

Appeal Decision

Site visit made on 7 February 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 24th February 2017

Appeal Ref: APP/P1940/W/16/3164196

Scrubbs Cottage New Model Farm, Sarratt Road, Croxley Green, WD3 6AJ

- 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 Michael Murphy against the decision of Three Rivers District Council.
 - The application Ref 16/1938/FUL, dated 14 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is replacement dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issue

2. As the site is located within the Green Belt, the main issues are:
 - (a) 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, taking into account the effect on the openness of the Green Belt.
 - (b) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and so any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

3. The appeal site comprises of a detached 1 ½ storey dormer bungalow and separate single storey garage, set in an area of hardstanding adjacent to a range of barns. The property is in a dilapidated state and is currently uninhabited and is accessed from Sarratt Road via a long track. The wider surroundings comprise of open agricultural fields and an area of woodland to the south-east. Properties along Sarratt Road are visible in the distance.
4. The proposed replacement dwelling would be a chalet style bungalow with first floor accommodation located within the pitched roof, served by dormer windows.

Inappropriate Development and Openness

5. The National Planning Policy Framework (the Framework) is clear that the Government attaches great importance to Green Belts and paragraph 89 indicates that the construction of new buildings within the Green Belt should be
-

- regarded as inappropriate. The replacement of a building, provided that the new building does not result in disproportionate additions over and above the size of the original building is listed as one of the exceptions to this.
6. Policy CP11 of the Three Rivers Core Strategy 2011 (CS) notes that there is a presumption against inappropriate development within the Green Belt. Policy DM2 of the Development Management Policies Local Development Document 2013 (LDD) states that replacement dwellings in the Green Belt will only be permitted where the replacement does not materially exceed the size of the original dwelling and the replacement would not be more harmful to the visual amenity and openness of the Green Belt by reason of its siting than the original dwelling.
 7. There is a dispute between the main parties as to the structures which should be considered to form part of Scrubbs Cottage. However, even when taking the detached single garage into account, the original floor area of the existing dwelling is around 146sq.m and the proposed replacement dwelling would have a floorspace of around 216sq.m. This would represent an increase of around 48%. I consider that an increase in the size of around 70sq.m at just under half of the size of the existing dwelling cannot reasonably be considered as anything other than materially larger.
 8. The proposed dwelling would have a larger footprint than the existing dwelling; it would have an increased width and depth of around 1.7m and 3.4m respectively. Its height would be marginally lower than the existing height of the roof, however at present the dwelling includes a 1 ½ storey side projection which is set lower than the highest point of the roof as a subordinate addition, whereas the ridge height of the proposed dwelling would be consistent across its length.
 9. Accordingly, I consider that the proposed dwelling would represent a more intrusive structure than exists at present. The development would also be likely to be prominent due to the open position of the site and would be highly visible from Sarrett Road. This would give rise to an urbanising and encroaching impact which would not, in my view, preserve Green Belt openness.
 10. While the effect of a single dwelling would be moderate, on the basis that the fundamental aim and purpose of the Green Belt is to keep land permanently open and safeguard the countryside from encroachment, as set out in paragraphs 79 and 80 of the Framework, the proposals would result in harm in the Green Belt.
 11. Consequently, the development would not comply with the provision for replacement dwellings in the Development Plan and the Framework and I therefore conclude that the proposal would constitute inappropriate development within the Green Belt. In accordance with paragraph 88 of the Framework, I give substantial weight to that harm. The proposal would also conflict with CS Policy CP11 and LDD Policy DM2.

Other Considerations

12. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attached to that harm. Very special circumstances to justify such development will not exist unless the

harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87 and 88).

13. I have already found that substantial weight must be given to the harm to the Green Belt by reason of inappropriateness of the development. The appellant contends that significant weight should be attached to a fallback position in respect of the planning history of the Scrubbs Cottage in respect of its occupancy and previous planning permissions for the extension of the dwelling.
14. Permission was originally granted in 1969 (W/2729/69) for Scrubbs Cottage, which replaced a previous dwelling. This planning permission was granted subject to an agricultural occupancy condition. In 2013 permission was granted for the demolition of the garage and the erection of two storey and single storey side extensions, additional front dormer and alterations to fenestration (13/1705/FUL). While this permission was still extant at the time of the Council's decision on the application now subject to this appeal, this permission was not implemented and has now expired.
15. In 2016, consent was granted to remove condition 2 of planning permission W/2729/69 to allow unrestricted occupancy of the building (16/0223/FUL). Condition 2 of this approval removes permitted development rights in respect of extensions and alterations, the erection of any ancillary buildings or enclosure or hard surfacing, effective from the date of the decision.
16. Planning permission 16/0223/FUL has, in effect, created two separate consents for the existing dwelling, one of which retains full permitted development rights, and one of which does not. The appellant suggests that, if the appeal is dismissed, a rear extension would be erected using permitted development rights (since the 2016 permission has not been implemented), a fresh permission would be sought for the extensions which is expected to be granted, and the 2016 permission for a dwelling with unrestricted occupancy would then be implemented.
17. As an agricultural workers dwelling, under the terms of the permission W/2729/69 the dwelling would benefit from permitted development rights and as such, a single storey extension of 4m depth to the rear could be undertaken without the need for formal planning consent. However, it is clear that the appellant intends to occupy the existing dwelling under the terms of 16/0223/FUL which removed permitted development rights and no such extension would be permissible without formal consent.
18. The combination of the size of a rear extension constructed under permitted development with the same extensions granted in 2013 would give rise to a floor area which is more than the total area proposed in the replacement dwelling. However, the 2013 planning permission has lapsed. Furthermore, given the clear intention of the appellant to occupy the dwelling on an unrestricted basis and the Council's recent removal of permitted development rights for such a scheme in order to preserve the Green Belt, it seems to me that there can be no certainty that planning permission would be forthcoming.
19. Therefore, even if the 2016 consent had not come into effect, I do not consider that there is a reasonable prospect that the fallback position suggested by the appellant would be implemented and as such I can only afford this limited weight.

20. I note that the replacement dwelling would be 20% more energy efficient than the current Building Regulations requirements for new dwellings. However, the development is for a single dwelling and it is likely that upgrading the original dwelling would also achieve some reduction in emissions albeit this would be likely to be to a lesser extent than the appeal proposals. I therefore consider that such a benefit would therefore be minimal.
21. In respect of third party representations, I note the concern about the current state of dereliction of Scrubbs Cottage, however I give this limited weight given that there is no evidence to suggest that the existing dwelling could not reasonably be repaired to address such impacts. Furthermore, there is an extant permission for the dwelling to have unrestricted occupancy and as such any benefits of the development in respect of housing growth would be neutral.

Conclusion

22. Taking the above into consideration, I have established that substantial weight must be given to the harm to the Green Belt, by reason of the inappropriateness of the development and its impact upon openness.
23. As explained above, I can give only limited weight to the fallback position and other cited benefits in respect of a reduction in carbon emissions, character and appearance. When taken together, these considerations do not clearly outweigh the harm I have identified.
24. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. As such the proposal would be contrary to paragraphs 17, 79, 87 and 88 the Framework which, as a core principle, seeks to protect Green Belts from inappropriate development. The development would also be contrary to CS Policy CP1 which seeks to secure sustainable development as well as Policy CS4 and LDD Policy DM2 in respect of protection of the Metropolitan Green Belt.
25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson

INSPECTOR