
Appeal Decision

Site visit made on 21 March 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 6 April 2017

Appeal Ref: APP/B1225/W/16/3163436

Quarr Farm Bungalow, Halls Road, Lytchett Matravers BH16 6EP

- 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 Mrs D Meehan against the decision of Purbeck District Council.
 - The application Ref 6/2016/0517, dated 25 August 2016, was refused by notice dated 26 October 2016.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs D Meehan against Purbeck District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the setting of the listed Quarr Farmhouse;
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstance required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal property is a detached bungalow which is located in the Green Belt. The Framework establishes that new buildings within the Green Belt are inappropriate development. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
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5. The existing dwelling is a two bedroom bungalow with the accommodation provided on the ground floor. I am not aware of any living accommodation in the roofspace. In contrast, the proposed house would extend to two storeys and would incorporate an annexe within a single storey wing to provide a bedroom, lounge and sun room. There would be shared use of the shower room and kitchen with the main dwelling. A further three bedrooms would be provided on the first floor.
6. The footprint of the replacement dwelling would be similar to the existing bungalow. However, there would be a first floor which would significantly increase the floorspace of the dwelling. Moreover, the addition of the first floor would increase the volume of the house, and the ridge height of the two storey element would be considerably higher than at present.
7. The appellant refers to a High Court judgement,¹ which I have taken into account. This concerns the issue of whether a planning inspector, who had found that the replacement of a bungalow on green belt land with a two storey house was appropriate development, had correctly analysed the planning merits of the proposed development and had properly considered whether it was materially larger than the existing building. It was ruled that the planning inspector's conclusion as to whether the proposed development was materially larger was a planning judgement reached after consideration of the issue in a manner entirely consistent with the relevant planning policy and case law.
8. In reaching a planning judgement as to whether a replacement building would be materially larger, the Courts have ruled that the exercise is primarily an objective one by reference to size. Which physical dimension is most relevant for the purpose of assessing the relative size of the existing and replacement dwellinghouse, will depend on the circumstances of the particular case. It may be floorspace, footprint, built volume, height, width, etc.²
9. Applying this test to the appeal proposal, if the house was to be constructed, I consider that the size of the resulting building would be materially larger than the one it would replace due to the increase in floorspace, built volume and height. It would, therefore, be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

10. The appellant accepts that the proposal would increase the size of the dwelling. Consequently, it would inevitably adversely affect the openness of the Green Belt. However, in isolation, the loss of openness would be limited as the development would replace an existing dwelling.

Effect on the listed Quarr Farmhouse

11. The appeal property is located at the end of a private driveway which serves a small number of dwellings. It is located in close proximity to the late 18th Century Quarr Farmhouse, which is a grade II listed building. The significance of the heritage asset lies in its vernacular architectural style.

¹ Anthony Hobson v The Secretary of State for Communities and Local Government, Guildford Borough Council, Mr Robert Brown, Mrs Marlene Brown [2009] EWHC 981 (Admin); 2009 WL 1246853

² R (oao Heath and Hampstead Society) v Camden LBC [2007] subsequently supported in CoA as R (oao Heath and Hampstead Society), Camden LBC and Vlachos.

12. The Council is concerned that the development would have an adverse effect on the setting of the listed building due to its proximity, scale and design. During the site visit, I looked at the site from several aspects. The replacement dwelling would be seen in the context of the group of buildings, some of which are modern, and are of varying design, size and scale. Although I accept that the house would be more prominent than the existing bungalow, I do not agree that it would dominate the listed building or that it would adversely affect the setting of the listed building, or its architectural significance.
13. I also consider that the replacement dwelling would reflect its surroundings in terms of its design and materials. Consequently, I find that the proposal would preserve the setting of the listed building, in accordance with Policy LHH of the Local Plan,³ and the Framework insofar as it seeks to protect heritage assets. It would positively integrate with its surroundings and reflect local distinctiveness in accordance with Policy D of the Local Plan and the Council's adopted Supplementary Planning Document.⁴
14. However, the lack of harm in relation to this issue is a neutral factor that does not weigh for or against the proposal.

Other considerations

15. The development would enable the appellant to continue to live in the area, where she has lived and worked for many years, and the proposal has the support of neighbours. It would also enable the appellant and her family to make a more profitable use of the surrounding land, and avoid the need to employ sub-contractors, which may generate more traffic movements. Whilst I appreciate that the development would have benefits, these benefits are largely limited to the appellant and her family and consequently carry only limited weight.
16. The appellant asserts that the proposal would replace the bungalow, which has limited architectural merit, with a more energy efficient dwelling that would be in keeping with the surrounding properties, and sited slightly further away from the listed building. It would also be in line with the guidance set out in the 'Lifetime Home Standards'. I have considered this argument but I find that the environmental improvements would be marginal and, therefore, I attach limited weight to these considerations.
17. The appellant provides information in relation to the other houses in the immediate vicinity, some of which are replacement dwellings and many have been extended. The full balance of considerations that informed those decisions is not before me and I am unable to assess whether the Council has been inconsistent in its application of local and national policy. In any event, every application or appeal is considered on the basis of its own site specific circumstances. Consequently, the other development in the vicinity carries limited weight.

Conclusion

18. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a limited loss of openness. Whilst there would

³ Planning Purbeck's Future: Purbeck Local Plan Part 1, adopted November 2012

⁴ Purbeck District Design Guide, adopted January 2014

be no harm to the setting of the listed building, this is a neutral factor which does not weigh for or against the proposal.

19. Limited weight is attached to the other considerations and these do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
20. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land, or reflect the guidance of the Supplementary Planning Document (paragraph 63) in relation to the function of the green belt.
21. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector