



Appeal Decision

Site visit made on 20 January 2020

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2020

Appeal Ref: APP/N0410/C/19/3233662

Hawthorns, Bath Road, Taplow MAIDENHEAD SL6 0AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr A Satter, Hopewell Housing Ltd against an enforcement notice issued by South Bucks District Council.
- The enforcement notice, numbered EN/19/0127, was issued on 12 June 2019.
- The breach of planning control as alleged in the notice is the erection of a single storey rear extension to the main building on the Land, known as Hawthorns, with incorporated glazed awning, in the approximate location shown hatched in black on the Plan ("the Unauthorised Development").
- The requirements of the notice are: (1) Demolish or dismantle the said single storey rear extension and glazed awning; (2) make good the surfaces of the main building from where the extension and awning have been removed using appropriate materials that match in visual appearance those used in the main building; and (3) remove from the Land all debris and materials arising as a result of compliance with the steps above.
- The period for compliance with the requirements is 6 months.

The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey rear extension and glazed awning to rear of the main building at Hawthorns, Bath Road, Taplow Maidenhead, SL6 0AP referred to in the notice, subject to the following condition:

- 1) The extension and awning hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet the following requirement:

Within 6 months of the date of this decision the part of the outbuilding shown to be demolished on the plan attached as Annex A to this Decision shall be demolished and all materials resulting from the demolition removed from the site.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Main Issues

2. I consider the main issues in this case are: (i) whether the proposed development represents inappropriate development within the Green Belt and, if so, whether there are any material considerations that outweigh the harm caused by such development, and any other harm, and are sufficient to justify the proposal on the grounds of very special circumstances; (ii) the effect of the development on the openness of the Green and (iii) the effect of the development on the character and appearance of the area.

Site and planning history

3. The appeal property is a detached building, presently used as a care home, standing in substantial grounds amongst other residential development in Bath Road. It lies on land designated as Green Belt, although it is proposed to remove this designation in the emerging Chiltern and South Bucks Local Plan 2036, published in June 2019.
4. The building has previously been extended with planning permission but the extension that is the subject of the enforcement notice has already been refused retrospective planning permission on appeal.¹
5. That development is a single storey extension to the rear of the building that fills in the corner left by the previous 'L' shape of the building. The extension is brick built with a flat roof and has an additional full width open timber and polycarbonate glazed 'lean-to' awning attached.

Reasons

Green Belt

6. The latest extension, together with the authorised extensions, has increased the volume of the original building to about 60%, or 65% if the awning is taken into account and I consider this to be a significant amount and disproportionate when taken as a whole. This means that the development is inappropriate development in the Green Belt as set out in paragraph 145 of the National Planning Policy Framework (the Framework). The development also conflicts with policies GB1 and GB10 of the South Bucks District Local Plan 1999 which limit development in the Green Belt and specifically require extensions to dwellings to be small scale and amount to no more than half of the footprint of the original.
7. In addition, there are a number of outbuildings in the grounds, constructed under permitted development rights before the use of the building changed from a single dwelling to the care home, that, together with the extensions, have an impact on the openness of the site. The previous Inspector found that the proposal would be inappropriate development in the Green Belt, that causes harm by definitions and, as set out above, I find no reason to disagree with this conclusion. Such harm attracts substantial weight against a proposal, as set out in paragraph 145 of the Framework.

¹ APP/N0410/W/18/3202685

8. Any built form in the Green Belt will reduce the amount of non-developed space and consequently result in a loss of openness and cause harm but, in this case, there would be very little visual impact due to the extension being enclosed on 2 sides by the existing building and being screened from public viewpoints. Nevertheless, even the limited amount of harm caused will add to that caused by the inappropriateness of the development.

Character and appearance

9. The extension, as noted above, is not in a prominent location and does not appear out of place in its context. It is not encroaching further into the wider undeveloped parts of the site and, in my opinion, it is having no harmful impact on the character and appearance of the surroundings.

Very special circumstances

10. The appellant has drawn attention to the emerging Local Plan (ELP) that proposes the removal of the appeal site and an adjacent area from the Green Belt. The ELP has been submitted to the Secretary of State and is hoped that adoption will take place by December 2020. As I have found that the objections to the development are all based on Green Belt policy, were the site not to be covered by this designation, the reasons for refusal of the proposal would be likely to fall away.
11. Nevertheless, there is no certainty that the proposed changes to the Green Belt boundary will necessarily go ahead and I can only give limited weight to this submission.
12. However, in order to offset the increase in built development on the site, the appellant has offered to demolish part of one of the existing outbuildings of a similar volume to the extension if it is allowed to remain. This offer does not appear to have been before the Council at the time of this, or the last, application or the Inspector at the time of the last appeal.
13. In my opinion, the removal of a similar volume of built form, in a location that is more prominent than that of the new extension would be sufficient to offset the harm caused. Provided a condition requiring this is complied with within the time originally given to remove the unauthorised building works, I conclude that, together with the possibility that the site will soon no longer be in the Green Belt, this would amount to the very special circumstances sufficient to justify the grant of planning permission.

Conclusions

14. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered.

Katie Peerless

Inspector



The Planning Inspectorate

Plan

This is the plan referred to in my decision dated: **6 February 2020**

by Katie Peerless Dip Arch RIBA 3233662 n

Land at: Hawthorns, Bath Road, Taplow MAIDENHEAD SL6 0AP

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Scale: NTS

