

---

## Appeal Decision

Site visit made on 6 December 2016

**by David Cliff BA Hons MSc MRTPI**

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

**Decision date: 17<sup>th</sup> January 2017**

---

**Appeal Ref: APP/T0355/W/16/3156047**  
**New Farm, Drift Road, Maidenhead SL6 3ST**

- 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 Roy Keates against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 16/00971, dated 18 March 2016, was refused by notice dated 27 May 2016.
  - The development proposed is construction of a garage for ancillary use of the dwelling house.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appellant's planning statement confirms that the application is part retrospective as concrete block walls and a concrete base have already been constructed. I observed this development at my site visit and have determined the appeal on this basis.

### Main Issues

3. The main issues are:
  - i) Whether or not the proposal would be inappropriate development in the Green Belt;
  - ii) The effect of the proposal on the openness of the Green Belt;
  - iii) The effect of the proposal on the character and appearance of the area;
  - iv) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Inappropriate development*

4. The Council considers that the proposed development would be inappropriate development in the Green Belt. The appellant has not argued that the proposal would not be inappropriate in the Green Belt and sets out the considerations he argues amount to the very special circumstances necessary to justify the development in the Green Belt. Neither of the main parties has considered the
-

proposal as being an extension or alteration to an existing building. From the evidence before me, the proposal would not fall within the categories of development identified by either policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan ('the Local Plan') or the more up to date paragraphs 89 and 90 of the National Planning Policy Framework ('the Framework').

5. The appellant argues that a garage would usually be acceptable as permitted development within the Green Belt and is a building for an ancillary use to a dwellinghouse. Nevertheless, no evidence or detailed justification has been provided of how the proposal would comply with the relevant permitted development criteria or to show how the proposal, as an ancillary outbuilding, would fall within the criteria for appropriate development as set out in either the development plan or the Framework.
6. On this basis, I consider the proposed development to be inappropriate development within the Green Belt. The Framework makes clear that the Government attaches great importance to Green Belts and that their fundamental aim is to prevent urban sprawl by keeping the land permanently open, safeguarding the countryside from encroachment and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

#### *Openness*

7. Paragraph 79 of the Framework identifies openness as an essential characteristic of the Green Belt. The proposal seeks to utilise the existing walls and hard standing in the construction of the proposed garage. The Planning Statement says that the walls are in accordance with those allowed to be built through permitted development rights. The Council's officer report on the appeal proposal does not challenge the lawfulness of the existing walls, although the previous officer's report did so in relation to the previously refused application. Notwithstanding this, these existing elements already have an impact on the openness of the Green Belt.
8. The addition of a pitched roof and front elevation would result in a fully enclosed building rather than the existing walled space and would be of a greater height. The resulting building would therefore be of a greater massing and prominence in relation to the existing development. Whilst noting the judgement in *Timmins & Anor v Gedling Borough Council*, I consider that the resulting garage would have a materially greater impact on openness. Whilst this impact would be somewhat limited in the context of the wider area, it would amount to harm to the Green Belt that carries substantial weight in accordance with the Framework.

#### *Character and appearance*

9. The Council's second reason for refusal includes reference to the proposal harming *the character of the countryside*. I consider this to be a separate matter to the Green Belt considerations and note that the Council's officer report concludes that the garage would *respect the appearance and design of the host buildings*. Notwithstanding my finding on Green Belt openness above, I find that the design of the garage, utilising timber clad external walls and pitched roof, would not result in harm to the character or appearance of the area. The proposal would therefore accord with the relevant design criteria set out in policies GB2 and DG1 of the Local Plan.

### *Other considerations*

10. The appellant states that the proposed garage is necessary for security reasons to securely lock away at least one vehicle. I note the remote location of the site, though I am not persuaded from the evidence that this is a significant problem or that other possible measures to improve security have been fully explored. With regard to the storage of garden equipment, whilst I acknowledge the need for such secure storage, it has not been demonstrated that there is no alternative existing provision available at the property, or how much equipment could be stored in the garage if it is also to be used for the parking of vehicles. Similarly, it has not been demonstrated that existing space is not available elsewhere at the property for the storage equipment to deal with the vermin problem. These matters therefore attract only moderate weight.
11. I have also considered the applicant's desire for dry under cover space to be able to maintain his vehicles throughout the year. I have given this personal consideration modest weight.
12. As referred to in my reasoning above, no evidence or detailed justification has been provided of how the proposed garage would comply with the relevant permitted development criteria. Furthermore, I have found that the additional works required to complete the garage would materially increase the impact on openness in comparison to the existing situation. I have therefore given the considerations regarding permitted development and the existing development only modest weight.
13. With respect to the design of the garage, I acknowledge that in design rather than Green Belt terms it represents an improvement over the previously refused proposal, noting the use of cladding and the proposed pitched roof. Nevertheless, as outlined earlier in this decision, this does not negate its impact on the openness of the Green Belt and I have therefore given this only minimal weight.

### **Conclusion**

14. The proposed dwelling would represent inappropriate development in the Green Belt that would harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have given careful consideration to the other arguments in favour of the proposal. However, I find that such considerations, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The proposal development is therefore contrary to the Green Belt aims of policies GB1 and GB2 of the Local Plan and the Framework.
15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Cliff*

INSPECTOR