
Appeal Decision

Site visit made on 4 October 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 6th December 2017

Appeal Ref: APP/N0410/W/17/3179097

Baytree Cottage, Sutton Lane, Slough, SL3 8AH

- 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 R Pannu against the decision of South Bucks District Council.
 - The application Ref 17/00651/FUL, dated 4 April 2017, was refused by notice dated 23 June 2017.
 - The development proposed is the conversion of the existing dwelling and implemented extensions to 4 self-contained flats incorporating off-street parking and associated landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the effect on the openness of the Green Belt and the purposes for including land in the Green Belt;
 - The effect of the proposed parking arrangement on highway safety, and;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

3. Baytree Cottage is a detached dwelling. At the time of my site visit the property was unoccupied and works had started on extending it. The property is located on a wide and busy section of highway close to a large roundabout and the surrounding area includes both residential and industrial uses.
4. The National Planning Policy Framework (the Framework) paragraph 90 sets out that certain forms of development are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of these is the re-use of buildings provided that the buildings are of permanent and substantial construction. Policy GB2 of the South Bucks District Local Plan (1999) (LP) similarly states

that the re-use of buildings in the Green Belt will only be permitted where the proposed use does not detract from the open and undeveloped character of the Green Belt.

5. The proposed development before me takes into account the extensions currently underway at the property which have planning permission or have been deemed to be lawful. Therefore the proposed change of use would result in no impact on openness in terms of additional built form. Nevertheless, the effect of a development on openness is not confined solely to permanent physical works.
6. The proposal is for 4x one bedroom flats as per the application form. However, flats 1 and 2 include good sized studies which could be used as second bedrooms. Therefore, in my opinion, it is 2x two bedroom flats and 2x one bedroom flats which are, in fact, proposed. On this basis the Council's parking standards indicate six parking spaces would be required and on the evidence before me I find no reason to disagree. Although the existing dwelling had around four parking spaces, in my experience, up to three cars are normally associated with a four bedroom house. Given the size and number of flats proposed, however, I am in no doubt six parking spaces would be required. The proposed change of use would therefore materially increase the number of cars parked permanently at the appeal site.
7. I note the appellant's suggestion that future occupants could be made aware that the studies were not to be used as bedrooms but there would be no control over this and internal layouts may be changed without the need for planning approval. Furthermore I consider a condition to this effect would be unreasonable given the space for a second bedroom would be there.
8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In light of my findings above the proposal, due to an increased presence of vehicles on a permanent basis at the appeal site, would reduce the openness of the Green Belt. The use of cellular grass filled paving would not mitigate this. As a result, the re-use of the existing building would constitute inappropriate development in the Green Belt.
9. In coming to the above conclusion I have considered the effect of the development on openness in terms of increased human activity in the rear gardens for the flats and the presence of paraphernalia associated with this. The use of the garden for a single dwelling would attract a degree of human activity and associated paraphernalia. Whilst more people would be living in the property as a result of its change of use, flats in general, by reason of the reduced ability of their occupants to directly access garden areas (e.g. the first floor flats) reduces both of these effects. I therefore find little material harm in this respect. This does not, however, outweigh my findings above.

Highway safety

10. Four parking spaces are proposed to serve the flats. However, this would not meet the Council's parking standard of six parking spaces, which would be necessary having regard to the size of accommodation proposed and the busy highway conditions surrounding the appeal site which would make any on-street parking, as a consequence of inadequate parking provision, harmful to highway safety.

11. From the plans before me six parking spaces could be accommodated to the front of the property, albeit at the expense of landscaping and this could be secured by way of a suitable condition. On the evidence before me I therefore find no harm to highway safety as a result of the proposal and no conflict with Policy TR7 of the LP which requires compliance with the Council's parking standards

Other considerations

12. The proposal would provide an additional three housing units which would contribute towards local housing supply. The house is currently a redundant building which would be brought back into use by the proposal and is supported by a landscaping scheme. As a result improvements would be made visually to both the building and its setting. A partly constructed outbuilding has been removed which would lessen the impact of the development. The proposed flats would not benefit from permitted development rights.

Conclusion

13. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. Inappropriate development is by definition harmful to the Green Belt and substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
14. I attach modest weight to the small contribution the proposal would make to housing supply. Any improvements visually to the property could be made without resulting in harm to openness. Furthermore the required parking would reduce the amount of landscaping proposed to the front of the property. Therefore I afford these matters minimal weight. I do not have full details before me with respect to the removed outbuilding referred to by the appellant which limits the weight I can attach to this. Finally, that the proposed flats would not benefit from permitted development rights also carries only minimal weight given the extent of works already permitted at the property.
15. With the above points in mind I find that the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations such that very special circumstances have been demonstrated.
16. The Council raise concern over the lawfulness of the developments currently under construction at the appeal site but this is not a matter which is before me and, in any event, it is not necessary for me to come to a definitive conclusion on this as it could not change the outcome of this appeal.
17. The appeal is dismissed.

Hayley Butcher

INSPECTOR