The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/R1845/D/19/3237030
The Retreat, Lowe Lane, Wolverley, Worcestershire DY11 5QP

- 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 Christopher Page against the decision of Wyre Forest District Council.
- The application Ref: 19/0414/FULL, dated 24 June 2019, was refused by notice dated 7 August 2019.
- The development proposed is described on the application form as detached garage/store.

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. These are:

   1) Whether or not the proposal would be inappropriate development in the Green Belt;

   2) The effect on the openness of the Green Belt;

   3) The effect of the proposed development on the character and appearance of the host dwelling; and

   4) If the proposal amounts to inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

4. The National Planning Policy Framework (The Framework) states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. Paragraph 145 indicates that the construction of new buildings should be regarded as inappropriate in the

Green Belt subject to a number of exceptions. Paragraph 146 identifies other forms of development that would not be inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy SAL.UP1 of the Site Allocations and Policies Local Plan 2006 – 2026 (SAP) is a similar Green Belt exceptions policy.

5. The proposed development is for a detached outbuilding and as such does not sit within any of the exceptions set out in paragraph 145 or 146 of the NPPF. Under paragraph 145(c) extensions to buildings should not be considered as inappropriate provided that it does not result in disproportionate additions to the size of the original building. The Council note that, in certain circumstances, outbuildings can be considered as an extension as long as they are of an ancillary scale and located near to the dwelling. Whether that is the case will be a matter of fact and degree based on the circumstances of the case. However, in this case, the proposed building is sited a considerable distance from the existing building such that could not be considered as an extension. Moreover, unlike a purpose built dwelling where a garage could be considered as a normal domestic adjunct the property in question is itself a converted building with permission to be occupied for holiday let purposes. I am not satisfied that a garage is a natural 'extension' of a holiday let use in the same manner as a garage to an unrestricted residential property.

6. In any event, the existing building has been extended following a previous planning consent. It would be necessary to take into account the cumulative impact of that previous extension and the proposed new addition when considering whether the development would result in a disproportionate addition to the original building. Having regard to the small scale of the original structure, the size of the existing extension and the size of the proposed garage, I find that the proposal would amount to a disproportionate addition, if it was to be considered as an extension to the existing building.

7. Therefore, for all of those reasons, the proposal would constitute inappropriate development in the Green Belt, having regard to the Framework and policy SAL.UP1 of the SAP.

Openness

8. As identified at paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent sprawl and keep land permanently open. Caselaw has identified that the impact on openness can have a visual and spatial dimension.

9. The proposed outbuilding would be located away from the main holiday let dwelling between a row leylandii trees and hedgerows and would not be visible from the public domain. A house is located behind the proposed garage but is on a lower ground level and as such the garage would not be particularly visible from that house. Consequently, the proposed garage would have a very limited effect on the openness of the Green Belt from a visual aspect.

10. The land where the garage is proposed is presently undeveloped and free from permanent structures. Whilst there may have been a building on the site at one point in time, it has now been demolished. Therefore, the proposed development would introduce new built form into the Green Belt. The proposal would be a relatively small, single storey building and as such it would have a moderate effect on the spatial aspect of the Green Belt. Therefore, whilst the

impact would be limited the proposal would reduce the openness of the Green Belt, contrary to one of the fundamental objectives of Green Belt policy.

Character and appearance

11. The existing building is a relatively small, single storey brick built dwelling set within an open area of land with little development around it. The proposed garage would be a similar size to the host building and matching materials would be used in its construction and as such the two buildings would have a similar appearance. Whereas the current building appears as a modest structure in a rural setting, the proposal would result in two similar sized buildings disconnected from one another with neither appearing ancillary to the other. Whilst that would result in an awkward visual relationship the site is not visible from the public domain and the effect on the wider character and appearance of the area would be minimal.

12. Therefore, I am satisfied that the proposed development would be in broad compliance with the aims of policy SAL.UP7 of the Wyre Forest Site Allocations and Policies Local Plan 2006 - 2026 (2013) (SAP).

Other considerations

13. The appellant notes that a similar outbuilding was approved at a neighbouring property. Whilst I do not have the details of that application before me, I understand that the property had retained its permitted development rights and the garage in that case was 'permitted development'. In other words, it was not development that required planning permission. I note that The Retreat has had its permitted development rights removed, as is often the case in relation to converted properties, such that planning permission is required in this instance. Whilst there may be similarities between the proposed garage and the outbuilding at the neighbouring property, development that is 'permitted development' is not assessed against the policies of the development plan or the Framework in respect of Green Belt policy. The proposal before me was for a full planning application and as such must be assessed in relation to those national and local policies, including its effect upon the openness of the Green Belt.

14. Policy SAL.UP11 of the SAP requires converted buildings to be able to function without the need for additional buildings within the curtilage. The policy relates to the re-use and adaptation of a building, whilst the proposal before me is for a detached garage/store. This property was granted planning permission to convert to a holiday let in around 2008 and this policy was adopted in 2013. Therefore, it would be unreasonable to retrospectively apply this policy to a building that was granted planning permission and converted before this policy was adopted. Consequently, I do not consider the policy is relevant to the determination of this appeal.

15. It is accepted that the host dwelling is relatively small and that there is likely to be a need to store equipment associated with the maintenance of the associated land, and that there is limited space within the dwelling to store it. The provision of additional storage space would be a benefit of the proposed development and that is a matter that attracts some weight in favour of the development, albeit that many properties function without a detached outbuilding.

Conclusion and Recommendation

16. Paragraph 143 of the Framework identifies that substantial weight must be given to any harm to the Green Belt. The proposed development would cause harm to the Green Belt by reason of inappropriateness and would result in a small reduction in the of openness of the Green Belt, which would conflict with one of the key purposes of designating land within the Green Belt and the relevant policies of the development plan. I attach substantial weight to those matters.

17. Whilst I have found no harm to the character and appearance of the area that would be an expectation of any development and does not amount to a positive effect in favour of the proposal. On the other side, the existing dwelling is relatively small and there is a need to store equipment associated with the maintenance of the land around the dwelling. To this factor I attach limited weight.

18. The advanced considerations in support of the appeal do not, on balance, clearly outweigh the harm to the Green Belt that I have identified and the very special circumstances necessary to justify the development do not exist.

19. Having regard to the above, the identified conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR