



Appeal Decision

Site visit made on 7 October 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/B3030/D/19/3234847

West Lodge Farm, Gonalston Lane, Hoveringham Nottingham NG14 7JH

- 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 Andrew Cresswell against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00590/FUL, dated 22 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is the construction of a new garden room building incorporating a garden store.
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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.

Main Issues

3. The appeal site is within the Green Belt and within a Conservation Area. As such the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposal would preserve or enhance the character or appearance of the Hoveringham Conservation Area; and
 - if the proposal would be 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 it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

4. The appeal property is a converted barn with a detached garage. The proposed development is the erection of a detached outbuilding, consisting of a garden
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room, a shed and a veranda, on an existing hardstanding within the garden area to the north of the plot.

5. Spatial Policy 4B of the Amended Core Strategy 2019 (ACS) sets out where new housing development could be acceptable and states that any other development within the Green Belt that is not identified in the policy, such as the proposal before me, shall be judged according to national Green Belt policy.
6. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances set out in paragraphs 145 and 146. There is no exception specifically relating to domestic outbuildings.
7. The Council's assessment of the proposal appears to relate to whether or not it would constitute a disproportionate addition to the dwelling, which is an exception set out in paragraph 145c. However, the outbuilding would be physically separate from the house, located on garden land to the northwest of the barn complex which is fenced off. Given the distance between the house and the proposed outbuilding, and the fact that it would be accessed across a courtyard shared by a neighbouring property, it would not reasonably constitute an 'extension to a building'. As such the outbuilding should be regarded as a new curtilage building.
8. Therefore, whilst I note that the original building has already been extended to a substantial degree, the proposal would not fall within any category set out in paragraph 145 or 146. It would therefore constitute inappropriate development in the Green Belt.

Openness

9. Openness is an essential characteristic of the Green Belt, which has both a visual and spatial dimension. The proposed outbuilding would be a three-dimensional structure and would be situated in area of the garden that is free of built development. Whilst I acknowledge that the building is of a limited size, in terms of its spatial impact the proposal would harm the openness of the Green Belt.
10. In visual terms, the outbuilding would be separated from the main house, with open countryside beyond, and would be partially visible from the street. The Council notes that the outbuilding would be visible from the countryside around the site and it would be clearly visible from the neighbouring property. Whilst the outbuilding would be positioned close to the existing garage block, it would result in a reduction in the visual openness of the Green Belt. Given the relatively small scale of the building, the proposal would cause limited harm to the openness of the Green Belt taken as a whole, in addition to the harm by reason of its inappropriateness.

Conservation Area

11. S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In this case, the Council has raised no substantive objection to the proposal in terms of its impact on this heritage asset although it suggested that the building be re-orientated to respect the linear form of adjacent development.

12. The outbuilding would have a simple functional design and limited size. Whilst it would introduce an element of domestic clutter onto what is currently an open area of land, the land already has a domestic use. Sited adjacent to the existing garage, rather than immediately adjacent to the dwellings which have retained their agricultural character, the proposal would preserve the character of the area. Accordingly, it would meet the requirements of section 72 (1).

Other Considerations

13. The appellant considers that the proposed outbuilding would accord with the requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in terms of size. This matter, including whether the garden is within the curtilage of the dwelling, is not for me to determine in the context of a s78 appeal although I acknowledge that it is possible in certain circumstances for outbuildings to be constructed within the Green Belt without the need for planning permission. However, due to its location within a Conservation Area, and by virtue the Council's advice that permitted development rights for the construction of outbuildings were removed by condition when the barn was converted, the proposed outbuilding cannot be constructed without planning permission. Accordingly, no fall-back position exists in this case. This matter therefore carries little weight in support of the scheme.
14. Part of the area of the proposed outbuilding was formerly occupied by a shed. An aerial photograph has been submitted which shows the previous shed, although no other details have been submitted that show the height or massing of the structure. The proposed outbuilding would appear to have a footprint that is considerably larger than the previous shed, and the appellant's statement refers to "the creation of a larger garden building". However, the Council asserts that the shed constituted unlawful development as planning permission had not been sought nor granted. I have no evidence before me to contest that view. Moreover, given the shed no longer exists it can carry no weight in support of the proposal.

Planning Balance and Conclusion

15. The proposal constitutes inappropriate development in the Green Belt. In addition, the proposal would cause harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
16. The Framework states that development should not be approved unless the harm to the Green Belt is clearly outweighed by other considerations. Little weight is attached to the other considerations that are raised by the appellant, and subsequently they do not clearly outweigh the totality of the harm I have identified, harm which carries substantial weight. Consequently, very special circumstances do not exist.
17. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR