
Appeal Decision

Site visit made on 11 April 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 05 May 2017

Appeal Ref: APP/C3430/W/16/3167700

The Meadow, Tinkers Castle Road, Seisdon, Wolverhampton WV5 7HF

- 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 Gary Devonport against the decision of South Staffordshire Council.
 - The application Ref 16/00687/FUL, dated 27 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is replacement garage with 2 bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the planning application form refers to 'The Meadow'. The appeal form and the Council's decision notice refer to the 'The Meadows'. However, as there is no written confirmation from the parties that the site address has changed, I have used the address on the planning application form in the banner heading above.
3. The appellant's Statement of Case cites pre-application advice¹ from the Council which refers, in part, to the possibility of converting the garage at the front of The Meadow into a separate dwelling. It is suggested that the advice informed the application which is the subject of this appeal. However, the highlighted portion of that advice refers to the conversion of an existing garage whereas the appeal proposal is, according to the description of the development, as supported by the Design and Access Statement (DAS) and the materials section of the planning application form, to replace the garage building with a new dwelling rather than to convert it. The Council Officer's report also treats the planning application as for the demolition of the existing detached garage and its replacement with a two bed bungalow. I have determined the appeal on that basis.

Main Issues

4. 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)² and any relevant development plan policies;

¹ Ref: 16/00036/PREAPP

² Published 2012

- The effect on the openness of the Green Belt; and,
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate or not inappropriate development

5. The appeal site is a piece of land in front of 'The Meadow', a residential property on the outskirts of the rural village of Seisdon. It is currently occupied by a detached double garage building, with a butterfly roof, facing the driveway and forecourt area serving the dwelling at the Meadow. It is proposed to replace the existing garage with a two bedroom bungalow. The site is located within the West Midlands Green Belt.
6. Policy GB1 of 'A Local Plan for South Staffordshire: Core Strategy Development Plan Document' (CS)³ states that development within the Green Belt will normally be permitted if it falls within the categories listed in the policy and is acceptable within the terms of national planning policy, as set out in the Framework.
7. The Council Officer's report states that the proposal does not fall within any of the categories listed in Policy GB1. However, it seems to me that it potentially falls within part A. d) of Policy GB1, which includes the replacement of an existing building where the new building is not materially larger than the building it replaces. Whilst the dimensions of the proposed dwelling are referred to by both parties, no direct comparison is made with the garage it replaces.
8. Nevertheless, the submitted plans indicate that the proposed bungalow would be on a similar footprint to the existing garage. Policy GB1 refers to guidance contained in the 'Green Belt and Open Countryside Supplementary Planning Document (SPD)⁴, which suggests a floor area range of 10%-20% as the basis for judging if a replacement building is materially larger. Therefore, even though the proposed replacement building would be higher, I do not consider that overall it would be materially larger. Therefore, on the face of it, the proposal does comply with that part of category A. d) of Policy GB1.
9. However, paragraph 89 of the Framework includes a similar exception, in its fourth bullet point, for replacement buildings which are not materially larger but it also states that the replacement building should be in the same use. Whilst Policy GB1 of the CS makes no specific reference to replacement buildings being in the same use, it does state that '*development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted*', before specifying categories of development. Therefore, Policy GB1 also requires that a proposal must comply with the provisions of the Framework to be acceptable. That approach is confirmed in paragraphs 3.1 and 1.13 of the more recently produced SPD, anticipated and referred to in Policy GB1 A. d). The SPD states that a proposal for a replacement building in a different use would constitute inappropriate development.

³ Adopted 11 December 2012

⁴ Adopted April 2014

10. The appellant suggests that the existing garage building is classed as domestic premises, presumably on the basis that it serves the dwelling at The Meadow, and that, therefore, replacing the garage with a single storey dwelling would not be a different use. I disagree with that view and consider that a new separate dwelling, as indicated in the DAS, would be a materially different use to a garage. The Council are of the same opinion.
11. Therefore, though the replacement building would not be materially larger, and comply with the relevant category of Policy GB1, it would conflict with the requirement for a replacement building to be in the same use, specified in paragraph 89 of the framework. The appellant has not suggested that any of the other possible categories or exceptions in Policy GB1 or the Framework apply to the appeal proposal, and I do not consider that they would.
12. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt as the replacement building, though not materially larger, would not be in the same use.

Openness

13. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. Additional bulk and physical presence may affect openness but it can also have a visual element.
14. Though its roof design would be different, I have already found that the replacement building would not be materially larger than the existing double garage. The appellant's DAS also asserts that it would fit comfortably within the site and relate well to surrounding development. However, the use of the building as a dwelling would, as indicated in the DAS, involve the creation of a garden and amenity space, with a clothes drying area, refuse bin store and could also include play equipment or other domestic paraphernalia. Two parking spaces for vehicles are also referred to.
15. Therefore, though the existing garage and land is currently part of a site that includes the dwelling at 'The Meadow', an additional dwelling with its garden and domestic accoutrements, would affect openness. Though the site is part of the rural village of Seisdon, it is on the periphery of the village with open fields beyond. Overall, I conclude that the adverse effect on the openness of the Green Belt would be limited.

Other considerations

16. The appellant has not specifically advanced other considerations to be weighed against harm caused by inappropriateness. The appellant's Statement of Case does, however, refer to three planning permissions⁵ for replacement buildings within the Green Belt. As only very limited details have been provided and I do not know the circumstances that led to those proposals being accepted, I cannot assess whether they represent a direct parallel to the appeal proposal, including in respect of location, use and development plan policy. I do note that two of them are in different local authority areas which would have their own development plans and only one relates to a change of use to a dwelling house. Therefore, I can only give the examples minimal weight.

⁵ Refs: 11/0457/FUL, 12/00725/C and W/16/01238/PN

17. There would be some economic and social benefits during the construction period and future occupiers would make a contribution to the local economy and the community. There would also be a contribution to the supply of housing. However, such benefits would inevitably be limited as the proposal is for just one two bedroom house. Therefore, I give them limited weight.

Conclusions

18. I have already identified that the proposal would be inappropriate development, as it does not meet the relevant exceptions in the Framework. The Framework indicates, at paragraph 87, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that there would be other harm, albeit limited, to the openness of the Green Belt.
19. Paragraph 88 of the Framework advises 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.
20. Given that I have only given 'minimal' and 'limited' weight to the other considerations discussed above, I find that they do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR