

Appeal Decision

Site visit made on 4 January 2017

by **J J Evans BA Hons MA MRTPI**

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

Decision date: 31 January 2017

Appeal Ref: APP/Y3940/W/16/3159194 Sunrise, Box Hill, Corsham, SN13 8HE

- 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 Howard Speck against the decision of Wiltshire Council.
 - The application Ref 16/05303/FUL, dated 12 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is the conversion of existing garage to new dwelling within the grounds of an existing residential property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form described the site address as being Sunrise, Love Lane North East to Beech Road, Box Hill. The appeal form and the Council's decision notice referred to the address as Sunrise, Box Hill, Corsham. As this more precisely defines the site address and was consistent with what I saw on my visit, I have used this address above.
3. It was apparent from my site visit that the existing elevations drawing (ref 3944 112) did not accurately depict the garage building. The appellant has provided a revised existing elevations drawing for the appeal, seeking to correct various drawing errors (ref 3944 112 A). In addition to these corrections, the proposed scheme has also been altered, and there are several differences between the appeal scheme and that considered by the Council.
4. In this case the appeal process has been used to evolve a scheme. It is important that the facts before me are essentially those considered by the Council and other parties. The Council have had an opportunity to comment, but others have not. In the interests of openness and fairness the proper course of action would be to make a further application to ensure all interested parties were aware of all the relevant information.

Main Issues

5. The main issues are *firstly*, the effect of the proposed conversion of a garage on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty; *secondly*, whether the proposed conversion would provide a suitable site for a dwelling, having regard to the principles of sustainable development; and *thirdly*, whether the proposed conversion and extensions would be
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inappropriate development in the Western Wiltshire Green Belt; *fourthly*, the effect of the proposal on the openness of the Green Belt; and *fifthly*, whether the harm to the Green Belt 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 it.

Reasons

Character and Appearance

6. Sunrise is a detached bungalow positioned on a steeply sloping hillside within the Cotswolds Area of Outstanding Natural Beauty (AONB). The bungalow has a generous garden, within which is a double garage. A striking feature of the area is the steeply incised valley that provides panoramic views. Box Hill comprises a loose scatter of properties upon the valley side. There are a number of overgrown quarries that contribute towards the verdant character and appearance of the area. The development pattern, including its associations with the mining industry, the quarries, and the dramatic nature of the topography, are all part of the attractive and distinctive qualities of the AONB.
7. The National Planning Policy Framework (the Framework) makes it clear that isolated new homes in the countryside should be avoided unless there are special circumstances. One such circumstance is that the development would re-use a redundant or disused building and would lead to an enhancement of its immediate setting. Core Policy 48 of the Council's Core Strategy (2015) (CS) expands upon this requirement of the Framework.
8. The garage is not utilised by the appellant nor is it considered suitable for a commercial use. Notwithstanding the needs of the existing occupier of the property, the proposed conversion of the garage into a dwelling would require the provision of a dormer and porch. The resultant building would have an awkward and contrived appearance, and the proposed extensions would appear disproportionately large compared to the modest size and form of the garage.
9. As such the extended building would draw the eye. The building would no longer have the functional and simply subservient form of a domestic garage. The appellant considers the site would not be very visible. Be that as it may, the Framework requires great weight to be given to conserving the landscape and scenic beauty of AONBs, and this applies in all cases, not just where a scheme would be highly visible or prominent. Nor can landscaping be permanently relied upon to screen a development.
10. Furthermore, I share the concerns of the Council as regards the capability of the building for conversion. The garage is a modern building, but it is subsiding and its foundations need to be underpinned. The appellant has pointed out this would provide an opportunity to lower the ground floor to provide improved ceiling heights. However, this and the proposed extensions and alterations would be significant works. Nor can I be sure on the evidence before me whether or how much re-building would be required.
11. As such the proposal would not meet the requirements of CS Core Policy 48 or the requirements of CS Core Policies 51 and 57. These seek amongst other things, a high standard of design for all development, and that which protects,

conserves and where possible enhances landscape character, thereby reflecting objectives of the Framework.

Location

12. The proposed dwelling would be positioned within a countryside location, and my attention has been drawn to the site's proximity to nearby villages and their facilities and services. Future residents may support services located in nearby villages, and I appreciate that there is a frequent bus service stopping on the main road. However, accessing the nearby settlements and the bus stop would necessitate walking along very steep and unlit narrow roads with no pavements. This would not be an attractive alternative to the private car, and as such I share the concerns of the Council that future occupiers of the house would be reliant on the private car to access day-to-day services and employment. Thus the proposal would not be the sustainable development sought by the Framework or CS Core Policies 1, 2, 60 and 61.

Green Belt

13. Although not a reason for refusal, the Council consider the extensions to the garage to be disproportionate in terms of mass, scale and bulk, with the accumulation of ancillary residential outbuildings and paraphernalia impacting on the openness of the Green Belt.
14. The Council have pointed out that there is no CS policy concerned with Green Belt. However, paragraph 90 of the Framework states that certain forms of development, including the re-use of buildings provided that they are of permanent and substantial construction, is not inappropriate development in the Green Belt. This is provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As the scheme proposes extensions to the building, consideration also has to be given to paragraph 89 of the Framework whereby the extensions or alterations can be excepted provided it does not result in disproportionate additions over and above the size of the original building.
15. On the basis of the evidence before me the conversion would require the structural problems of the garage to be addressed. Whether the building is of permanent and substantial construction as required by the Framework is at best unclear, and it would therefore be inappropriate development in the Green Belt.
16. I accept that the existing building is lower in height than depicted on the submitted drawings, and on that basis I have doubts that the proposed scheme could be built. Even if the proposed extensions could be undertaken, the dormer in particular would be a bulky and blocky addition to the roof fundamentally altering the form of the building. As such the extensions would be a disproportionate addition over and above the size of the original building, and consequently there would be a loss of openness of the Green Belt.
17. The Framework makes it clear that private residential gardens are excluded from the definition of previously developed land. The site is already within residential use, but the conversion of the garage to a dwelling would intensify the domestic use of the site by the creation of an additional household and the associated residential paraphernalia that this would entail.

18. Thus the proposed conversion and extension of the garage would be inappropriate development in the Green Belt and there would be some loss of its openness. Inappropriate development is by definition, harmful, and this harm, and that to character and appearance of the area and to the principles of sustainable development, would not be outweighed by any other considerations that would amount to very special circumstances.

Other Matters

19. The Council have confirmed that to the immediate east and south of the site is a Special Area of Conservation and a Site of Special Scientific Interest. The area is important for bats which occupy the man-made tunnels using them for hibernation, breeding and roosting, and feeding in the woodlands. If circumstances had been such that planning permission would have been granted with this appeal, an assessment of the harm of the proposal on these designations, including provision of mitigation, would have been required in accordance with the Conservation of Habitats and Species Regulations 2010. However, as I am dismissing the appeal for other reasons this has not been decisive.
20. Local residents have pointed out that the garage is near to quarry workings. Where a site is affected by land stability issues the responsibility for securing a safe development rests with the developer and / or landowner. This matter has not weighed heavily against the proposal.

Conclusion

21. The proposal would harm the character and appearance of the Cotswolds Area of Outstanding Natural Beauty, and the site would not be suitable for a dwelling having regard to the principles of sustainable development. Furthermore, the conversion and extension of the garage would be inappropriate development in the Green Belt, it would result in a loss of its openness, nor would there be any very special circumstances to outweigh this harm. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR