



Appeal Decision

Site visit made on 1 September 2020 by Andreea Spataru BA (Hons) MA

Decision by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/T3725/D/20/3253866

102 Shrewley Common, Shrewley CV35 7AW

- 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 & Mrs Langford against the decision of Warwick District Council.
 - The application Ref W/20/0301, dated 21 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate development

4. Framework paragraph 145 lists the types of development that are not considered inappropriate in the Green Belt. These include the extension or alteration of a building, if it does not result in a disproportionate addition over and above the size of the original building. Policies DS18 and H14 of the Warwick District Local Plan (LP) reflect and apply Framework policy.
 5. The garage would be detached and positioned some 10m from the front elevation. Whilst the garage would be used for purposes entirely ancillary to
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the existing dwelling, given the degree of separation, it cannot be considered as an extension to the dwelling. As such, the proposal would be inappropriate development. In coming to this conclusion, I have had regard to an appeal decision¹ referred to by the appellants. It is a basic tenet of the planning system that like proposals are treated alike.

6. There are similarities between that development and the appeal proposal. However, in the absence of any detail about the relationship between that dwelling and the garage, particularly the distance between them, I cannot conclude that the proposal before me is comparable and is a precedent that I should follow. As such, I attach limited weight to that decision.

Openness

7. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would introduce a permanent solid structure to the front of the property. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

Other considerations

8. Planning permission² was granted but never implemented for a detached garage in the front garden. The Council indicates that the proposed garage has a comparable scale to the previously approved garage. Whilst the objectives of the Framework did not change significantly since then regarding development in Green Belt, it is not clear from the details before me, what the distance was between the dwelling and the previously approved garage. In the absence of such details, I cannot compare the 2 schemes. Likewise, I have no details of the circumstances that led to the construction of the garages to the front of the neighbouring properties. Accordingly, I give these matters limited weight.
9. The proposed garage would replace an existing garage, which is to be used as living space benefiting the appellants. Given the small scale of the proposal, any contribution to the local economy during construction would be limited. Nevertheless, there would be benefits arising from this development to which I give limited weight.
10. The Council has no objection to the development in terms of its effect on the character and appearance of the area, neighbours' living conditions, or ecology. Given the location and scale of the proposal, as well as the existing detached garages located to the front of the neighbouring properties, I have no reason to disagree. I also note that there have been no objections from the Parish Council and that the proposal is supported by neighbours. However, these are neutral matters rather than ones that carry weight in favour of the scheme.

Very special circumstances

11. The proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful and cause limited harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist

¹ Appeal ref: APP/Y3615/D/15/3128756

² W/06/1738

unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

12. Having regard to all the other considerations put before me, I consider that taken together, these considerations 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 the LP Policy DS18.

Conclusion

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

George Baird

INSPECTOR