
Appeal Decision

Site visit made on 31 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 2nd February 2017

Appeal Ref: APP/R0335/W/16/3163027

Mimizan, 11 Prince Consort Drive, Ascot, Berkshire, SL5 8AW

- 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 & Mrs S Corr against the decision of Bracknell Forest Borough Council.
 - The application Ref 15/01145/FUL, dated 13 November 2015, was refused by notice dated 6 July 2016.
 - The development proposed is described as '*erection of a detached dwelling with associated garaging, parking and landscaping following demolition of the existing dwelling*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* and the adopted Development Plan, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

Reasons

Whether inappropriate development

3. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts, and is an important material consideration. The Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms, the Green Belt policies of the Framework are broadly reflected in Policy CS9 of the *Core Strategy Plan Document 2008* (CS), and Policies EN8, GB1 and GB3¹ of the *Bracknell Forest Borough Local Plan 2002* (BFLP).

¹ See comments further in this decision in respect of Policy GB3

4. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. In consideration of those listed in Paragraph 90, the exceptions are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions. I see no reason not to concur in this instance. In terms of Paragraph 89, sets out exceptions to inappropriate development which includes bullet point 4; *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*. In this case, the proposal seeks the replacement of a dwellinghouse with a new dwellinghouse. The first part of the bullet point (before the 'and') is therefore satisfied.
5. In terms of whether it is or is not 'materially larger', the dimensions contained within the Council's statement indicates that the proposed dwelling would have dimensions of approximately 17.2 metres in depth, 16.1 metres in width and 9.2 metre high and the double garage would be roughly 12.6 metres in depth, 6.2 metres wide and 7.9 metres in height. These appear broadly consistent with the submitted drawings and I see no reason not to agree with the Council's figures in respect of the proposed dimensions. The appellant has not provided the measurements for the existing dwelling so it is hard to accurately compare these. However, 'materially larger' is not just a case of dimensions; it also includes factors such as an increased height through additional storeys, or an increase in the overall bulk and mass, or in the overall floor space, for example.
6. According to the Council, the overall floor area of the proposed new dwelling would be about 525.9 sqm, which would represent an increase of roughly 150.8 sqm over the existing floor area of approximately 375.1 sqm². To the contrary, the appellant considers that the floor area proposed is roughly 363.26 sqm (excluding outbuildings) with the proposed floor area being in the region of 504.37 sqm. The appellant confirm that this would represent an increase of floorspace of about 39% from the existing property. In either case, the fact remains that the proposal seeks an increase of well over a third of the existing floorspace. Such an increase in size would, by reason of its relatively scale, be materially larger than the building it replaces. As such, the proposal would not fall into the exception set out in Paragraph 89 of the Framework, at the fourth bullet point.
7. The appellant has referred me to Policy GB3 of the BFLP which indicates that *'by their very nature, Green Belt villages are not as open, rural and undeveloped as the surrounding Green Belt. Therefore, subject to normal detailed development control criteria such as scale, form and siting, replacement dwellings in Green Belt villages may be larger than the dwellings which are to be replaced'*. 'Green Belt villages' are not a term specifically recognised within the Framework and as such, I concur with the Council's view that when calibrating Policy GB3 with Paragraph 215 of the Framework, it should be afforded less weight.
8. Nevertheless, it remains an adopted development plan policy which has primacy under Section 38(6) of the *Planning and Compulsory Purchase Act 2004* as amended, and it continues to impose a restriction on scale, form and siting; albeit not necessarily in the same manner as sought under Paragraph 89 of the Framework. Be that as it may, the proposal here would be

² LPA Written Representation, Paragraph 6.22

significantly larger than the dwelling it replaces. Accordingly, there would remain a conflict with this Policy. The proposal would therefore constitute an inappropriate development in the Green Belt in terms of both local and national planning policy.

9. The Framework makes clear at Paragraph 79, that the essential characteristics of the Green Belts are their openness and permanence, so any reduction in these characteristics would also be harmful. In terms of openness of the Green Belt, it is clear that the proposal seeks the erection of a large detached two-storey house following the demolition of the existing property, with the dimensions aforesaid. Given such dimensions and the nature of the development, I do not consider that it would represent a moderate scale in terms of its physical size when compared against the existing building.
10. Indeed, the LPA has also brought to my attention that the figures supplied for an earlier granted planning permission for extensions (LPA ref 622503) indicate that the original dwelling was about 140.9 sqm, with the enlargements thus far adding 166.2% to its original floor space, and the proposed scheme would represent a 294.7% increase³. Irrespective of a slight change in the percentages owing to the differences between the parties in terms of the floor area, it is clear that the proposed dwelling here would be larger than not only the original building⁴ on the site, but also the extended building it intends to replace. This would further erode the openness of the Green Belt, both in terms of floor area and the resulting overall scale, bulk and mass proposed. Accordingly, the proposal would result in the further loss of the open nature of the site and therefore erode openness of the Green Belt. The proposal would therefore have an adverse impact on the openness of the Green Belt.
11. In light of the fact it does not fall into one of the exceptions listed in Paragraph 89 or 90 of the Framework or any provided within the adopted Development Plan for the Borough, the development proposed would be inappropriate development, as defined by both. As such, the proposed development would be contrary to Policy CS9 of the CS, and Policies EN8, GB1 and GB3 of the BFLP and those of the Framework, which, amongst other aims cited previously, seek to maintain the national and local planning purposes of the Green Belt.

Other considerations

12. The appellant has pointed me to a number of appeal and planning decisions which have been granted permission on Prince Consort Drive. Whilst these are listed in the Planning Appeal Form dated 11 November 2016, I have not been provided with the full details of each of these cases. In any case, each proposal is considered on its own planning merits against the relevant policy framework at the time the decision is made, as I have done here.
13. My attention has also been drawn by the appellant to an allowed appeal at Wildwoods, 24 Prince Consort Drive (appeal ref: 3146652). Following this decision there was a High Court challenge by the Council for a statutory review, which was refused (ref CO/5309/2016). However, the decision in that case not only refers to a different site, but it related to a Section 73 (or an appeal against condition), where there existed the argument of a fallback position,

³ Ibid, Para. 6.37

⁴ Glossary of the Framework indicates that Original Building is 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.'

amongst other points put forward, as detailed within the Inspector's decision letter.

14. Those specific circumstances are not reflective of those before me as recognised in Paragraph 8 of the Inspector's decision and within the High Court judgement, for example. I find that neither this decision, nor any other cited, amount to the very special circumstances necessary to justify making an exception to the restrictive policies referred to above.

Other Matters

15. I note that a survey has been undertaken by a member of a professional environmental institute, which has identified evidence of both bats within the roof space and also of bats entering and exiting the roof area. Bats are a European Protected Species of Animal under Schedule 2 of *The Conservation of Habitats and Species Regulations 2010*, as amended (also known as the Habitats Regulations).
16. There is no evidence before me to indicate that the mitigation measures proposed in the survey are unlikely to be effective. I am reinforced in this view by the absence of objection from the Council on this point. In considering the purpose of conserving biodiversity, I do not find that the proposed development in this case would fail this objective, and this matter weighs neither for nor against the proposal.

Overall Conclusion

17. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt.
18. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these is that there are other larger dwellings that have been approved locally. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 88 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
19. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness and the other harm I have identified. The very special circumstances needed to justify the proposal do not therefore arise, and the proposal conflicts with Policy CS1, CS2 and CS9 of the CS, Policies EN8, GB1 and GB3 of the BFLP, and Policy CP1 of the Site Allocations Local Plan 2013, and the Policies of the Framework, the aims of which I have aforesaid.
20. Accordingly, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR