
Appeal Decision

Site visit made on 13 August 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/A1910/D/19/3229440

Barnes Croft, Barnes Lane, Kings Langley WD4 9LB

- 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 and Mrs Bradley Neal against the decision of Dacorum Borough Council.
 - The application Ref 4/03177/18/FHA, dated 17 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is alterations to and retention of detached garage block.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development 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

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at para 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, is listed as one of the exceptions.
4. The proposed garage would be located in close proximity to the existing dwelling at the site and, as a domestic garage, would be a normal domestic adjunct of that dwelling. As a consequence, I consider it to be an extension to the building for the purposes of the exceptions in the Framework.

5. The Council highlight that the existing dwelling has been the subject of previous extensions, however there is some disagreement between the Council and the appellant regarding the exact level of increase. Using figures provided by the appellant, the original dwelling that occupied the site had a floor area of 109.8 square metres (sqm). In 2013 planning permission was granted for extensions and alterations to the dwelling which increased the floor area of the dwelling by 106.9 sqm. The proposed garage would add a further 34.5 sqm. Even if the floor area of a previous garage at the site was not included when considering the previously permitted increase, the addition of the garage now proposed, when considered in light of the already permitted extensions, would result in a disproportionate addition, over and above the original dwelling.
6. Also listed as an exception in paragraph 145 is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. I note there is reference to the garage now proposed replacing that which formerly existed at the site. However, it is clear from the evidence before me that the former garage was demolished some time ago. As such, this building is no longer existing and, as a consequence, the garage now proposed cannot be considered as a replacement for it. At the time of my site visit, there was also a garage at the site, however I note that this is to be removed in accordance with the requirements of an upheld enforcement notice. Consequently, neither can the proposal be considered a replacement for the existing unauthorised structure.
7. Thus, in not complying with the exceptions as outlined by para 145 of the Framework, the scheme would comprise inappropriate development in the Green Belt, which paragraph 143 states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

8. The Framework, at paragraph 133, indicates that openness and permanence are the essential characteristics of the Green Belt. The scheme would result in the addition of a detached garage. Whilst the scheme is not, when considered in isolation, a vast building, it would nevertheless result in an increased quantum of built development at the site. Consequently, the scheme would not preserve, and there would be a small loss of, the openness of the Green Belt.

Other considerations

9. I note that there is reference to the services to the property (electricity and water supplies) being accommodated within the proposed garage. However, it has not been demonstrated that the proposed scheme is the only way of providing a location for these services. Similarly, in respect of the need to store items utilised in connection with the appellants business and other garden items, whilst I note that the appellant contends a need for this, I am not convinced that the appeal scheme is the only option available to address these issues. As such, these matters have little weight in my consideration.
10. Additionally, I note the comments made in respect of the health of the appellants daughter, in particular the need for storage space for mobility equipment and space for the drying of linen. I acknowledge the need for a secure, accessible and convenient space, close to the dwelling, in order to fulfil these requirements and accordingly I consider this matter attracts moderate weight in favour of the proposal.

Other Matters

11. The development has been amended from the previous scheme that was considered at appeal, in that the flat roof has been altered to a pitched roof and the separation between the garage and the dwelling has been increased. The appellant contends that the previous Inspectors concerns have therefore been addressed. This does not however outweigh the fundamental concerns in respect of the proposal before me, being inappropriate development in the Green Belt, as I have outlined above.
12. The Council raises no objection in respect of the visual impact of the garage and I see no reason to find differently. This however is a neutral consideration and does not weigh in favour of allowing the appeal.

Conclusion

13. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have had regard to the other considerations above, to which I have attributed weight. However, these, individually or when considered together, are not sufficient to outweigh the substantial weight that must be given to the harm to the Green Belt, by reason of the proposal being inappropriate development. Thus, these other considerations are not sufficient to amount to the very special circumstances necessary to justify the development. Accordingly, the proposal would conflict with Policy CS5 of the Dacorum Borough Council Core Strategy (2013), which sets out that the Council will apply national Green Belt policy. The scheme would also conflict with the provisions of the Framework.
14. Therefore, for the reasons given and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR