
Appeal Decision

Site visit made on 21 July 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/X3405/W/20/3249507

Bellscale How, Chapel Lane, Cannock Wood, Cannock WS15 4SE

- 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 and Mrs J Dolan against the decision of Cannock Chase District Council.
 - The application Ref CH/19/360, dated 25 September 2019, was refused by notice dated 16 December 2019.
 - The development proposed is demolition of existing bungalow and erection of replacement bungalow.
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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;
 - the effect of the proposal on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, 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 proposal.

Reasons

Whether inappropriate development in the Green Belt

3. Bellscale How is a bungalow and a separate garage set in a garden. It is on the edge of a small cluster of dwellings but outside the Settlement Boundary of Cannock Wood. It is within the West Midlands Green Belt and the Cannock Chase Area of Outstanding Natural Beauty (the AONB).
4. The development plan includes the Cannock Chase Local Plan 2014 (the LP). Policy CP1 seeks to conserve the AONB and the Green Belt and states that development in the Green Belt will be assessed against the National Planning Policy Framework 2019 (the Framework) and Policy CP14. The Framework states that the construction of new buildings, with some exceptions, should be regarded as inappropriate development. The exception at Paragraph 145 d) of the Framework allows for the replacement of a building, as an exception,

- provided the new building is in the same use and is not materially larger than the one it replaces. The proposed bungalow would be the same use as the existing so the first part of Paragraph 145 d) would be satisfied.
5. I have seen no definition of 'original building' within the LP. The Framework Glossary defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In this case the evidence indicates that the bungalow was constructed in the early 1960s. At my request the Parties have confirmed that a flat roofed rear extension was subsequently constructed, probably in 1979. The Council indicates that the garage was built at about the same time although the appellant indicates, in the Planning/Design and Access Statement and the Statement of Grounds of Appeal, that it was built with the original bungalow.
 6. The proposed bungalow would have a footprint in roughly the same position as the original bungalow/rear extension, but enlarged to the side, in front of the garage, and by 'filling in' the 'L' shaped recess at the front. There is no definition of 'materially larger' in the Framework or in the LP, but Policy CP14 of the LP indicates the ground floor area of any proposed extension or replacement building should not normally exceed that of the original property by more than 50%. This is repeated in the Cannock Chase Design Guide Supplementary Planning Document 2016.
 7. As the adoption of the LP pre-dated the 2012 Framework, and the provisions relating to replacement buildings did not change in the 2019 Framework, I consider Policy CP14 broadly conforms with the Framework. In terms of establishing whether or not the proposal is materially larger, Policy CP14 provides appropriate guidance for this appeal even though Paragraph 145 d) of the Framework does not refer to the original building.
 8. At my request, the Parties have provided information, in table form, relating to the size of the original bungalow, the extension and the garage as well as the appeal proposal. Although not all the figures provided are the same, both Parties have calculated the increased footprint of the replacement bungalow to be about double that of the original bungalow. Similarly, the increased volume would be between about 93% as calculated by the appellant and some 103% as calculated by the Council. I acknowledge the percentage increase would be smaller if the extension were to be included as part of the baseline of the existing building. However, it seems to me this is not the comparison to be made in terms of the guidance in Policy CP14. On this basis I consider the proposal would not amount to appropriate development in terms of Policy CP14.
 9. I acknowledge that the appellant proposes to reduce the size of the freestanding garage. Even taking this into account, in the event the garage was constructed at the time of the original bungalow, the Parties indicate the floor area would be increased by some 65-66% and the comparative volume by between some 66.3% to 76.6%. Moreover, there would be a substantial increase in the mass of the proposed roof even though it would be hipped at the front. The proposal is that the new bungalow would be built some 300 mm below the level of the existing bungalow to facilitate disabled access. However, this is not material in establishing the physical scale of the proposed building itself.

10. For the reasons set out above I conclude that the proposed replacement bungalow would be materially larger than the one it would replace. It would therefore be inappropriate development in the Green Belt, and by definition, would be harmful to it.

Effect on openness

11. Both the appeal site and the land of the neighbouring property slope down from Chapel Lane. The respective buildings are set at a lower level than, and well back from, the highway boundary. Chapel Lane and the adjacent field rise up northwards of the appeal site.
12. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development, whether or not prominent from a public viewpoint. The proposal would increase the footprint, scale and mass of the built form on the site. As a result, the openness of the Green Belt would be reduced to some degree.
13. The increased size of the bungalow would be apparent from Chapel Lane in the vicinity of the junction with Cumberledge Hill and outside the site. Views from further up Chapel Lane are obscured by hedges, although this would be to a lesser degree at times the hedges were not in leaf. The reduction in floor level of some 330 mm would also assist in reducing the prominence of the proposed bungalow. Overall, I conclude the proposal would not be unduly prominent, and I acknowledge that the existing extension had already reduced openness at the time of construction, albeit on a much smaller scale.
14. However, lack of visibility does not in itself mean there would be no loss of openness. The proposal would reduce the open gap to the side boundary and increase the volume of built form to the front as well as the rear. It would amount to encroachment of the countryside, contrary to one of the purposes of the Green Belt as set out in the Framework. Although in isolation the loss of openness would be limited, nonetheless, there would be harm, albeit relatively minor, arising from this, in addition to that arising from the inappropriate nature of the development.

Other considerations

15. Policies CP3 and CP14 of the LP require development to be appropriate to the Green Belt and AONB; to be of a suitable design; and to protect, conserve and enhance the District's landscape character. Policy CP14 adds that proposals for extensions and replacements of existing buildings within the countryside will be expected to demonstrate sympathy with their location through size, appearance and landscape impact mitigation.
16. The site falls within the Settled Plateau Farmlands of the AONB. Overall its character is agricultural with clusters of buildings, often set back from the road, surrounded by hedges and trees. The proposed bungalow roof would be of a more cohesive roof design than the existing. Subject to sympathetic materials I consider the replacement of one bungalow with another, of the design proposed, would not significantly affect the natural beauty of the AONB or the character or appearance of the area. There would be no conflict with Policies CP3 and CP14 of the LP in these respects. In addition, the proposal would not harm the living conditions of other nearby residents and would not have a detrimental effect on highway safety. However, an absence of harm in these

matters is a neutral factor which does not attract particular positive weight as it is to be expected in all developments.

17. The existing hedge along the field boundary would be retained. A dwarf wall with piers and infill railings is proposed on the shared boundary with the adjacent dwelling and set back from the road frontage. Gates would be set back to allow vehicles to stand in front without obstructing the highway. The Council considers the boundary walls/railings and gates benefit from permitted development rights¹ and I see no reason to reach a different conclusion.

Planning Balance and Conclusion

18. To conclude, the appeal proposal would be inappropriate development in the Green Belt. By definition therefore, it would be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt, albeit to a relatively limited degree. The Framework requires that substantial weight is 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. In this case, even when taken together, the other considerations as set out above do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policies CP1 and CP14 of the LP in this respect.
19. For the reasons set out above I conclude that the proposal would have a harmful effect on the Green Belt. In conflicting with Policies CP1 and CP14 of the LP the proposal cannot comply with the development plan as a whole. I find no other material considerations to indicate the decision should be other than in accordance with the development plan. The appeal is dismissed.

S Harley

INSPECTOR

¹ The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended