



Appeal Decision

Site visit made on 19 May 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Appeal Ref: APP/E3715/W/20/3245337

The Brambles, Bourton Road, Frankton CV23 9NX

- 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 David Boe against the decision of Rugby Borough Council.
 - The application Ref R19/1332, dated 11 October 2019, was refused by notice dated 16 December 2019.
 - The development proposed is resubmission of approved dwelling R19/0668 for amended design.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal 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 on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development would be inappropriate development

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number of exceptions.
4. Policy GP2 of the Rugby Borough Council Local Plan (2019) (LP) sets out that new development in Green Belt will only be permitted where national policy permits it.
5. The existing building to be replaced is formed of a domestic double garage and store that is incidental to the main dwelling. It is not a separate dwelling and therefore, in my judgement, it is not in the same use as the proposed development.

6. As such, irrespective of whether the proposed development is materially larger than the building it replaces it constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework and Policy GP2 of the LP.

The effect on openness

7. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
8. I note that there are two extant planning permissions¹ at the site for a new dwelling. In terms of footprint I note that the proposed development would be 33% larger than the dwelling approved under R19/0668 which in turn would be approximately 78% larger than the existing building on site.
9. I acknowledge that the Framework nor the LP sets out the definition of materially larger. Whilst the Council contend that a 30% increase is a reasonable figure, I note that this figure is not set out in the development plan. However, the proposed development would further increase the total footprint of the built form on site which, in my judgement, would be materially larger than the dwellings previously approved and the existing building on site.
10. Whilst the additional floor area would largely be to the rear of the proposed development its overall size would still result in a loss of openness of the Green Belt. This would be contrary to the aims and objectives of the Framework.

Other considerations and overall balance

11. I acknowledge that the previous planning permissions on site provide a realistic fallback position. I also acknowledge that the design would be sympathetic to the character and appearance of the area and there appears to be no technical or other objections to the proposed development. However, I find that either individually or cumulatively they do not amount to very special circumstances to justify the proposed development.

Conclusion

12. The proposal would be inappropriate development in the Green Belt, as set out in the Framework. It would also result in a loss of openness. I attach substantial weight to this harm.
13. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
14. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR

¹ planning permissions R18/1245 and R19/0668