
Appeal Decision

Site visit made on 3 April 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/R1038/D/17/3170934

Oberland, Crow Lane, Apperknowle, Dronfield, S18 4AS

- 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 and Mrs Tony Moss against the decision of North East Derbyshire District Council.
 - The application Ref 16/01164/FLH, dated 3 November 2016, was refused by notice dated 14 December 2016.
 - The development proposed is a garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the planning application the appellant changed her name. I have therefore referred to the appellants as Mr and Mrs Tony Moss, which has been used on the Council's formal decision notice and the appeal form.

Main Issues

3. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate, 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

Whether Inappropriate or Not

4. Policy GS2 of the *North East Derbyshire Local Plan* states that except in very special circumstances, planning permission will not be granted for new buildings in the Green Belt unless they relate to one of the listed exceptions. Part (c) includes the extension or alteration of a house provided that it does not result in disproportionate additions over and above the size of the original dwelling. This is broadly consistent with paragraph 89 of the National Planning
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Policy Framework ('the Framework') which confirms that extensions or alterations are not inappropriate development in the Green Belt provided that they do not result in disproportionate additions to an original building.

5. Although the proposed garage would be a detached, standalone building, it would be situated within the curtilage of the host property at the end of an enlarged driveway. It would be an ancillary domestic outbuilding with a close functional and physical relationship with the existing house. For the purposes of local and national planning policy it is therefore common ground that the scheme would represent an extension to Oberland. Based on the evidence provided I agree.
6. A detached garage would not be an unusual feature for a property of this size which benefits from a large and very well maintained garden. Other large houses throughout Apperknowle also have domestic outbuildings which are visible within the public domain. However, the original dwelling has been extended twice. In 2001 planning permission was granted for the construction of a side extension to provide additional living accommodation and an integral garage (Ref 01/00768/FL). The submitted plans illustrate that the extension projects over 10m from the side of the original bungalow. Further alterations have also been carried out to create a gabled roof over the garage, a new porch and a conservatory following the approval of planning permission in 2012 (Ref 12/00591/FLH).
7. The appeal property has therefore already been significantly enlarged by alterations approved in 2001 and 2012. Evidence provided by the Council confirms that the extended dwelling has almost twice the volume of the original bungalow. Situated close to the house the proposed outbuilding, which would measure roughly 7.7m by 5.5m, would be viewed alongside these previous alterations. Whether or not a new garage would be reasonable for a property of this size, when combined, the cumulative effect of the appeal proposal would amount to a disproportionate addition over and above the size of the original dwelling.
8. I therefore conclude that for the purposes of the Framework and *North East Derbyshire Local Plan* Policy GS2 the proposal constitutes inappropriate development in the Green Belt. By definition inappropriate development is harmful to the Green Belt, and should not be approved except in very special circumstances.

Openness

9. The Framework also states that one of the essential characteristics of Green Belts are their openness and their permanence. In this case the garage would be well-screened from public viewpoints by a combination of existing mature landscaping and the topography of the area. When also taking into account the size of the extensively managed grounds the harm to openness would be relatively limited.
10. Nevertheless, glimpses of the garage would still be possible in the public domain from parts of Crow Lane. By constructing a further addition to the host property that would result in a disproportionate addition over and above the size of the original dwelling the harm to the openness of the Green Belt, or its freedom from built development, would still be material.

Other Considerations

11. The Planning Officer's Report confirms that the design and materials of the garage would be in keeping with the character and appearance of the host property and the surrounding area. Based on the evidence provided I agree. However, this lack of harm is only a neutral factor in the overall planning balance.
12. I have also taken into account the reasons why the garage is needed, and recognise that it will have several benefits to the appellants by providing more space for possessions and somewhere for Mr Moss to work on his classic car. Given that a temporary storage arrangement with a friend is due to come to an end, and bearing in mind Mr Moss' health problems, the additional garage space will directly improve the appellants' standard of living. This is a benefit that weighs in favour of the proposal.

Conclusions

12. The proposal would be inappropriate development in the Green Belt for the purposes of the Framework and Local Plan Policy GS2. The Framework states that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm. Due to the cumulative effects of additional development over and above the size of the original dwelling there would also be some harm to the openness of the Green Belt.
13. On the other hand the proposal would provide much needed additional space for the appellants. In particular it would allow Mr Moss to store and work on his classic car without having to travel further afield. The garage would also be situated within the extensive, well-maintained curtilage of the host property, would be used for ancillary domestic purposes and would not cause any harm to the character and appearance of the host property or the surrounding area.
14. Nevertheless, these factors do not clearly outweigh the harm by reason of inappropriateness and the harm to the openness of the Green Belt, which is one of its essential characteristics. As a result, the very special circumstances necessary to justify granting planning permission do not exist.
15. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR