
Appeal Decision

Site visit made on 21 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 08th March 2017

Appeal Ref: APP/X3405/D/16/3163550

Old Engine Cottage, Colliery Road, Brereton, Rugeley, Staffordshire WS15 1QS

- 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 Anthony Dunne against the decision of Cannock Chase District Council.
 - The application Ref CH/16/172, dated 25 April 2016, was refused by notice dated 28 September 2016.
 - The development proposed is a double garage to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit works had already commenced on what appeared to be the proposed development. I have dealt with the appeal on the basis of the details submitted.

Main Issues

3. The main issues are as follows:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt; and
 - If the proposal is 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 the development.

Reasons

Inappropriateness

4. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) states that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances¹. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. One exception to this is the extension or alteration

¹ Paragraph 87

of a building provided it does not result in disproportionate additions over and above the size of the original building.

5. Policy CP1 of the Cannock Chase Local Plan (Part 1) 2014 (the LP) states that development proposals in the Green Belt will be assessed against the Framework and Policy CP14 of the LP, which seeks to protect landscape character. Policy CP14 states that the ground floor area for extensions to existing buildings in the Green Belt should not normally exceed that of the original property by more than 50%.
6. The existing dwelling is a modest sized building, which was previously a garage/workshop that was subsequently converted, which included raising the roof of the building and creating two dormer windows and a porch. The proposed garage would have a footprint of approximately 50.82 sqm and would be 2.2m high. Due to its proximity to the dwelling, the garage would be read as an extension rather than a detached building. By reason of its size, the garage would effectively double the footprint of the existing dwelling. I find therefore that the garage would be a disproportionate addition over and above the size of the original building and therefore would be inappropriate development. As such, it would be contrary to Policies CP1 and CP14 of the LP and the Framework.

Openness

7. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
8. Whilst the Council did not make reference in their decision notice to the effect of the garage on the openness of the Green Belt, it is considered in paragraphs 4.2.12 and 4.2.13 of the Officer Report.
9. The appeal site is located on a heavily wooded hillside which slopes down from west to east. To the west of the dwelling is a busy road. Due to the siting of the garage to the east of the dwelling and its low profile, being partly subterranean, it would not be readily visible from the road. Furthermore, due to the surrounding woodland, there would be limited views of it from outside of the site. Therefore, I do not find that it would represent an intrusive form of development.
10. Notwithstanding the above, the proposal would result in the erosion of three-dimensional space arising from the overall size of the building which itself would result in an erosion of openness, although in this case the loss would be limited.
11. I find therefore that by reason of the loss of openness the development would unacceptably harm the Green Belt, contrary to Policy CP1 of the LP and the Framework.
12. The building would be sited adjacent to the existing dwelling and within its associated amenity space. However, it would nevertheless be an extension of built form, albeit limited, that would encroach into the countryside. As such, it

would conflict with the purposes of the Green Belt as set out in paragraph 80 of the Framework.

Other Considerations

13. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt and the erosion of openness so as to provide the very special circumstances required to justify a grant of planning permission.
14. The existing dwelling is modest in size and therefore there is limited storage space. In addition, there is no secure parking for vehicles. There are a number of existing sheds on the site which are used for the storage of various items. The appellant states that these are unauthorised and would be removed if the appeal were to be allowed. Whilst I appreciate that the appellant requires storage space, the size of the garage would appear to be far in excess of what would reasonably be necessary for the storage of everyday items. I therefore attribute this matter limited weight in favour of the proposal.
15. It is also argued that given the isolated location, there is a threat of theft, which is supported by a neighbour stating they have been the subject of theft in recent years. I accept that isolated locations, such as this, could be the target for theft and secure storage and parking would help to deter potential wrongdoers. However, notwithstanding the supporting evidence from the neighbour, there is no evidence before me that the appeal site has been the subject of theft. In addition, it is not uncommon for many properties in such locations to not have secure parking. I therefore attribute these matters limited weight in favour of the proposal.
16. I have also had regard to the use of the air source heat pump that would be contained within the garage. I have been referred to an appeal decision² whereby a single wind turbine was allowed in the Green Belt and it was found that were very special circumstances due to the proposal's contribution towards tackling climate change. In that instance the proposal was for the wind turbine only. In the proposal before me, the air source heat pump would accommodate only a small portion of the overall building. The purpose of the building would not be solely to accommodate the air source heat pump. Accordingly, whilst the use of the garage to accommodate the renewable energy source weighs in favour of the proposal, by reason that it is far larger than is necessary to accommodate the pump, I can only attribute this matter limited weight.

Other Matters

17. The appeal site is within the Cannock Chase Area of Outstanding Natural Beauty (AONB). Due to the building being partially subterranean and being well screened from views, the Council have no objection with regard to the effect of the proposal on the AONB. Based on the evidence before, I concur with this view. I conclude therefore that the proposal would preserve the

² Appeal Ref APP/B3438/A/12/2170560

landscape and scenic beauty of the AONB. As such, in this respect, it would comply with Policy CP14 of the LP and the design objectives of the Framework.

Planning Balance

18. The appeal scheme has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the purpose of including land within it. Whilst the overall loss of openness and the conflict with the purposes of the Green belt would be limited, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Whilst the other considerations put forward by the appellant carry some weight in favour of the proposal, individually or cumulatively, they do not outweigh the substantial weight given to the harm the proposal would have to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR