
Appeal Decision

Site visit made on 14 November 2017

by Katie McDonald MSc MRTPI

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

Decision date: 6 December 2017

Appeal Ref: APP/A0665/W/17/3180854

Land adjacent to The Rookery, Gordon Lane, Backford, Chester

- 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 John Flood against the decision of Cheshire West & Chester Council.
 - The application Ref 17/02130/FUL, dated 9 May 2017, was refused by notice dated 21 July 2017.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt. Accordingly, the main issues are:
 - i) 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.
 - ii) The effect on the openness of the Green Belt.
 - iii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development within the Green Belt

3. The proposal is for a detached garage located to the front of a new dwelling under construction on Gordon Lane. The Framework details that the construction of new buildings is inappropriate in Green Belt. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (January 2015) (LP) sets out that in settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the Framework.

4. The appellant suggests that the proposal falls under the exceptions set out in Paragraph 89 of the Framework, being limited infilling or the partial or complete redevelopment of previously developed sites.
5. Planning permission was granted in 2015 for the demolition of an existing dwelling and barn and construction of a replacement dwelling¹, under the exception that it was a replacement building not materially larger than the one it replaced. I find that this is a significant material consideration.
6. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Given the history of the site, it is not disputed by either party that the land is previously developed.
7. The proposal is for a substantially sized garage, being around 6m deep, about 11.6m wide and approximately 3.7m to the ridge. There is no development immediately to the west or north of the appeal site. Whilst the proposal would be located near to the neighbouring outbuilding, to my mind, it cannot be considered as limited infilling, because the proposal would not fill a gap.
8. Furthermore, I have limited information regarding the previous buildings or nature of the site prior to the construction of the dwelling. However, based on the evidence before me, the replacement dwelling under construction was considered to be at the upper limit of 'not materially larger' than the cumulative mass of former development on site.
9. Therefore, given the sheer scale of the garage, its prominent location to the front, and the new dwelling being considered to be as large as it could have been to have not been inappropriate development; it is very likely that the proposal would have a greater impact on the openness of the Green Belt than the previously developed site.
10. Moreover, with the exception of some hardstanding, and notwithstanding its location within the curtilage of a previously developed site; there is no physical development in the location of the garage. Therefore, in its purest terms, the proposal would clearly have a greater impact on the openness of the Green Belt than the existing development.
11. Consequently, the proposal would be inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have given substantial weight to the harm arising from the inappropriate nature of development.

Openness of the Green Belt

12. The Framework states that an essential characteristic of Green Belts is their openness. The proposal is a substantially sized quadruple garage, located to the front of the new dwelling. It would be sited in a prominent location, and its scale, height, bulk and massing would have a harmful effect upon openness. I attach substantial weight to this harm arising to openness.

¹ 15/04505/FUL, approved 16 December 2015

Other considerations

13. The appellant argues that the garage would cater for specific needs of the family group in this dwelling, by supporting their rural existence. Whilst I appreciate that a garage would provide additional space, I do not consider that it would be necessary to support the family's rural existence and little weight can be given to this matter.
14. It is contented that the size of the new dwelling does not provide sufficient space for household storage, for example, toys and play equipment, nor gardening equipment. This may be a concern for the prospective occupants; however, I have been presented with little substantive evidence in this regard, and my observations of the new dwelling on the site visit were that it was fairly large. Therefore, little weight is given to this matter.
15. The appellant details that the construction of one large building is preferable over a succession of small containers, none of which would constitute development, scattered across the property. I have little evidence as to whether planning permission for a number of small containers would or would not be required, nor that there is a reasonable likelihood that they would be erected, and I can only attach very little weight to this matter.
16. It is argued that there is a need to store numerous vehicles securely and undercover in the garage. I have been presented with little evidence that the area poses a security threat for vehicles, and I am confident that other methods of security could be utilised that would not be inappropriate or affect openness. Moreover, a garage to protect a car from the elements is not a necessity. Therefore, these matters attract very little weight.
17. Is it the Council's acceptance that the proposal would not harm the character and appearance of the area, and the appellant's suggestion that its location to the rear would represent a lesser encroachment into the countryside. Such matters do not equate to the necessary visual and spatial assessment for considering openness nor do they add weight in favour of the proposal.

Conclusion and Green Belt balancing exercise

18. Having considered all matters raised in support of the proposal, they collectively do not clearly outweigh the totality of harm arising from inappropriateness and the harm to the openness of the Green Belt.
19. Consequently, very special circumstances do not exist and the proposal is contrary to the guidance in the Framework and Policy STRAT 9 of the LP.
20. For the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR