



Appeal Decision

Site visit made on 16 September 2019 by S Watson BA (Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/P1805/D/19/3233346

Galtons, Hartle Lane, Belbroughton DY9 9TR

- 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 Mark Beard against the decision of Bromsgrove District Council.
 - The application Ref 18/01549/FUL, dated 12 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is a detached garage/store, porch and stables.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of development in the heading above has been taken from the application form. However, in Part E of the appeal form it is stated that the description of development has been changed, and agreed by Bromsgrove District Council, to "detached garage/store and porch". As the proposal was amended during the planning application process, and as the Council dealt with the proposal on this basis, so shall I.
4. While the appellant's statement of case refers to the appeal being only for the porch extension, I can only consider the appeal before me, which includes the erection of the garage/store.

Main Issues

5. The appeal site is located within the West Midlands Green Belt. Accordingly, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt; and

- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

6. Paragraph 143 of the Framework establishes that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and 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.
7. Subject to a number of exceptions, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions are set out in Paragraph 145 of the Framework and 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'. There is no exception within the Framework for the erection of ancillary buildings connected with a residential use.
8. Policy BDP4 of the Bromsgrove District Plan (BDP), broadly conforms with the Framework in this regard, setting out the size of extension which would not be considered to be inappropriate in the Green Belt. The supporting text to the policy states that new curtilage buildings located more than 5 metres from the dwelling house will normally be treated as inappropriate development.
9. The new garage/store would be detached and located some distance from the host property. This aspect of the proposal would not fall within any of the exceptions set out within either the Framework or Policy BDP4 of the BDP. Accordingly, it would comprise inappropriate development in the Green Belt.
10. The new porch would be attached to the house. Whilst this addition would be relatively small in scale, the Council has calculated that it would increase the size of the original dwelling by over 40% and over 140 square metres when taken with other extensions to the property. The proposal, along with existing extensions would therefore exceed the size limitations for extensions set out within the supporting text to Policy BDP4 of the BDP. This is not contested by the appellant.
11. Having regard to the above, I conclude that the proposal, taken with other extensions to the property would result in disproportionate additions over and above the size of the original dwelling. The extension would not accord with Paragraph 145(c) of the Framework or Policy BDP4 of the BDP and would therefore represent inappropriate development within the Green Belt.

Openness

12. Paragraph 133 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a

result, but equally this does not mean that the openness of the Green Belt has no visual dimension.

13. In this instance the effect of the cumulative increased size of the host dwelling and the garage/store would clearly be experienced both visually and spatially, although due to the size and siting of the extension and garage this impact would be localised and limited. However, in this respect even a limited adverse effect on openness would contribute to the overall harm to the Green Belt.
14. For this reason, the proposed development would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries substantial weight.

Other Considerations

15. I note the appellant's desire to provide a utility room to provide additional facilities to accommodate the needs of a relative and to provide additional space generally. I note also that the garage/store would provide secure storage for machinery, vehicles and tools. Whilst I have no doubt that the additional accommodation would be of benefit to the appellant and his family, it is likely that the development is permanent and would remain long after the current personal circumstances cease to exist. I am only able to attach moderate weight to these matters as a result.
16. It has been suggested that the proposed extension would maintain the character and appearance of the host dwelling, while an extension carried out under permitted development would not. I acknowledge that a certificate of lawfulness was granted by the Council for the erection of a porch and a detached outbuilding. However, although it appears that works to the outbuilding are nearing completion, I have not been provided with detailed drawings of the porch and I am not able to assess the impact of such development against the proposal before me. As such this matter carries only limited weight in my overall consideration.

Green Belt Conclusion

17. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most, moderate weight has been given to the considerations cited in support of the proposal. I conclude that taken together, they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with the Green Belt aims of Policy BDP4 of the BDP and the Framework.

Other Matters

18. I note that there is a Grade II listed waterwheel to the north of the appeal site. Having regard to my statutory duty, I am satisfied that the porch and outbuilding would have a neutral effect upon its setting due to the distance and visual relationship between the proposals and the water wheel. I therefore find that harm to the significance of the heritage asset would not occur.

Recommendation

19. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR