
Appeal Decision

Site visit made on 16 May 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/P0119/D/17/3172448

6 Siston Common, Siston, BS30 5LP

- 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 Ms C Coles against the decision of South Gloucestershire Council.
 - The application Ref PK16/4628/F, dated 4 August 2016, was refused by notice dated 25 November 2016.
 - The development proposed is annexe to main house.
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Decision

1. The appeal is allowed and planning permission is granted for annexe to main house at 6 Siston Common, Siston, BS30 5LP in accordance with the terms of the application, Ref PK16/4628/F, dated 4 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: R871/01, R871/02 Rev C and R871/04 Rev B.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Siston Common, Siston, BS30 5LP. It shall form part of that planning unit, and not operate as a separate dwelling.
 - 4) Prior to the commencement of the relevant part of the development hereby approved, a sample of the external materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 5) The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Monday to Friday, and 08.00 to 13.00 Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site.
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Procedural Matters

2. The Council contends that irrespective of the description of development as an annexe to the main house, the proposal would constitute a new separate dwelling in the Green Belt and determined the application on that basis. However the description of the proposal on the application form clearly states that the development would constitute an annexe to the main house. I consider the proposal on this basis and discuss this further below.
3. The Appellant is dissatisfied with the Council's handling of the planning application, particularly in relation to the Appellant's personal circumstances. However it is not within my remit to consider how the original application was dealt with and I am determining the appeal solely on the planning merits of the case.
4. Both main parties refer to additional personal information submitted by the Appellant as part of the original planning application. However these details are not before me so the Appellant was given the opportunity to submit them. As response has been received I consider the appeal on the basis of the available evidence.

Main Issue

5. As the appeal site is within the Green Belt the main issue is whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy.

Reasons

6. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. It goes on to state that inappropriate development is by definition harmful and should not be approved except in very special circumstances. Except for a small number of exceptions set out under paragraphs 89 and 90, development within the Green Belt should be regarded as inappropriate.
7. Paragraph 89 of the Framework refers to the construction of new buildings within the Green Belt. This includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. The proposed annexe would replace an existing stable block which is located at the end of a long (around 40m) and narrow L-shaped rear garden of the host dwelling, a terraced property. I note that the Council is satisfied that the existing stable block is within the residential curtilage of the appeal property and that its current use is incidental to the enjoyment of this dwelling. Based on the evidence that is before me I have no reason to disagree with this view.
9. The proposed use of the replacement building would be as an annexe to the main dwelling. As set out under my procedural matters I note the Council's view that the building would be used as a separate dwelling. However that is not what has been applied for and a condition restricting the building to uses ancillary to those of the host dwelling could be attached to the planning permission. I see no reason why this would not be enforceable.

10. In relation to the size of the proposed replacement building, the undisputed Council measurements state that it would be around 180.67 cubic metres in volume. This would be about 11.52% larger than the approximate 162 cubic metres of the existing building. In my view this would be a small increase in the volume of the building. Furthermore its height and footprint would not be significantly larger compared to the existing stable block. Overall therefore I consider that the proposed development would not be materially larger than the structure it would replace.
11. Consequently I conclude that the proposal would constitute a replacement building, would remain ancillary to the purposes of the residential use of the main dwelling and would not be materially larger than the one it replaces. It would therefore not be inappropriate development within the Green Belt and would comply with the Framework in this regard.
12. As I have found that the proposal would not be inappropriate development, it follows that it would also not be harmful to the openness of the Green Belt.

Other matters

13. Whilst not reasons for refusal the Council has raised concerns about the design of the building, the level of parking and highway safety. However the proposal would be similar in form to the existing stable block and would use traditional materials. Furthermore as an annexe to the main house there would be no need for additional parking and no material impact on highway safety. I also note that the Highway Officer does not object to the proposal, subject to the imposition of a condition restricting use of the building to uses ancillary to the purposes of the main dwelling. These matters therefore do not result in material harm.
14. Limited information regarding the personal circumstances of the Appellant and the needs of the family in caring for their sick and house bound daughter is before me. However as I find that the proposal would not be inappropriate development within the Green Belt and no other harm is identified I have no need to consider this matter further as very special circumstances do not apply in this case.

Conditions

15. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). I am satisfied that they meet the tests within the PPG and accordingly I include them within my decision.
16. I attach a condition requiring the development be carried out in accordance with the approved plans to ensure certainty. To safeguard the living conditions of neighbouring residents and ensure there is adequate parking a condition restricting use of the building for purposes ancillary to the residential use of the main dwelling is necessary.
17. I also impose a condition requiring that samples of the materials to be used in the construction of the external surfaces be approved prior to commencement of the development, to ensure a satisfactory appearance. A condition restricting the hours of operation for constructing the development is also attached to protect living conditions for neighbouring occupiers.

Conclusion

18. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Y. Wright

INSPECTOR