



Appeal Decision

Site visit made on 18 August 2020

by Thomas Shields MA DipURP MRTPI

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

Decision date: 24 August 2020

Appeal Ref: APP/N0410/C/19/3239022

20 Lossie Drive, Iver, Slough, SL0 0JS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (hereafter "the Act").
 - The appeal is made by Mr Jaswant Singh Chana against an enforcement notice issued by the South Buckinghamshire District Council.
 - The enforcement notice was issued on 4 October 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an outbuilding to the rear of the property.
 - The requirements of the notice are:
 1. Demolish and/or dismantle the said unauthorised outbuilding; and
 2. Remove from the land all debris and materials arising as a result of compliance with the step 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) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Main Issues

2. The appeal building is a detached brick and tile outbuilding. It measures approximately 7m x 4.5m with eaves and ridge height at 2.48m and 3.95m respectively, and is constructed to the rear of the host dwellinghouse, No. 20 Lossie Drive. It is located within the Metropolitan Green Belt and the Colne Valley Park area.
3. The main issues are:
 - whether the outbuilding constitutes inappropriate development for the purposes of the Framework¹ and Development Plan policy;
 - if inappropriate, the effect of the development on the openness of the Green Belt and its purposes;
 - the effect on the character and appearance of the area; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

¹ National Planning Policy Framework (2019)

Reasons

4. Saved policies GB1 and GB10 of the South Bucks District Local Plan (1999) (LP) seek to carefully restrict development in the Green Belt. I attach limited weight to these policies given that they are somewhat inconsistent with more recent national planning policy set out in the Framework.
5. Framework paragraphs 143-144 set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in "very special circumstances". Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whether the outbuilding is inappropriate development

6. The three buildings said to be replaced were garden sheds. It is not clear from any of evidence before me as to how long the sheds had been present on the site, or whether they had been erected lawfully. For the purposes of this appeal I will assume that they were which is the appellant's best case scenario.
7. Framework paragraph 145 sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to certain exceptions. One such exception at 145(e), and claimed to be the case by the appellant, is *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*.
8. There is no dispute that they previously existed or that they were used as outbuildings for purposes ancillary to the residential use of No. 20. The appellant states that the replacement building has also been used for such ancillary residential purposes, initially as a gymnasium and subsequently for storage of garden equipment and domestic items. Although three buildings were replaced rather than one, I see no reason why that would preclude consideration under 145(e).
9. No photographs or plans of the sheds have been submitted to establish their overall size and their positions within the rear garden. However, it is argued for the appellant that the net increase in floor space of the new outbuilding above the cumulative floor space of the three sheds is marginal at 2.2m². I have no information as to the height of the sheds but the Council's undisputed evidence is that they were not visible from the street, unlike the replacement building which can be seen.
10. Although 2.2m² is not a substantial increase in area it is in my view *materially* larger than previously existed, and the timber extensions to the building have added further additional floor space. Moreover, the increase in floor area in conjunction with the building's eaves and ridge height results in a single structure of considerable overall size which, although at the rear of the property, can be seen from the street frontage and more prominently from the open land to the rear.
11. On the balance of the evidence before me I conclude that the appeal building is materially larger than those it replaced and thus does not fall to be considered as an exception under Framework paragraph 145(e). Consequently, I conclude that the appeal building is inappropriate development within the Green Belt

which is harmful by definition. In accordance with the Framework I attach substantial weight to that harm.

Effect on openness and Green Belt purposes

12. Openness in relation to the Green Belt relates to land free from built development, and reduction in openness can be perceived in both a spatial and visual context.
13. Although permitted development rights for curtilage outbuildings have been removed from No. 20, such buildings are capable of being contextually appropriate in the context of the rear gardens in Lossie Drive. However, due to its overall size, visibility from the street frontage, and in the context of its proximity to the open land to the rear of the property, I find there to be a slight reduction in openness. As such, there is a corresponding slight adverse impact on one of the purposes of the Green Belt which seeks to safeguard it from encroachment. The minor level of harm resulting from these factors is limited.

Effect on character and appearance of the area

14. In the context of the character of the flat open landscape to the rear of the properties on Lossie Drive, the appeal building reads as an urbanising feature, being larger and more obvious a visual intrusion than other rear outbuildings I saw in the immediate area. Although the harm is minor there nonetheless would be some conflict with saved LP Policies L6, EP3, and H13 which, taken together, seek to ensure that new development is of a scale and siting which respects the character of the locality, landscape, and the Colne Valley Park area.

Other considerations

15. It is argued for the appellant that the appeal building is of a suitable scale and that its form and materials enhance the character and appearance of the property and the wider area. However, for the reasons set out above I have found that not to be the case.

Planning balance and conclusion

1. The proposed development is inappropriate development and is therefore harmful by definition to which I attach substantial weight.
2. Additional limited weight is attached collectively to the previously identified loss of openness; adverse impact on the Green Belt purpose which seeks to safeguard the countryside from encroachment; and from the adverse effect on the character and appearance of the area.
3. Against the totality of this harm there are no considerations advanced by the appellant which individually or cumulatively clearly outweigh the identified harm. As such, very special circumstances, necessary to justify allowing the appeal, do not exist.
4. For all these reasons the appeal on ground (a) therefore fails.

Thomas Shields

INSPECTOR