



Appeal Decision

Site visit made on 25 September 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/R0335/D/20/3253942

Little Brook, Winkfield Lane, Winkfield, Windsor SL4 4QU

- 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 Alan & Sue Bussey against the decision of Bracknell Forest Council.
 - The application Ref 20/00067/FUL/RFULZ, dated 28 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is erection of detached oak framed two bay carport with log store.
-

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. The appeal site is located within an area of Green Belt. Accordingly, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant policies of the Development Plan;
 - 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, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons for the Recommendation

Whether inappropriate development

4. Policy GB1 of the Bracknell Forest Borough Local Plan January 2002 (LP) states that approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting and would not cause road safety or traffic generation

- problems. The policy lists those types of development that may be permissible in the Green Belt, which includes the construction of domestic outbuildings incidental to the enjoyment of an existing dwelling.
5. The appeal proposal would be a domestic outbuilding for the purposes of LP Policy GB1. However, the supporting text to this policy makes it clear that the inclusion of a building within the categories (the exceptions) does not automatically mean that planning permission will be given. In terms of outbuildings, an assessment needs to be made on the proposal's effect on, amongst other matters the open, rural and undeveloped character of the Green Belt. This is considered further below.
 6. The National Planning Policy Framework (the Framework) post-dates the LP. At Paragraph 145, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. These do not include a specific reference to the construction of domestic outbuildings and includes exceptions not referred to by LP Policy GB1. This includes, at Paragraph 145 e) limited infilling in villages, which is the exception that the appellant has focussed on.
 7. The appeal site is located outside of the defined settlement boundary of the village. However, villages are not defined in the Framework and so consideration as to whether an appeal site is located in a village is not constrained by whether or not it is in the settlement boundary. It is a matter of planning judgement based on the facts on the ground.
 8. It is evident that the appeal site is located on a road of linear development that extends out from the centre of the village. It has residential development to either side and opposite, and I find that it is part of, and contributes to, the characteristic development that defines the village. I am also mindful that the Council have granted outline planning permission for the erection of a dwelling to the east of the appeal site considering that it constituted limited infilling in a village. For these reasons, I consider that the appeal site is functionally and visually related to the core of the village and that it is located in the village for the purposes of my assessment of this case.
 9. The Framework does not define 'limited infilling'. However, I consider limited infilling to mean to fill or close a gap between existing buildings or to fill a gap in the continuity of development.
 10. The proposed carport would be sited to the front of the existing dwelling at Little Brook. While it would be sited adjacent to and between existing development, the front garden of the appeal property does not, in my view, represent a gap between existing buildings, because of the presence of the host property. Neither would the proposal fill a gap in the continuity of development. Consequently, the proposal would not constitute limited infilling and so would amount to inappropriate development in the Green Belt, for the purposes of the Framework.
 11. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

12. Paragraph 133 of the Framework states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.' Openness has both spatial and visual dimensions. The assessment required by LP Policy GB1 as set out above is broadly consistent with the Framework in this respect.
13. Although there is a fence along the front boundary, the appeal site is visible from the public realm to the front and from adjacent and nearby dwellings. The proposal would result in a building where there is currently no built form at present. This would result in a spatial and visual change to the appeal site and its environs and the openness of the Green Belt would be reduced. Although the reduction in openness would be localised, it would result in harm to the Green Belt and I attribute substantial weight to such harm.
14. Given the above, I conclude that the proposal would have an adverse effect upon the open, rural and undeveloped character of the Green Belt. Accordingly, the proposal is not acceptable in this location for the purposes of LP Policy GB1.

Other Considerations

15. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. LP Policy GB1 is broadly consistent establishing that approval should not be given for new buildings in the Green Belt unless very special circumstances exist.
16. The design, scale and form of the proposed car port are such that it would reflect the residential character and appearance of this part of the village. It would also not result in harm to the living conditions of nearby occupiers. Moreover, the proposal would have no adverse effects on highway safety. However, these matters are to be expected from any well-designed development and I afford them limited weight in my assessment.
17. Further, while the proposal would provide a useful covered facility for the appellants to store vehicles, this is a personal benefit to which I afford limited weight.
18. There are examples of other garages and outbuildings in the vicinity of the appeal site. However, I have no details relating to these developments, including when they were constructed or the planning history of the sites. Moreover, I am mindful that each case must be considered on its own merits. Consequently, I afford limited weight to the presence of these buildings in my consideration of the appeal proposal.
19. The appellants refer to other policies of the LP and the Core Strategy Development Plan Document Adopted February 2008 (CS), the objectives of which they consider the proposal would be consistent with. However, as I have not been provided with a copy of these policies, I have been unable to assess the proposal against them.

Conclusion

20. The proposal would constitute inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. I afford at most limited weight to the material considerations cited in support of the proposed development and I find that they do not clearly outweigh the harm that I have identified.
21. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal conflicts with the Green Belt aims of LP Policy GB1 and CS Policy CS9. There would also be conflict with the Green Belt aims of the Framework. There are no other considerations which outweigh this finding.
22. The Council's refusal reason also refers to Policy EN8 of the LP. However, this relates to development in the countryside outside the Green Belt and so is not relevant to my assessment of this matter.

Recommendation

23. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR