The Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2019

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/H1840/D/19/3225578
Heanor, Worcester Road, Wychbold WR9 0DF

- 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 Stuart Cross against the decision of Wychavon District Council.
- The application Ref 19/00158/HP, dated 21 January 2019, was refused by notice dated 22 March 2019.
- The development proposed is a single storey lounge extension at the rear of the existing house (PD rights) and a detached garage to the front of the property abutting the Worcester Road.

Decision

1. The appeal is dismissed.

Main Issues

2. The Council raised no concern for the single storey rear extension proposed. The matter in dispute relates to the proposed garage. There is nothing in the evidence before me to suggest that I should take a different view. On this basis my decision is concerned with the garage only and the main issues are:

   (i) whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt;

   (ii) the effect of the proposed development on the character and appearance of the area; and,

   (iii) if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development and openness

3. National policy on development in the Green Belt is set out in the National Planning Policy Framework (the Framework) which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. Most new development should be

regarded as inappropriate, but for certain defined exceptions. Policy SWDP2(E) requires the approach in the Framework to be applied to all new development in the Green Belt.

4. The garage proposed would be in the front garden of Heanor, a residential property. The Council maintains that this would be inappropriate development in the Green Belt.

5. The garage would occupy an open area of land within the front garden of Heanor. This would result in a quantum of development which would have a greater effect on openness than the existing site.

6. Paragraph 145 of the Framework lists a number of exceptions to development in the Green Belt, the extension or alteration of a building being one. The appellant provides evidence of the Council considering development within five metres of a dwelling house to be an extension. The appellant also points to case law which confirms this although I have no details of these cases to comment further. Nonetheless, the garage would not be within five metres of the host property and therefore even if I was to agree with the Council's definition of an extension, the development could not be regarded as such. The development would not, therefore, be an extension of a building and so would not meet exception c) of paragraph 145 of the Framework.

7. Together with the development not being one of the other exceptions listed in paragraph 145 or 146 of the Framework, and having found harm to openness, the development would be inappropriate development, contrary to the Framework and policy SWDP2(E) of the Local Plan[1]. By definition, the proposal would be harmful to the Green Belt and in accordance with the Framework, should not be approved except in very special circumstances. I attribute substantial weight to this harm as required by paragraph 144 of the Framework.

Character and appearance

8. The appeal site is within a row of properties fronting Worcester Road. The frontages are generously sized, providing space for a front garden, driveway and in some instances a garage. At several properties along Worcester Road and within the vicinity of the site, there are single storey garages within front gardens and in proximity of the pavement. Except for one garage, the roofs are pitched and in some cases are partly screened by soft landscaping.

9. The development would be partly screened by an existing hedge and would reflect the form and scale of existing garages along Worcester Road. The garage's prominent position close to the road would not be uncommon of garages within the area. I agree with the Council that the garage would be highly visible and in a prominent location but given the context of existing garages, this would not cause harm to the character and appearance of the surrounding area.

10. As such, the development would not be harmful to the character and appearance of the area and would not conflict with policy SWDP21 of the Local Plan which, amongst other things, seeks development that integrates effectively with its surroundings.

[1] South Worcestershire Development Plan. Adopted February 2016.

Other considerations

11. The appellant has not demonstrated that a garage could be constructed within five metres of the dwelling house. The appellant suggests that it would not be practical to do so and would have an adverse effect on the character and appearance of the area. Altogether, therefore, there is not a greater than theoretical possibility that a garage within five metres of the dwelling house might take place. As such I find no fallback position in respect of an extension of a building that weighs in favour of the appeal.

12. Site constraints may mean that the garage can only reasonably be built in the position proposed. This is not a reason to justify a development that would otherwise cause harm. As the Council suggests, sites can often not accommodate the form of development being sought. This matter carries little weight.

13. I have evidence of other garages in the street which are not dissimilar in layout, form and scale to that proposed. Notwithstanding the probability that the sites were in the Green Belt when the garages materialised, the details before me do not verify how these garages came to be. The garage I have most information on relates to Gramercy which was granted permission prior to the current Framework and therefore was not decided within the same policy context as the current proposal. I find nothing specific or substantive before me relating to these permissions, therefore, which compares closely with the appeal proposal for me to find that a precedent has been set in favour of the appeal. This matter carries limited weight.

14. The development would not have a harmful effect on the character and appearance of the area and as a result would comply with the development plan. This is neutral in the planning balance.

15. The appellant maintains that the development would have the same effect on openness whether it is in the position proposed or closer to Heanor. This is not a consideration that weighs favourably against the harm found and therefore carries no weight.

Very special circumstances

16. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.

17. I have concluded that the development would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. Substantial weight must be given to this harm. I have also concluded that the development would not be harmful to the character and appearance of the area. This is neutral in the balance.

18. The 'other considerations' identified carry limited weight in favour of the proposal and do not clearly outweigh the harm identified to include the substantial weight that I give to the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. For the reasons given above, the overall conclusion is that the appeal is dismissed.

R Walmsley

INSPECTOR