



Appeal Decision

Site visit made on 14 July 2020

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/P0240/D/20/3245329

Chalgrave Cottage, Church Lane, Chalgrave LU5 6JN

- 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 R Marchelewicz against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02383/FULL, dated 19 June 2019, was refused by notice dated 29 October 2019.
 - The development proposed is a garage and store.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are:
 - Whether the proposal comprises inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework).
 - The effect of the development on the openness of the Green Belt.
 - The effect of the development on the character of the area.
 - Whether any harm to the Green Belt 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

3. The appeal site is occupied by a semi-detached dwelling set in a generally rural location. The proposal is the erection of a detached garage and store in front of and to the side of the house.
4. A detached building which apparently used to be the garage for the property has been converted into ancillary residential accommodation, and this is the subject of an application for a Lawful Development Certificate, which is with the Council for determination. This application is not before me and I make no comment on it.

5. The relevant part of the development plan is the South Bedfordshire Local Plan Review (LPR) (2004). LPR policy GB1 adopts a generally restrictive approach to development in the Green Belt and lists some exceptions (as do policies GB2 and GB3). This is a similar, though not identical, approach to that found in the Framework, which states that the construction of new buildings is inappropriate in the Green Belt, apart from certain listed exceptions. None of these policy exceptions apply to the appeal proposal.
6. Although not referenced in the reasons for refusal, the Council's report advises that there is an emerging Central Bedfordshire Local Plan (DLP). DLP policy SP4 continues the general restriction of development in the Green Belt, although more closely reflecting national policy. In any event, I understand that this has not yet been adopted and I accord it limited weight.
7. The appellant has not suggested that the proposal is other than inappropriate development in policy terms. It is clear from the above summary that it represents inappropriate development which is contrary to the development plan and emerging policies and to paragraph 145 of the Framework. The Framework advises, at paragraph 143, that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances.
8. Turning to the effect on the openness of the Green Belt, paragraph 133 of the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
9. The land on which the proposed garage and store would be located is currently free from built development and has an open appearance which contributes to the rural context of the appeal site. The proposed building would be of a significant size in terms of its footprint and would be in a relatively prominent location. Given its scale and massing, it would erode the visual openness of the area. Overall, it would erode the spatial and visual openness of the Green Belt.
10. The character of the area is overwhelmingly rural, with only a church and the two dwellings in the vicinity. The garage and store would be within the curtilage of the house, although the area is separated from the main garden and almost appears as a separate plot. Due to the size of the building, the height and mass of the roof, and its position separated from and in front of the main house and the former garage building, it would be a noticeable feature in the area. In coming to that view I recognise the amount of screening around the plot and I note that the proposal has apparently been reduced in size on advice from the Council.
11. However overall the proposal would harm the character and appearance of the area and be contrary to LP policy BE8 (and DLP policy HQ1), which seek to ensure that development should take account of the setting of the development.

Other matters

12. I have considered the appellant's description of the previously poor condition of the house, the works that have been undertaken, and the consequent

occupation of the original garage during building works. However these matters do not justify the proposed development.

13. I note that the appellant has stated that the property does not benefit from permitted development rights, which could otherwise have been used to construct a garage. However I have to deal with the proposal before me.
14. The appellant is obviously concerned at the way in which the Council has approached development at the adjoining property, which he feels to contrast with the approach of the authority in his case. However I have little information about the developments next door and in any event, I must deal with this proposal on its own planning merits. This matter does not add significantly to the arguments in favour of the appeal scheme.
15. In addition the appellant has given some detail concerning other developments in the wider area which, he considers, indicate a different approach by the Council. Even leaving aside the fact that each appeal must be judged on its own merits, the information he has provided suggests that these were very different developments. One appears to have been the redevelopment of a builders' yard for two houses, and the other the change of use of a barn to form three dwellings. Neither bears much similarity to the proposed erection of a domestic garage and store and I have given this matter little weight.

Planning balance and conclusion

16. I have found that the proposal would be inappropriate development and harmful to the openness of the Green Belt. In line with paragraph 144 of the Framework, I attach substantial weight to this harm to the Green Belt. In addition I have found harm to the character and appearance of the area.
17. I have taken account of the considerations put forward in support of the scheme. However even taken together, these matters add little in favour of the proposal, and they do not clearly outweigh the harm to the Green Belt. The very special circumstances necessary to justify the development therefore do not exist.
18. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector