
Appeal Decision

Site visit made on 17 July 2017

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/G1630/W/17/3168814

Uphill Cottage, Churchdown Lane, Churchdown, Gloucestershire, GL3 2LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Robert Mann against Tewkesbury Borough Council.
 - The application Ref 16/01113/FUL, is dated 27 September 2016.
 - The development proposed is described on the application form as "demolish existing derelict 'corrugated zinc' garage; erect a detached outbuilding associated with 'bee-keeping' (ie for honey preparation and storage)".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I understand that the existing dwelling on the overall appeal site is now referred to as "Lakeside", whereas the barn which is undergoing conversion to a dwelling is to be known as "Lakeside Barn". I have therefore used these names for the 2 residential properties in this decision.

Main issues

3. The appeal site lies within the Green Belt. In these circumstances, and in accordance with both national and local planning guidance, the first step in assessing this proposal is to consider whether or not it would represent inappropriate development in the Green Belt. The main issues are therefore:
 - i. Whether the proposed building would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies;
 - ii. The effect on the openness of the Green Belt;
 - iii. The effect on the character and appearance of the surrounding area; and
 - iv. Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, amounting to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal amounts to inappropriate development

4. The appeal proposal seeks to demolish a pitched-roof building described as a derelict corrugated zinc timber-framed garage, with a footprint of some 4.6m by 4.3m, and erect a larger building having a footprint of about 7.2m by 5.4m. This

building would be sited in a different location to the building to be demolished, and would be constructed of concrete blocks clad with timber boarding, under a pitched, tiled roof, to match the ongoing barn conversion. The appellant indicates that it would be used for honey preparation and storage in association with a bee-keeping activity which he states has been established at the property for the past 2 years.

5. Current national guidance relating to development in the Green Belt is contained in the Framework, with paragraph 87 making it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. Paragraph 89 goes on to explain that the construction of new buildings should be regarded as inappropriate in the Green Belt, with just a few exceptions.
6. These include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and buildings for agriculture and forestry. Saved Tewkesbury Borough Local Plan (TBLP) Policy GRB1 is broadly consistent with this national guidance, as is the emerging Policy SD6, from the Council's Joint Core Strategy Main Modifications document of February 2017.
7. I have noted the appellant's contention that the proposed development would comply with these national and local requirements, arguing that it would not result in disproportionate additions over and above the size of the original dwelling. However, like the Council, I do not share that view. The only original dwelling on the appeal site is Lakeside, and the Council has indicated that the footprint of this dwelling has already been increased by some 61% above its original size by a planning permission granted in 2014 for extensions and alterations. Even if the proposed building could be regarded as an extension to Lakeside, this further addition in footprint would, in my assessment, amount to a disproportionate increase, notwithstanding the fact that the existing garage would be demolished.
8. Moreover, sited some 8m away from the barn undergoing conversion, I am not persuaded that the proposed building could reasonably be seen as an extension to that prospective dwelling. But even if it could, and even though I have not been provided with dimensions of the barn, my assessment of the submitted plans leads me to conclude that the proposed building could not be seen as representing anything but a disproportionate increase in size.
9. Although the proposed building could, in some regards, be seen as a replacement for the garage to be demolished, it is clear that it is intended to serve a different purpose to this existing garage and would be sited in a different location. Furthermore, the footprint of the proposed building would be almost twice that of the garage, such that it would not comply with the Framework requirement of not being materially larger than the building to be replaced. Finally, there is no suggestion that the proposed building is required for agricultural purposes.
10. In view of all the above points, I conclude that the proposal would be at odds with the aforementioned guidance in the Framework, and with the adopted and emerging development plan policies to which I have already referred. It would therefore constitute inappropriate development in the Green Belt. With this in mind, it is now necessary to see whether any other harm would be caused, and to establish whether any very special circumstances exist.

The effect on the openness of the Green Belt

11. Paragraph 79 of the Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and that the essential characteristics of Green Belts are their openness and their permanence. Under the appeal proposal the new building would be sited to the north of the barn conversion and to the east of a timber fence and blockwork retaining wall, which currently serve to provide some separation between the grassed area associated with Lakeside, and Lakeside Barn and its surroundings.
12. As such the proposed building would be shielded to some extent, although the removal of the existing garage means that some views of parts of the new building would be obtained from the public footpath which runs alongside the shared driveway serving Lakeside and Lakeside Barn.
13. I acknowledge that in these circumstances the proposed building would not be overly visually intrusive. It would, however, be materially larger than the existing garage and because of this, unlike the Council, I consider that the appeal proposal would result in some loss of openness, albeit of a relatively modest scale. Nevertheless, a reduction in openness would be at odds with the thrust of both national and local Green Belt policy, as already discussed above, and this has to weigh against the appeal proposal.

The effect on the character and appearance of the surrounding area

14. As well as lying within the Green Belt, the appeal site also sits within a Special Landscape Area as designated in the TBLP, and therefore needs to be assessed against saved TBLP Policy LND2. Amongst other matters this policy requires new development to not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology; or detract from the quiet enjoyment of the countryside. These requirements reflect the general thrust of section 11 of the Framework, which deals with conserving and enhancing the natural environment, and I therefore give this policy weight in this case.
15. That said, I am satisfied that the proposal would not materially conflict with these requirements, and I therefore conclude that the proposed development would not have an adverse impact on the character and appearance of the surrounding area.

Other considerations

16. I have noted the appellant's comment that honey bees are his hobby and the pollinators of his trees, and that he has spent several thousands of pounds on equipment needed to support the bee apiary. He also states that he has a need for somewhere to store the equipment, including spare hives and clothing, and I understand that this equipment is currently being stored on site in a redundant furniture lorry. However, whilst I noted the presence of the furniture lorry at my site visit, I did not see any significant evidence of current beekeeping activity.
17. The appellant has stressed the importance of bees as pollinators of crops and other plants, and I have had regard to the various pieces of literature from the British Beekeepers Association and other groups, which the appellant has submitted to support this proposal. However, whilst bees are undeniably important from an ecological perspective, the submitted information does not provide any direct or specific support for a building of the size and type currently proposed. I therefore give these matters only very limited weight in my consideration of this appeal.

18. I have also noted the appellant's reference to a proposal for a replacement garage which was permitted by the Council at the neighbouring property Uphill House, in 2014. However, I see no great similarity between that proposal and the current case. As well as being a simple revision to an already approved replacement garage, this Uphill House proposal amounted to a 21% increase over and above the floor area of the original dwelling and detached garage – well below the increase already approved at Lakeside. Furthermore, I note that the Council considered that this replacement garage would not amount to inappropriate development in the Green Belt, and would not give rise to any other harm. I see no reason to dispute the Council's findings in this regard, and because of the significant differences between that case and the appeal proposal, I am not persuaded that this matter provides any support to the appellant's case.
19. Finally, I have noted that there was very little meaningful communication between the appellant and the Council during the progress of this application. But notwithstanding this matter, I have considered this proposal on its own merits, in the light of the submitted evidence and my observations on site.

Whether very special circumstances exist to justify the proposal

20. The Framework makes it clear 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. In this case I have concluded that the proposal would constitute inappropriate development, harmful to the Green Belt, and in accordance with paragraph 88 of the Framework I give this matter substantial weight. In addition, I attach modest weight to the slight loss of openness. The fact that I have found no harm to the character and appearance of the surrounding area is a neutral factor which weighs neither for nor against the appeal proposal.
21. With regard to the other considerations put forward by the appellant, I am not persuaded that they amount to anything significant to counterbalance the harm detailed above. Of the matters raised, I can only give very limited weight to the prospective improvements to the appellant's beekeeping enterprise, as no firm justification has been given for a building of this size and type, at this location.
22. On the basis of this balance it is my assessment that any benefits which would arise from the proposed development would not be sufficient to clearly outweigh the Green Belt harm I have identified. Accordingly, I conclude that very special circumstances have not been demonstrated in this case.

Conclusion

23. In light of all the matters set out above, and as I have found there to be no very special circumstances, my overall conclusion is that this appeal should be dismissed. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR