The Planning Inspectorate

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/D/17/3166735
The Stockings, Husphins Lane, Codsall Wood WV8 1QB

- 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 T Bradshaw against the decision of South Staffordshire Council.
- The application Ref 16/00724/FUL, dated 11 August 2016, was refused by notice dated 19 October 2016.
- The development proposed is replacement garages to western boundary.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the original planning application referred to the 'eastern boundary', which was inaccurate. It is confirmed in section E of the appeal form that the description was changed to refer to the 'western boundary', which is the location of the development shown on the plans, and that revised description is used on the Council's decision notice. Therefore, I have used the revised description in the banner heading above.

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 any relevant development plan policies;
   - 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

4. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. One of the exceptions is the replacement of a building, provided that the new building is in the same use and not materially larger than the one

it replaces. Policy GB1 of 'A Local Plan for South Staffordshire: Core Strategy Development Plan Document' (CS)[1], refers to the Framework, and also includes an exception, at A. d), for a replacement building where the new building is not materially larger than the building it replaces.

5. The appeal site comprises a large red brick detached dwelling in generous grounds with a separate, single storey garage and a car port attached to the side of a sizeable stable building, belonging to the adjacent farm, along the western boundary. It is located off a country lane not far from the rural village of Codsall and lies within the West Midlands Green Belt, surrounded by open fields, aside from the adjacent farm buildings to the west.

6. The proposal is to demolish the existing flat-roofed garage and car port and replace them with a new garage building incorporating a garden store and laundry area.

7. Notwithstanding the garden equipment storage and small laundry elements, the predominant use of the replacement building would be for the parking of vehicles. It would, therefore, essentially be in the same use as the existing garage and car port, which are incidental to the main dwelling.

8. According to the Council the floor area of the existing garage and car port is 74.8m^2, whereas the replacement building's floor area would be 121.8m^2, though the appellant refers to marginally different figures of 77m^2 and 121m^2. The Council calculates that the floor area represents an increase of 62.8% whilst the additional volume would be 150%. The appellant's appeal statement refers to those percentages and does not specifically dispute them, agreeing that the replacement building would be larger than the existing building.

9. The Framework does not provide specific guidance on how 'materially larger' should be defined or quantified. However, Policy GB1 of the CS, which uses the same terminology, refers to guidance contained in a 'Green Belt and Open Countryside Supplementary Planning Document (SPD)'.[2] With regard to Policy GB1 and size increases of replacement buildings in the Green Belt, the SPD refers to a floor area increase of between 10% and 20%, as being the basis for making a judgement on planning applications but states that all applications will be judged on their merits on a case-by-case basis.

10. Whilst the appellant accepts that the replacement garage building would be larger, he submits that a broad brush numerical calculation does not give any consideration to the setting of the appeal site when judging inappropriateness. However, the SPD makes clear that whilst the 10% to 20% increase is a basis for making a judgement, the individual merits of a case should still be considered.

11. The proposed garage would be in a residential setting, with an adjoining stable building and a complex of agricultural buildings at the adjacent site. However, despite that immediate context and backdrop, the increase in size and height combined with the change from a flat roof to a pitched roof, almost as high as the stables, would create a substantial building located at a site in the open countryside.

[1] Adopted 11 December 2012
[2] Adopted April 2014

12. Whichever of the two sets of figures previously referred to are used, the proposal would amount to an increase in floor area of well over 50%. In terms of Policy GB1, and its associated SPD, such an increase is considerably in excess of the suggested range of between 10% and 20%. It seems to me that, though all cases must be judged on their specific merits, an increase of such proportions, even taking into account the setting, represents a building which would be 'materially larger' than the building it replaces.

13. In terms of the similar exception contained in paragraph 89 of the Framework, I consider that a building which would be higher and more than 50% larger in floor area than the building, or buildings in this case, that it replaces would be materially larger. Therefore, the proposal cannot take advantage of the relevant exceptions in Policy GB1 of the CS or Paragraph 89 of the Framework.

14. I conclude, therefore, that the proposal would be inappropriate development in the Green Belt as the replacement building would be materially larger than the building it replaces. It also fails to meet any of the other exceptions specified in the Framework or Policy GB1.

Openness and Green Belt purposes

15. The replacement of a single storey flat-roofed garage and open car port with a significantly larger garage building with a higher pitched-roof design and closed frontage, albeit with a slight overhang, would as a result of its increased bulk and massing inevitably lead to a loss of openness, notwithstanding the presence of other buildings. The increase in height, with the ridge of the pitched roof raised to a level similar to the stark vertical rear wall of the adjacent stable building, would be a material and visible increase in built form along the western boundary. It would also be visible from Husphins Lane, where there is a low stone wall and some vegetation along the northern boundary of the site.

16. As the site is in a rural location, outside of any village, and largely surrounded by open fields, aside from the adjacent farm buildings to the immediate west, I conclude that the proposal's additional bulk and design leading to a significant loss of openness would constitute encroachment into the countryside. Consequently, it would contravene one of the five purposes of the Green Belt, detailed in paragraph 80 of the Framework, of safeguarding the countryside from encroachment.

Other considerations

17. The appellant submits that the existing garage and car port are of poor design, which detracts from the character of the main house and the adjoining mono-pitch stable building. Whilst I accept that the garage and car port have no particular architectural merit, they are modest in size, low-level and fairly unobtrusive in the context of the site. Therefore, I do not agree that the significantly larger proposed building represents a clear improvement, as suggested by the appellant. Neither do I agree that a pitched roof is necessarily an intrinsically superior design solution. Though other buildings on the site have pitched roofs, the combined increase in height and size would mean that the proposed building would appear more prominent than the existing buildings. I have already concluded that the increase in size would have an adverse effect on openness. Therefore, I attach little weight to this factor.

18. Whilst the appellant advises that a larger car parking area is necessary as the current area is quite shallow and larger vehicles tend to overhang it, no clear evidence has been presented to show that a different design and scale of building could not achieve the same aim. In any event, the planning system is more generally focussed on the wider public interest rather than personal circumstances, unless a truly exceptional personal need can be demonstrated. For these reasons I give this aspect minimal weight.

19. Although the proposal would offer a larger secure locked garage, there is already a garage on site, which is presumably lockable. It is suggested that secure storage for vehicles and garden equipment is essential due to the prevalence of rural crime and to allay the fear of crime. However, although the car port is open, the layout of the site, with numerous windows overlooking from the main house, offers a reasonable level of natural surveillance. No evidence has been put forward of instances of damage or theft at the site or in the area. Consequently, I give these concerns limited weight.

Conclusions

20. The proposal conflicts with Policy GB1 of the CS, as it does not meet the relevant criteria, as further explained in the associated SPD. It is, therefore, contrary to the development plan. Policy GB1 also refers to compliance with national planning policy set out in the Framework, which is, in any case, a material consideration in all planning decisions.

21. 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 to openness and conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

22. 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.

23. I have taken account of the various submissions of the appellant including improved design of buildings, the need for larger parking spaces and storage, along with concerns about security. However, I find that the other considerations in this case 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.

24. I also note that the proposal was supported by Codsall Parish Council but that does not lead me to alter my decision.

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR