



Appeal Decision

Site visit made on 30 November 2020 by Ben Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/F0114/D/20/3260154

Innox Lodge, High Street, Hinton Charterhouse, Bath BA2 7SW

- 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 A Parsons against the decision of Bath & North East Somerset Council
 - The application Ref 20/01656/FUL, dated 1 May 2020, was refused by notice dated 16 July 2020.
 - The development proposed is described as the erection of an oak framed car port.
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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. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - 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 Recommendation

Whether Inappropriate Development

4. Policy CP8 of the Bath and North East Somerset Core Strategy (2014) (CS) sets out that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.
5. The Framework states that the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in

- paragraph 145. The erection of a new, detached, private, domestic outbuilding, as proposed, is not included in any of these exceptions. Whilst exception c) in this paragraph includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, there is no reference to detached outbuildings within the curtilage of a building falling within this exception.
6. Furthermore, there is also no reference to the erection of new outbuildings in Policy GB3 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan (2017) (PP), which relates to extensions and alterations to buildings in the Green Belt. I could also find no reference to outbuildings within the Supplementary Planning Document Existing Dwellings in the Green Belt (2008).
 7. As such, there is no development plan provision for such development within the Green Belt. The building would have a functional relationship with the house inasmuch as it would be an ancillary structure, but it would be a large structure physically remote from the house. In my opinion, whilst the size of the plot is large, the location of the proposed carport some 27.5m from the house, would be too far from the house for it to be reasonably regarded as an extension to the house itself, or indeed any other building. In this instance therefore the provisions of PP Policy GB3 do not apply, and I have not considered matters relating to disproportionality.
 8. The appellant references cases where the erection of new outbuildings were considered not to be inappropriate development within the Green Belt. An appeal decision¹ in Sevenoaks, Kent related to a detached summerhouse where the Inspector accepted that it could be considered as an extension. However, in this instance it is noted that the Council had development plan policies regarding outbuildings within the Green Belt which is not the case with the proposal before me. A timber car port within the Bath & North East Somerset Council Area, granted in 2011² does not appear to have been assessed against national policy or indeed inappropriateness at all. It is not considered that this is a positive example to follow. Notwithstanding my findings above, each planning application and appeal is determined on its individual merits.
 9. In light of the foregoing, I conclude that the proposal would result in inappropriate development in the Green Belt as described in paragraph 145 and 146 of the Framework and CS Policy CP8 which collectively seek to protect the Green Belt from inappropriate development.
 10. Paragraph 143 of the Framework says inappropriate development is harmful by definition and paragraph 144 identifies that substantial weight should be given to any harm to the Green Belt.

Openness

11. Paragraph 133 of the Framework establishes that 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.

¹ Appeal reference: APP/G2245/C/18/3207591

² Application reference: 11/02251/FUL

12. The proposed detached carport would be sited in the north west corner of the appeal site, in an existing car parking area. Whilst mostly obscured from view from the road and northern neighbour 'Ashlar Grange', by the boundary walls, its ridge would be seen in glimpses from the main road and from this neighbour. Whilst the structure would be seen in the context of these features there would be a visual impact upon openness. Moreover, whilst the existing area is used for parking, there is no physical structure present and as such the new car port would have also have a spatial impact on the openness of the Green Belt.
13. The appellant has pointed to a further appeal decision³ where an Inspector concluded that a new outbuilding, found as not inappropriate as it represented an 'appropriate facilities for outdoor sport', did not harm openness. The Inspector found differently with regards to visual impact in that instance, and as such it is not directly comparable with my conclusions above.
14. In light of the above, although the reduction in openness would be limited and localised when assessed against the Green Belt as a whole, I conclude that the proposal would have a harmful effect upon the openness of the Green Belt, in conflict with the openness aims of the Framework, and PP Policy GB1 which seeks to enhance the visual amenities of the Green Belt.

Other Matters

15. The appeal site is located within the Hinton Charterhouse Conservation Area (CA). No detail is provided regarding this designation; however, it is evident that its significance lies with its special architectural and historic interest. Given the limited scale of the proposed carport and its design, subject to conditions securing appropriate materials, the development would preserve the character and appearance of the CA, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. It is noteworthy that the Council found similarly in this regard.

Other Considerations

16. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The appellant points to various fall-back positions possible under permitted development rights. Whilst drawings have been provided, it is not the place for this appeal to determine the lawfulness or otherwise of potential development that could be constructed. Notwithstanding this, it is noted that the plans show that the permitted development carport would be limited to 4m in height and as such would have a lesser visual impact upon openness than the scheme before me. Limited weight is therefore given to this matter.
18. It is acknowledged that the design of the car port would be high quality with appropriate materials such as oak, stone and slate; however, this would be expected in any event to comply with the development plan and national planning policy. Accordingly, this is a neutral factor in my assessment of this case.

³ Appeal reference: APP/N0410/W/18/3219417

Conclusion

19. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of the loss of openness. These matters carry substantial weight. Limited weight is given to the considerations cited in support of the proposal. I therefore conclude that the other considerations do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts therefore with CS Policy CP8, PP Policy GB1 and the development plan as a whole, as well as the Framework in terms of protecting Green Belt land. There are no other considerations which outweigh this finding.

Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

21. 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