T Lee against the decision of Wycombe District Council.
  - The application Ref 16/06672/FUL, dated 1 June 2016, was refused by notice dated 4 August 2016.
  - The development proposed is "amended proposals for detached double garage with machinery store added".
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### Decision

1. The appeal is allowed and planning permission is granted for amended proposals for detached double garage with machinery store added at Dunsmore Park Lodge, Dunsmore, Wendover HP22 6QH in accordance with the terms of the application, Ref 16/06672/FUL, dated 1 June 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. 2011/837/6; Site Plan Drawing No. 2011/837/1 Rev.M; Proposed Car Shelter/Workshop Drawing No 2011/837/5 Rev.G.
  - 3) No development above slab floor level shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

### Procedural matter

2. I noted at my site visit that the development has already commenced with construction having taken place up to slab floor level and I have had regard to this in my decision.

### Background and Main Issues

3. The appeal site is within the Green Belt and is currently occupied by a recently constructed dormer bungalow. The appeal scheme proposes to increase the size of a previously permitted but not implemented double garage to now incorporate a store for garden machinery.
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4. I therefore consider the main issues in this appeal to be:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- its effects on the openness of the Green Belt;
- its effects on the character and appearance of the area including the Chilterns Area of Outstanding Natural Beauty (AONB); 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 proposal.

## **Reasons**

### *Whether the proposal would be inappropriate development in the Green Belt*

5. Paragraph 89 of the Framework establishes that new buildings in the Green Belt should be regarded as inappropriate unless meeting certain criteria. The criteria include the extension of a building provided it does not result in disproportionate additions over and above the size of the original building. In this case, I consider the 'original building' to be the dwelling that currently stands on the site, as it is this to which the appeal scheme would relate given that the buildings it replaced no longer exist.
6. Saved Policy GB2 of the Wycombe District Local Plan (2004) (LP) sets out the circumstances where development may be permitted in the Green Belt. The policy includes references to other LP Green Belt policies. In addition, Policy CS 9 of the Wycombe Core Strategy (2008) (CS) states that the Green Belt will be protected from inappropriate development "as defined in Government Policy".
7. In assessing whether the appeal scheme would be inappropriate development in the Green Belt, I must firstly determine whether it would comprise an extension to the original dwelling for the purposes of the first part of the 3<sup>rd</sup> bullet point of Framework paragraph 89. The proposed building would be a free standing outbuilding separated from the dwelling by several metres. Given this degree of separation, I do not consider that the appeal scheme can be treated as part of the dwelling and it must therefore be regarded as falling outside the paragraph 89 criteria relating to development that is not inappropriate in the Green Belt. The appeal scheme would therefore be inappropriate development in the Green Belt, counter to the Framework, saved LP Policy GB2, and CS Policy CS 9.

### *Openness of the Green Belt*

8. Paragraph 79 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. However, the Council has granted permission for a smaller outbuilding and I have no reason to doubt that should I dismiss the appeal, the extant permission would be implemented.
9. The appeal scheme would have a footprint of about 58 sq m in comparison to about 39 sq m in the previously permitted scheme, which would clearly

increase the volume and spread of the proposed building over and above that which the Council previously considered acceptable. Further, it would be marginally higher. However, in my view, the overall difference would not be so pronounced as to have a fundamental effect on openness over and above the previously permitted building. In addition, although the current scheme would result in a fully enclosed structure, the materials proposed would still result in the building having a generally lightweight appearance. Taking the above into account, I consider that the overall harm to openness would be limited.

10. Saved LP Policy GB7 seeks, amongst other things, to restrict development in the Green Belt within residential curtilages where it would be disproportionate to the size of the original dwelling, including when taking into account any previous extensions or outbuildings. The proposed would give the building a low-key appearance, setting it apart from that of the dwelling. It would also have a substantially lower ridge height than the dwelling. The appeal scheme would not therefore, appear disproportionate to the dwelling and would thereby accord with saved LP Policy GB7.

*Character and appearance including the AONB*

11. The appeal site is surrounded by dense woodland and there are no views that would be affected by the appeal scheme. I am therefore satisfied that it would not result in a visually intrusive development which would otherwise harm the area's overall character or appearance. The appeal scheme would therefore accord with saved LP Policy G3 that requires development to respect the local context and character of the area and CS Policies CS 17 and CS 19 that have broadly similar aims.
12. The appeal site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB) and I must therefore have regard to whether the proposal would conserve and enhance the AONB's special qualities. However, given the surroundings, I agree with the Council that the appeal scheme would not result in any harm to the AONB. The proposal would therefore accord with CS Policy CS 17 which, amongst other things, reflects the requirements of Framework paragraph 115 and statutory legislation in relation to designated landscapes.
13. The Council has referred to saved LP Policy G8. However, this policy is clearly aimed at protecting the living conditions of residents and other occupiers and its relevance to the proposal before me is therefore unclear. Consequently, I have given it limited weight in my decision.

*Other considerations*

14. The appellants have put to me that the additional proposed building space is required for the storage of valuable garden machinery. Given the substantial area of land in the appellants' ownership, I accept that such machinery and other equipment is necessary for its maintenance. It would be unreasonable in my view, for such machinery and equipment to be stored outdoors for reasons of both security and weather. I therefore consider that the only realistic alternative to the appeal scheme would be the provision of a separate building somewhere within the grounds around the dwelling. I agree with the appellants that such a solution would result in a proliferation of buildings that would be more harmful to the Green Belt than being consolidated within one building as proposed in the scheme before me.

## **Conditions**

15. I have imposed a condition specifying the approved plans as this provides certainty. I have not imposed the Council's suggested condition relating to matching materials as the application documents clearly set out that the building is to be constructed from brick, timber and slate, which I consider to be acceptable. I also note that the Council raised no objections to the use of such materials when considering the application. However, as full details are not given in the application documents, I have imposed a condition relating to the submission of material samples.

## **Conclusion**

16. The Framework states that any harm to the Green Belt attracts substantial weight. However, I have found that whilst the appeal scheme would be inappropriate development in the Green Belt, it would result in only limited harm to openness and would not adversely affect the character and appearance of the area or harm the special qualities of the Chilterns AONB. Taking all of this into account in combination with the other considerations put forward by the appellants, I consider that, on balance, the very special circumstances necessary to justify the development exist in this case. The appeal scheme therefore accords with the Framework and the development plan as a whole.
17. For the above reasons, and having had regard to all other matters raised, the appeal succeeds.

*Hayden Baugh-Jones*

Inspector