

Appeal Decision

Site visit made on 18 April 2017

by S R G Baird BA(Hons) MRTPI

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

Decision date: 2nd May 2017

Appeal Ref: APP/M2372/D/17/3167601

Barnfield, Billinge End Road, Blackburn, Lancashire BB2 6QB

- 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 M Patel against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/16/1007, dated 16 September 2016, was refused by notice dated 6 December 2016.
 - The development proposed is the erection of a new garage block.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan¹ policies;
 - b) the effect on the openness of the Green Belt;
 - c) the effect on the street scene;
 - d) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

- A. Inappropriate Development
3. The development plan and Framework (paragraph 89) identify that the construction of a new building in the Green Belt is inappropriate unless it falls within one of several specific exceptions. These exceptions include the provision that the extension of a building is not inappropriate provided it does not result in a disproportionate addition over and above the size of the original building. The proposal is for a free-standing building within the curtilage of Barnfield. Whilst neither the development plan nor the Framework make specific reference to ancillary outbuildings within the curtilage of a building, a detached outbuilding could, in some circumstances, be regarded as an extension to a dwelling. In this case, given the size, position and the degree of separation from the house, I consider, as a matter of fact and degree, this proposal would not constitute an

¹ The Blackburn with Darwen Core Strategy (2011) & Local Plan Part 2: Site Allocations and Development Management Policies (2015).

extension to the house and should not be treated as if it were part of it. On this issue, the proposed garage block would constitute inappropriate development in the Green Belt.

B. Openness

4. Here, the proposed garage block would be located in the south-west corner of the garden, where there is a substantial open gap between Barnfield and the adjacent row of terraced houses. In terms of its footprint and overall height the proposed garage would be materially larger and taller than the garden sheds it would replace and the wall/fencing that surrounds Barnfield. Whilst the wall/fencing would partly screen the building there would be some loss, albeit slight, of openness and therefore conflict with development plan Policy 3 – The Green Belt.

C. Street Scene

5. Billinge End Road comprises dwellings and plots of varying type, size and design, with no established building line. The local planning authority refers to conflict with RES E18 contained in supplementary planning guidance². However, RES 18 refers specifically to corner plots and in the context of this proposal has no relevance. The proposed garage would be located in the south-west corner of the plot where it abuts the road. Here, the building would be forward of both Barnfield and the row of terraced dwellings to the west. Given its scale, massing and finish, the proposed garage would appear as an intrusive and incongruous feature in the street scene. This unacceptable effect would not, in my view, be acceptably mitigated by the limited tree planting within and adjoining Barnfield. Accordingly, on this issue, the proposed garage block would have an unacceptable effect on the street scene in conflict with development plan Policy 11 – Design.

D. Special Circumstances

6. Development Plan Policy 8 and paragraph 87 of the Framework say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework paragraph 88 says that substantial weight attaches to any harm to the Green Belt and 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.
7. In this case, in addition to the harm to the Green Belt by way of inappropriateness, I have identified harm, albeit slight, both to the openness of the Green Belt and material and unacceptable harm to the street scene. These harms attract substantial weight. In this case there are no other considerations that would clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, this proposal would conflict with the development plan and the Framework.

Conclusion

8. In light of the above conclusions and having regard to all other matters raised, I conclude that this appeal should be dismissed.

George Baird

Inspector

² Residential Design Guide Supplementary Planning Document Revised Edition September 2012.