



Appeal Decision

Site visit made on 28 October 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/B1740/D/19/3235318

The Old Dairy, Barnes Lane, Milford-on-Sea SO41 0RR

- 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 Hill against the decision of New Forest District Council.
 - The application Ref 19/10710, dated 23 May 2019, was refused by notice dated 12 August 2019.
 - The development proposed is detached timber car port.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 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;
 - the effect of the proposal on the openness of the Green Belt, including its effect upon the character and appearance of the area; and
 - if there is harm by reason of inappropriateness, and any other harm, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The Old Dairy is a semi-detached dwelling in a rural setting off Barnes Lane, adjoining April House and in close proximity of Barnes Farm Cottage and Barnes Farm Business Park. The appeal dwelling itself is a pitched roof dwelling with rooms in the roof evident from its numerous rooflights. It has a garden to the front and separate parking area adjoining the road, both of which are enclosed by a combination of block and timber boundaries.
4. The Framework establishes that the construction of new buildings in Green Belts is inappropriate subject to a number of exceptions. The term 'building' refers to any structure or erection¹. A number of exceptions are set out in Paragraph 145 of the Framework. A car port does not constitute the extension of an existing building and is not listed as one such exception. As such, pursuant to the Framework, the proposal would be inappropriate

¹ Section 336 of the 1990 Act

development in the Green Belt. Policy CS10 of the Core Strategy² pre-dates the latest Framework and makes no references to inappropriate development nor the exceptions. However, it does not contradict the Framework in its desire to maintain the Green Belt and prevent urban sprawl. Its approach is therefore broadly consistent with it.

5. For the reasons given, I conclude that the proposal represents inappropriate development within the Green Belt. It therefore conflicts with Policy CS10 of the Core Strategy and the Framework.

Openness, character and appearance

6. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. Whilst there is an existing boundary wall surrounding the frontage of the property, it is apparent above it that the low lying dwelling is set back from the road. Neighbouring dwellings are also similarly set back from the road and there do not appear to be any detached outbuildings within the frontages. As such, the appeal site benefits from a sense of spaciousness and openness.
7. The appeal proposal would introduce a pitched roof car port over the roadside parking area which would be visible above the existing boundary walls. It would be situated in close proximity to the highway, thus undermining the sense of space between the frontage of the appeal dwelling and the road and combined with the high boundaries would make the space appear cramped. This would reduce the openness of the area, albeit to a modest degree.
8. Whilst the proposed position of the car port would relate functionally to the access and parking area, and, if considered in isolation its design would be unobjectionable, due to its siting, scale, massing and appearance, it would form a prominent and incongruous feature within the street scene.
9. For the reasons given, I conclude that the proposal would give rise to a modest loss of openness to the Green Belt and harm to the character and appearance of the area. It would therefore conflict with the Policies CS2 and CS10 of the Core Strategy. When read together, these seek to ensure that proposals do not harm the Green Belt and contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting.

Other considerations

10. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that 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.
11. The appellant has identified that proposals for modest ancillary buildings within the residential curtilage of a dwellinghouse are, in many circumstances, permitted development. Whilst this may be so, due to its position in front of the principal elevation of the dwelling, the proposal would not be permitted development. Therefore, this factor has limited weight and does not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by

²New Forest District Council – Core Strategy – New Forest District Outside the National Park (Adopted Oct 2009)

reason of inappropriateness and harm to openness, the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning balance and conclusion

12. For the reasons given above, the proposal would conflict with the development plan and the Framework when taken as a whole. Having considered all other relevant matters raised, I conclude that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR