



Appeal Decision

Site visit made on 10 March 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/K0425/D/19/3243895

Oakhill House, Woodway, Loosley Row, Buckinghamshire HP27 0NP

- 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 Martin Fisher against the decision of Wycombe District Council.
 - The application Ref 19/07213/FUL, dated 10 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is the erection of a greenhouse.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt; and
 - (iii) if the development is inappropriate, 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 the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
4. The Appellant sets out that the exemption as set out in paragraph 145c) of the Framework should apply. This states that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building. Notwithstanding that, the greenhouse would be a new detached structure and would not therefore be an extension or alteration to a building as such.

5. In addition to the exemptions to inappropriate development in the Framework, Policy DM43 of the Wycombe District Local Plan (2019) (LP) also provides exemptions for residential outbuildings subject to certain conditions. For a proposal to be not inappropriate development it must accord with all of the set criterion.
6. It is common ground that the greenhouse would accord with 4 out of the 5 criterion in Policy DM43. The part of the policy which the proposal is suggested not to comply with is part 2b) which states that the total volume of all existing and proposed outbuildings on the property would not exceed 140 cubic metres.
7. The Appellant has set out that the proposed greenhouse would be 27.48 cubic metres in size. That said, there is a detached garage to the property frontage which the Council states is around 153 cubic metres. However, from the calculations in the officers' report, this suggests that the roof of the garage is of a gable design whereas, as I observed on site, the garage has a half-hipped roof. Notwithstanding that, even if this was deducted from the cubic metre calculation it is likely that the garage would be in excess of the 140 cubic metre limit from Policy DM43 even without the volume of the proposed greenhouse being taken into account.
8. For the above reasons, I conclude that the appeal development would be inappropriate development in the Green Belt and would conflict with the Framework and Policy DM43 of the LP which amongst other matters seeks to ensure that new development is controlled to limit urban sprawl and the overall openness of the Green Belt.

Effect on the openness of the Green Belt

9. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
10. The proposal would involve the erection of a new building in the Green Belt. Whilst the greenhouse would not be especially large, especially when considered in the context of the existing dwelling and its curtilage, it would still result in some loss of openness to the Green Belt. In coming to this view, I acknowledge that the glass nature of the proposal also reduces the level of harm that would result. However, despite this, there would still be some loss of openness.
11. I therefore conclude that the development would lead to a small loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy DM43 of the LP.

Other matters

12. The Appellant has set out that the Greenhouse is a high quality, traditional, greenhouse which was specifically chosen in order to harmonise with its garden location. In this sense, I agree that the Greenhouse is well designed, and its design would complement the area as a whole.
13. The Appellant has also set out that Policy DM43 should be applied with some flexibility and that the supporting text recognises that every site is different. It also recognises that the original size of the main dwelling, the total volume of

all outbuildings, the proportion of the site (curtilage) occupied by outbuildings and the scale and design of the proposal should be taken into account.

14. It was clear from my site visit that the Greenhouse and the totality of the existing dwelling and garage would only take up a very small proportion of the overall plot. To my mind, this weighs in favour of the proposal.

Green Belt balance

15. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the openness of the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
16. Whilst I agree that the design and appearance of the Greenhouse would not be harmful to the overall area, this does not overcome the small loss of openness as a result of the increase in the amount of buildings at the site. I also consider that the materials proposed would limit the amount of bulk which would arise from the building.
17. However, the fact remains that there would be some loss of openness and in considering the substantial weight given to the Green Belt, I consider that there are not any benefits which clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy DM43 of the LP.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR