



Appeal Decision

Site visit made on 24 September 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/X0415/D/20/3246999

Cedar House, Cedar Grove, Bellingdon HP5 2XT

- 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 Mason Hogg against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/19/3149/FA, dated 11 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is described as "demo of garage, replacement 3 car garage on site."
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2020 several Local Planning Authorities including the original decision-making authority, Chiltern District Council, merged into a single Unitary Authority called Buckinghamshire Council. As such, I have referred to the new authority in my Appeal Decision.

Main Issues

3. The main issues 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
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal represents inappropriate development in the Green Belt

4. Criterion (c) of Policy GB2 of the Chiltern District Council Local Plan, adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 and November 2011 (the 'LP') explains that the limited

- extension, alteration or replacement of existing dwellings in accordance with Policy GB15 of the LP, is considered to be not inappropriate development in the Green Belt.
5. Policy GB15 of the LP allows for the erection of ancillary non-habitable buildings within domestic curtilages where these buildings are separate from a main dwelling and where buildings are both small and also subordinate in scale to the original dwelling.
 6. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, an exception to this, as set out by criterion (d) of paragraph 145 is "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".
 7. Paragraph 4.89 of the LP explains Policy GB15 was prepared to take into account of the now cancelled national guidance in PPG2 (Green Belts). It explains that the erection of an ancillary residential building within the curtilage of a dwelling will be regarded as an extension of that dwelling and therefore not inappropriate development in the Green Belt, as per PPG2. However, the erection of outbuildings within the curtilage of an existing dwelling is not listed as one of the exceptions under paragraph 145 of the Framework.
 8. Therefore, having regard to paragraph 213 of the Framework, the Green Belt policy in the Framework should be afforded greater weight than Policies GB2 and GB15 of the LP for the purposes of determining this appeal as the development plan policy is not consistent with the Framework.
 9. The Framework does not specify what might be a 'materially larger' replacement building. In addition, the Council has not referred me to any development plan policies which would define this term. Consequently, this is a matter to be determined on a case by case basis.
 10. The proposed garage would be wider, deeper and taller than the existing garage. Moreover, it would have a floor area of about 59m², which would be significantly greater than the existing building. Therefore, as a matter of fact and degree, the replacement building would be materially larger than the existing garage at the appeal site.
 11. For these reasons, the proposed development would constitute inappropriate development in the Green Belt.
 12. By virtue of its extensive size, the proposed outbuilding would not be small, nor would it be subordinate in scale to the original dwelling. To this regard, the proposal would not accord with Criterion (c) of Policy GB2 and Policy GB15 of the LP. However, for the reasons given above, I have afforded these policies very limited weight.

Openness of the Green Belt

13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.

14. The replacement garage would be sited near to the host building, as per the existing garage, and an extensive garden area would remain at the appeal site. Moreover, the appeal site is well screened from public views by established trees and other landscape features. Consequently, the proposal would cause limited harm to the visual openness of the Green Belt.
15. In spatial terms, the proposal would result in an increase in built form at the appeal site. However, given the moderate scale of the proposed building and its location on the footprint of the existing garage, the degree of spatial harm would be limited.
16. For the reasons given, the proposal would not preserve the openness of the Green Belt. Whilst the degree of harm would be limited, paragraph 144 of the Framework is clear that substantial weight should be given to any harm to the Green Belt.
17. In respect of this main issue, the reason for refusal on the Council's decision notice refers to Policy GC1 of the LP and Policy CS20 of the Core Strategy for Chiltern District. However, these policies relate to the design and appearance of new development and its effect upon the character and appearance of the area, as opposed to the effect on the openness of the Green Belt. Therefore, the policies are not applicable in respect of this issue.

Other considerations

18. Paragraph 143 of the Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
19. The appellant argues that the provision of additional storage space would reduce the spread of domestic paraphernalia at the appeal site and increase openness. Even if I were to accept that this would be the case, there would be no mechanism to control the use of the building in this manner. Indeed, a planning condition requiring occupiers of the appeal property to store domestic items (e.g. tables, chairs, umbrellas, children's play equipment) within the proposed garage would not meet the tests as laid out in paragraph 55 of the Framework. As such, I afford this matter limited weight.
20. The appeal site is located within a designated 'row of dwellings within the Green Belt'. In such areas, Policy GB4 of the LP allows for limited infilling, which is defined as the construction of one or two dwellings in a small gap in an existing row of dwellings. Whilst the principle of infill development is acceptable for sites within a row of dwellings, it does not mean all sites within the policy area are suitable for infill development. Indeed, Criterion (iii) of Policy GB4 of the LP makes clear that such development should be in-keeping with the character and appearance of the area. Given that no substantive evidence has been put forward to demonstrate that planning permission for infill development has been granted at the appeal site, this is a matter of neutral consequence.
21. Consequently, these considerations, along with the other matters identified in the evidence either individually or collectively, do not clearly outweigh the identified harm to the Green Belt so as to amount to very special circumstances.

Other Matters

22. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (the 'AONB'). Given the single storey nature of the proposed garage and its location near to the host building, the proposed development would assimilate into the built-up context of Bellingdon. As such, the development would have a neutral impact upon and thus conserve the landscape quality and natural beauty of the AONB. However, this is a matter of neutral consequence in the overall planning balance.

Conclusion

23. In conclusion, the appeal proposal would be inappropriate development in the terms set out by the Framework and it would result in a loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant so as to amount to the very special circumstances necessary to justify the proposal. Therefore, for the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR