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## Appeal Decision

Site Visit made on 12 January 2021

**by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 January 2021**

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**Appeal Ref: APP/G1630/D/20/3255874**

**Villa Farm House, Tewkesbury Road, Gloucester, GL19 4AQ**

- 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 Brian Bramley against the decision of Tewkesbury Borough Council.
  - The application Ref 19/00888/FUL, dated 4 September 2019, was refused by notice dated 18 June 2020.
  - The development proposed is extension and alterations to existing detached garages and store to provide annexe to existing farmhouse.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of development from the application form. While different to that given on the decision notice, no confirmation that a change was agreed has been provided.
3. I am not aware of whether there are any unresolved objections to the Pre-submission Tewkesbury Borough Plan (Emerging Plan) and the examination is yet to take place. Consequently, it carries limited weight in my decision.
4. The appellant provided additional plans with annotations of the proposed additional floor areas and overlays of the existing and proposed development as part of their appeal. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party by my taking this information into account. I have considered the appeal on that basis.

### Main Issues

5. The main issues of the appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,
  - The effect on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the area;
  - Whether the proposed development would be a separate residential unit; and,

- If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the development.

## **Reasons**

### *Whether Inappropriate Development*

6. The appeal site is in the Green Belt. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (JCS) sets out that its aim is to ensure the Green Belt continues to serve its key functions and is protected from harmful development. Within the Green Belt it states that development will be restricted to the exceptions given in the Framework.
7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
8. The application seeks permission for the building to be used as an annexe rather than as a separate dwelling and I have considered the proposal as such.
9. The Framework includes an exception for 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 (paragraph 145). No definition of disproportionate is given in the Framework.
10. Using the appellant's figures, the existing building has a floor area of 86sqm. The combined additional floor area would be 95sqm. Therefore, the building would have a considerably greater floor area than it does at present. Parts of the store and pen elements of the building are to be removed. However, the proposal would introduce a first floor, considerably increase the height of the building and it would have a greater footprint than at present.
11. A photograph appears to show the appeal building having previously had a pitched roof. Nonetheless, there is no clear evidence that there was any first-floor accommodation. From the details before me, the appeal scheme would be higher than both the existing building and when it had a pitched roof. The length of the pitched roof would also extend further than it had previously. Therefore, the extensions and alterations would be disproportionate to the existing building.
12. I have not been provided with details of the size of Villa Farm House or any previous alteration or extensions to it. In addition, the scheme relates to an extension to the garage building rather than to the existing dwelling itself.
13. Therefore, when judged against the wording of national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition. It would also conflict with Policy SD5 of the JCS.

### *Effect on the openness of the Green Belt*

14. While there is an existing garage, pen and stores at the site, they are of a lesser overall scale, height and mass than is proposed. As such, the introduction of a larger building would have a greater impact on the openness of the Green Belt in spatial terms than the existing development.
15. The appeal building is set back and down from the road with some mature landscaping in front. Therefore, views of the building from the road would be limited. There are some nearby properties that would have views, albeit angled or at some distance, of the enlarged building. Nevertheless, the building would in part be visible from these properties.
16. Consequently, in both spatial and visual terms, the proposal would have a greater impact on and reduce the openness of the Green Belt than the existing development. While the harm would be small, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness.

### *Character and Appearance*

17. There is some variation in the nearby roofscapes. However, roofs are not dominated by dormers. The proposed dormers would be different sizes on each side of the roof, with the rear ones being far larger. Given their small size those on the front would sit comfortably in the roof. In contrast, the bulkiness of the rear dormers would dominate the roof and unbalance the appearance of the building.
18. The proposed roof materials would not match the main house. Nevertheless, they would match the adjacent outbuilding. Although garage doors, rather than windows, there are already large openings on the building. Therefore, these elements would not appear incongruous with the existing building or the surrounding area.
19. The building would not be prominent in public views or those from nearby properties. The building is also of limited architectural merit and the introduction of a pitched roof would be more in keeping with other buildings close by. Notwithstanding this, the bulkiness of the rear dormers would be incongruous with the more simplistic roof forms at buildings in the area and that previously on the appeal building itself. Moreover, that a proposal may be screened is not a reason to allow development that is unacceptable.
20. Consequently, the proposed development would unacceptably harm the character and appearance of the area. As such, it would fail to accord with the design and character protection aims of Policies SD4 and SD6 of the JCS, saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 and Policy LAN2 of the Emerging Plan. Moreover, it would be contrary to the Framework where it states developments should be sympathetic to local character.

### *Whether a Separate Residential Unit*

21. The accommodation would provide facilities that would make the building capable of independent day-to-day living. There is limited information before me over future occupiers of the building and whether any facilities would be shared with the main dwelling. Nonetheless, this does not mean it would become a separate planning unit from the main dwelling. While at the end of

the driveway, the building is located close to another ancillary building and adjacent to the garden of the property.

22. The appellant has applied for the building to be used for ancillary purposes to the main dwelling. Were the appeal to be allowed occupation as a separate residential unit could be prevented by means of a condition requiring that occupation is solely for purposes ancillary to the residential use of the main dwelling.
23. As such, the proposed development would not be a separate residential unit and it would not be contrary to Policies SP2 and SD10 of the JCS as well as Policy RES3 of the Emerging Plan.

#### *Other Considerations*

24. It has been put to me that the potential construction of a new building under permitted development rights represent a fallback position. While a plan has been provided of a potential scheme, there is no certificate of lawful development for any such proposal. Furthermore, I do not have floor area sizes of the fallback scheme. In addition, the fallback scheme is for a single storey building of a lower height with no dormer windows. Therefore, it would have a different effect on the openness of the Green Belt and remove the element of the scheme that unacceptably harms the character and appearance of the area. Consequently, I afford this matter little weight.
25. The proposal would provide additional annexe accommodation for the appellant's extended family unit. Notwithstanding this, in the absence of any detailed information regarding the type and scale of need, the appellant has failed to demonstrate that there is no alternative, and less harmful options to the appeal scheme. As such, this attracts limited weight.
26. That there are no refusal reasons relating to highway safety or the living conditions of the occupiers of nearby properties is a neutral factor. The lack of objections from third parties or consultees in itself is not a ground for granting planning permission. As such, this carries little weight.

#### **Conclusion**

27. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt and harm the character and appearance of the area. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies SD4, SD5 and SD6 of the JCS, saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011, Policy LAN2 of the Emerging Plan and the Framework.
28. Therefore, for the reasons given I conclude that the appeal is dismissed.

*Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI*

INSPECTOR