

Appeal Decision

Site visit made on 2 March 2017

by R J Maile BSc FRICS

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

Decision date: 14 March 2017

Appeal Ref: APP/C3105/D/17/3166884

Greene House, Brill Road, Horton-cum-Studley, Oxford, OX33 1BZ.

- 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 Peter Greenslade against the decision of Cherwell District Council.
 - The application ref: 16/01633/F, dated 10 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is: "Construction of four bay garage with home office and storage."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) Whether the proposal would be inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.
 - b) The effect of the development upon the openness of the Green Belt and the purposes of including land in it.
 - c) 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

- a) *Whether inappropriate development.*
3. Greene House is a substantial modern two storey detached dwelling having an extended curtilage, which includes a paddock and wooded area to the rear. It is sited within a handful of dwellings that are separated from the more densely developed housing further west along Brill Road by a large paddock fronting the
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highway. The adjacent property to the west (Manor Cottage) is listed Grade II. Details of its listing has been provided to me. The appeal site is located within the village of Horton-cum-Studley, which lies within the Oxford Green Belt.

4. The scheme before me involves the erection of an oak-framed traditional four bay garage with storage and home office above. The building would be clad in larch boarding and have a pitched and tiled roof. It would be sited to the front of the main dwelling and accessed by means of an existing driveway from the south side of Brill Road.
5. National policy in the Framework¹ states that the construction of new buildings within the Green Belt should be regarded as inappropriate development. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (see paragraphs 87 and 89). The erection of a detached outbuilding as proposed does not fall within any of the exceptions set out at paragraph 89 of the Framework.
6. Policy ESD 14 of the Local Plan² accords with national policy in the Framework as referred to above.
7. I have therefore found upon the first main issue that the erection of a four bay garage as proposed would be inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.

b) Effect upon openness of Green Belt.

8. Paragraph 79 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court³ that openness is epitomised by the lack of buildings or development.
9. This substantial outbuilding, with a footprint of approximately 72m², would be of permanent construction. It would be located within the currently open area to the front of Greene House and, given its bulk and height (some 5.5m to the ridge) would be visible from the public domain.
10. For all of these reasons I find upon the second main issue that development as proposed would be harmful to the openness of the Green Belt and the purposes of including land in it, contrary to national policy in the Framework as referred to above and Policy ESD 14 of the Local Plan.

c) Other considerations.

11. The proposed garage building would be set within the established domestic plot of Greene House. It would be located adjacent to other built form on both sides and would not encroach beyond the settlement boundary into the countryside. Moreover, due to its design and materials and its siting in relation to Manor Cottage, it would not impact upon the setting of the adjacent listed building.
12. The building is required in order to house the equipment that is necessary for the maintenance of the extended curtilage of Greene House, which includes the paddock and woodland to the rear.

¹ The National Planning Policy Framework.

² The Cherwell Local Plan 2011-2031 - Part 1: adopted 20 July 2015

³ Timmins & Anor v. Gedling Borough Council [2014] EWHC 654 (Admin).

13. The appellant states in the grounds of appeal that the single Green Belt reason for refusal is open to interpretation and that no option to negotiate upon size or location was provided by the Council. Furthermore, reference is made to other developments nearby where planning permission has been granted, these sites also being located within the Green Belt.

Green Belt balancing exercise

14. I have found above that the proposal before me is inappropriate development which, by definition, is harmful to the Green Belt. Substantial weight must be attached to that harm and planning permission should not be granted unless it is found that other considerations clearly outweigh the harm to the Green Belt.
15. No details have been advanced as to the other developments nearby that have been permitted by the Council. However, of necessity my decision must relate to the scheme before me and its impact upon the openness of the Green Belt.
16. The Council has highlighted in its delegated report that the proposal would not benefit from Permitted Development rights having regard to its siting, size and scale.
17. Given the impact of the proposed outbuilding upon the openness of the Green Belt and its clear breach of national and Development Plan policy, I find that on balance the other considerations in this case do not clearly outweigh the harm I have identified above. Consequently, the very special circumstances that are necessary to justify the development do not exist.

Conclusion

18. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR