
Appeal Decision

Site visit made on 21 February 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 3 March 2017

Appeal Ref: APP/J0405/D/16/3165963

1 Rocketer Cottages, Rocky Lane, Wendover HP22 6PR

- 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 James Spencer against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03207/APP, dated 3 September 2016, was refused by notice dated 20 October 2016.
 - The development proposed is for the erection of a detached garage with driveway and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage with driveway and associated works at 1 Rocketer Cottages, Rocky Lane, Wendover HP22 6PR, in accordance with the terms of the application Ref 16/03207/APP, dated 3 September 2016, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plan: A101-B.
 3. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development 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 samples.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that order with or without modification), no further outbuildings shall be erected other than expressly authorised by this permission.

Main Issues

2. The main issues in this case are:
 - i. Whether the proposal would be inappropriate development in the Green Belt, having regard to the Development Plan and National Planning Policy Framework

(the 'Framework'); and the effect of the proposal on the openness of the Green Belt;

ii. The effect of the proposal on the character of the Chilterns Area of Outstanding Natural Beauty (AONB); and

iii. If the proposal would be inappropriate development, whether the harm 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

Whether Inappropriate Development and Openness

3. Policy RA.6 of the Aylesbury Vale District Local Plan January 2004 (LP) highlights that within the Metropolitan Green Belt there is a presumption against new building development, except for a number of purposes which include agriculture or forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries and other uses of land with preserve the openness of the Green Belt. I find that this is broadly in accordance with the Framework, notwithstanding the fact that paragraph 89 therein provides a number of other examples where the construction of new buildings in the Green Belt need not be deemed inappropriate. I find that LP Policy RA.18 is not relevant to this proposal as it refers to the extensions and alterations to dwellings in the Green Belt, as opposed to the erection of domestic outbuildings.
4. Notwithstanding this, the erection of domestic outbuildings are not included within the above exempted categories, and therefore, I can only find that the proposal would amount to inappropriate development which would give rise to a loss of its openness which would be contrary to both LP Policy RA.6 and the Framework.

Character and Appearance – AONB

5. The host dwelling currently constitutes a modest semi-detached cottage with planning permission to extend with a single and two storey side extension, pursuant to planning reference 16/01224/APP. I have sympathy with the Council's view that the proposed garage, when assessed cumulatively with these extensions would give rise to a quite significant increase in built form on the appeal site. However, I consider that it is not unreasonable to expect a dwelling in a rural location such as this to have some form of garage or outbuilding which could enable vehicles to be kept under cover, along with the other domestic paraphernalia, which, if left in the open air would have a greater impact upon the character and appearance of the area.
6. The proposed garage would be sited within the south east corner of the plot and would be designed in a manner that would be sympathetic to its rural context, it would also be quite well screened from views across the open landscape in the west. I note that the Council considers that the proposed garage would be constructed from appropriate materials for its location and I consider that the overall scale and design of the building to be sufficiently subordinate in form to the host dwelling, particularly once the extant permission has been implemented.

7. Therefore, I consider that the proposal would conserve the landscape and scenic beauty of the AONB, in accordance with Framework paragraph 115 as well as the more general design requirements of LP Policy GP.35 which requires the design of new development proposals to respect and complement the physical characteristics of the site and the surroundings, the building tradition, form and materials of the locality; as well as the natural qualities and features of the area.

Very Special Circumstances

8. I have found above that the proposal would amount to inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.
9. The appellant highlights the zone within which outbuildings could be erected within the residential curtilage of the cottage, subject to the restrictions as set out within Class E to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. In the absence of any other garaging on the site I have been given no substantive reason to doubt that the appellant would implement their permitted development rights to erect garaging /outbuildings should their appeal fail. I consider that there is a real possibility that such development could potentially cover a greater footprint than the proposal before me which would be more harmful upon the openness of the Green Belt.
10. In this particular case I consider that this amounts to a very special circumstance and subject to the removal of permitted development rights to erect further outbuildings, I consider that this clearly outweighs the potential harm to the Green Belt by reason of inappropriateness caused by the proposal.

Conclusion and Conditions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.
12. Other than the standard time limit condition, the Council has suggested a condition requiring the external materials to be used in the construction of the development to be as those set out within the approved plans. However, no such details can be found on the submitted drawing and the application form states that the proposed roof tile would be to the Council's approval. I consider it necessary to require that samples of finishing materials be submitted to the Council prior to the commencement of development.
13. The Council have not explained why it would be necessary to impose a condition that prevents the garage from being adapted for living purposes. However, as I have outlined above and as suggested by the appellant, I consider it is appropriate to remove permitted development rights for the erection of further outbuildings within the curtilage of the dwelling and I therefore impose a condition to this effect.

C J Tivey INSPECTOR