

Appeal Decision

Site Visit made on 14 December 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/P0119/D/20/3259247

Tracey Cottage, Perrinpit Road, Frampton Cotterell, BRISTOL, BS36 2AR

- 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 Ian Hardy against the decision of South Gloucestershire Council.
 - The application Ref P20/02950/F, dated 14 February 2020, was refused by notice dated 10 July 2020.
 - The development proposed is Erection of a detached two-storey domestic outbuilding for use as a garage, gymnasium and home office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt,
 - the effect on the nearby Tanners Farm, a grade II listed building, and
 - if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at para 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, is listed as one of the exceptions.
4. The proposed garage would be located in close proximity to the existing dwelling at the site and, as a domestic garage with home office and gym/home cinema space, would be a normal domestic adjunct of that dwelling. As a consequence of the proposed use and close physical relationship it would have with the dwelling, I find that it can be considered to be an extension to the existing building for the purposes of considering development in the Green Belt.

5. The Council highlight that the existing dwelling has been the subject of previous extensions, which resulted in a 48% increase of the volume of the dwelling over that as it was originally. The addition of the current proposal would further increase the volume to beyond the 50% limit as contained within policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (the Policies Plan). Thus, the addition of the garage now proposed, when considered in light of the already permitted extensions, cannot be considered to result in anything other than a disproportionate addition, over and above the original dwelling.
6. The appellant has contended that the proposal would accord with the exception as set out in paragraph 145 (g) of the Framework, in that it would comprise limited infilling of previously developed land, that would not have a greater impact on the openness of the Green Belt than the existing development. The proposed building would be located adjacent to the existing dwelling, between it and the lane which fronts the site. The Council highlight that the South Gloucestershire Local Plan: Core Strategy (2013) (the Core Strategy) defines infill as filling a relatively small gap between existing buildings.
7. In this respect, the proposal would not fill a gap between buildings, having a lane to the north and garden area to one side. I note the presence of a building to the north of the site, but this is some distance from the proposed location, beyond a lane and vegetation which act as separating features and consequently there is a division between it and the appeal site. Thus, the development would not comprise the filling of a gap between the existing dwelling and this building. As such, in light of the spatial arrangement of existing buildings and their surroundings, I find based on the circumstances of this site, that the proposal does not comprise limited infilling.
8. Additionally, in order to accord with the exception provided for by paragraph 145 (g), the scheme must have no greater impact on openness than the existing development. The proposed building would be two-storeys in height, with a relatively large footprint and volume. Whilst between the lane and the existing dwelling, it would occupy a location where there is currently no built form. Consequently, the building would substantially erode the spatial openness of the Green Belt at this location. In addition, the building would be visible as a substantial built feature within the confines of the site, from the surrounding area, also eroding the visual openness of the location. Therefore, considering both the spatial and visual aspects, the proposed building would have a significantly greater effect on openness than the existing development.
9. Thus, in not complying with the exceptions as outlined by para 145 of the Framework, the scheme would comprise inappropriate development in the Green Belt, which paragraph 143 states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on the nearby Tanners Farm, a grade II listed building

10. On the other side of the lane with fronts the appeal site is Tanners Farm, a grade II listed building. The submitted listing description outlines, and I observed, that the significance of this designated heritage asset lies in part due to its architectural detailing and form as a house dating from the early 17th century. I observed there to be substantial boundary treatments enclosing the site of the listed building and as a consequence, there was little visual relationship between it and the appeal site. The presence of the lane served to provide a visual distinction between the two also.

11. In light of the above, the addition of the proposed building, within the curtilage of an existing dwelling where there are already associated outbuildings, would not impinge on the way in which the listed building is experienced or appreciated. Similarly, the building would be viewed in close relationship to the existing dwelling and thus would not increase any sense of urbanisation at this location.
12. Accordingly, the proposal would not have a harmful effect on the significance of the nearby Tanners Farm, a grade II listed building, and there would be no conflict with policies CS9 of the South Gloucestershire Local Plan: Core Strategy (2013) (the Core Strategy) or policy PSP17 of the Policies Plan, insofar as they seek to ensure heritage assets are preserved and that the development preserves the special interest of listed buildings and their settings.

Other considerations

13. The appellant has set out a number of benefits that are contended to result from the development, these include the provision of a gym for the use of the occupiers of the dwelling, allowing for regular exercise. The scheme would also provide for a home office, facilitating home working.

Other Matters

14. It has been highlighted that two existing outbuildings within the site have not previously been included within volume calculations in regard to previous development. However, I observed that both a building to the frontage of the site used as an annex as well as a stable building to the rear, do not share such a close relationship with the main dwelling as the proposed building would. As such, I find no inconsistency in not considering the volumes of these buildings when considering extensions to the dwelling itself.
15. I have had regard to the examples of decisions at other sites that have been cited and the alleged differing interpretations adopted in their consideration. Whilst this is noted, from the information before me, the circumstances of each of these cases is different from that which is before me and with which I have found harm. As such, none of the cited examples convince me of the acceptability of the appeal scheme.
16. I note that the appellant has asserted a willingness to accept a planning condition requiring the retention of trees along the boundaries of the site. However, this would not overcome the harm to openness that I have identified.

Conclusion

17. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The lack of harm to the adjacent listed building is a neutral matter, neither weighing for nor against the scheme. I have had regard to the other considerations above. However, these, individually or when considered together, are not sufficient to amount to the very special circumstances necessary to justify the development. Thus, the proposal would be contrary to the requirements of the Framework and would conflict with policies CS5 and CS34 of the Core Strategy and Policy PSP7 of the Policies Plan, in respect of its location in the Green Belt.
18. For the reasons given above I conclude that the appeal should be dismissed.

Mr Martin Allen

INSPECTOR