



Appeal Decision

Site visit made on 10 August 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 September 2021

Appeal Ref: APP/D2320/D/21/3275270

Montbretia, Ridley Lane, Mawdesley L40 2RE

- 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 Andrew Ball against the decision of Chorley Borough Council.
 - The application Ref 21/00134/FULHH, dated 3 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is the erection of an outbuilding in rear garden to provide ancillary residential accommodation.
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Decision

1. The appeal is dismissed.

Procedural matter

2. During the appeal, a revised National Planning Policy Framework (the Framework) was published. Whilst there have been no changes to Green Belt policy, paragraph numbers have altered. I have proceeded to take the revised Framework into account.

Main Issues

3. The main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. Montbretia forms a detached bungalow in its own grounds on Ridley Lane in the village of Mawdesley. It has an extended garden which wraps around the rear of two residential properties to the north west. The site is located within the Green Belt.

Inappropriate development

5. Paragraph 149 of the Framework regards the construction of new buildings within the Green Belt as inappropriate development. Several exceptions are highlighted. None of these apply in this case and both the Council and the appellant agree that the proposal would form inappropriate development in the Green Belt. I have no reason to take a different view. Accordingly, the proposal would conflict with the policies of the Framework seeking to protect the Green Belt.

Openness

6. The Framework sets out in paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. An assessment of openness requires a consideration of the scale of development, its locational context and both its spatial and visual implications.
7. The appeal scheme proposes a new building with associated car parking, creating built development where there is currently none. It would therefore result in a loss of openness. I accept that the site is not visible from public viewpoints. It can however be seen by the occupiers of the surrounding residential properties. Given the above, the proposal would in both visual and spatial terms, have a harmful impact on the openness of the Green Belt. In this regard the proposal would conflict with national Green Belt policy.

Other considerations

8. The appellant has explained that his sister needs 24-hour care and that this is provided by himself and his mother. The proposed ancillary residential accommodation is required to provide independent accommodation for the appellant, somewhere for either himself or his mother to take a break from these responsibilities.
9. I have been provided with little evidence about the number of bedrooms in the existing bungalow, the layout of rooms or any other options that have been explored. I understand that the existing bungalow has been extended up to the limit set down in Local Plan policy. Therefore, a further extension may not be possible.
10. The Council have referred me to their Householder Design Guidance Supplementary Planning Document which allows outbuildings on residential properties in the countryside, roughly equating to a double garage, a small shed and a greenhouse. The appeal site already contains a garage and an outbuilding. A further development would lead to a greater accumulation of small outbuildings and would be likely to exceed that permitted by the Council's guidance.
11. I have no information about whether the conversion or replacement of the existing garage or outbuilding has been considered. Furthermore, it is unclear whether consideration has been given to purchasing a property nearby in the village.

12. There is nothing before me to indicate that the existing residence is too small to comfortably accommodate the family. I acknowledge that when other family members visit, there may be limited space, but this is for a short time only.
13. Whilst I recognise the importance of having respite from caring duties, I am not persuaded on the evidence before me, that the provision of ancillary accommodation as proposed is the only viable option. I therefore attach moderate weight to this consideration.
14. The appellant has referred me to the fallback position provided by permitted development rights. Class E of the GDPO¹ allows the construction of a single storey outbuilding for purposes incidental to the enjoyment of a dwelling house subject to certain limitations. My attention is brought to a number of appeal decisions where fallback has been a material consideration. It is argued that the exercise of these rights creates the ability to construct a building of similar size to that proposed in this appeal and therefore of comparable impact on the openness of the Green Belt.
15. The Permitted Development Rights for Householders Technical Guidance 2019 states that a purpose incidental to a house would not cover normal residential uses, such as separate self-contained accommodation. Therefore, a building for the use proposed in this appeal could not be constructed as permitted development. Furthermore, the appeal building would be approximately 4.9 metres to its maximum height (including the chimney). The porch would be located within 2 metres of the south eastern site boundary; therefore, a building would be limited to 2.5 metres in height. On this basis, the proposed building would not form permitted development and would not constitute a viable fallback.

Green Belt balance and conclusion

16. Paragraph 147 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. Very special circumstances 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. This is a high hurdle for a development proposal to overcome.
17. I have found that the proposal would form inappropriate development in the Green Belt, to which I attach substantial weight, and would cause harm to openness. Whilst I attach moderate weight to the appellant's circumstances and the wish to have separate independent living accommodation, this does not outweigh the substantial harm I have found to the Green Belt. Very special circumstances necessary to justify the development do not therefore exist. The scheme would therefore conflict with section 13 of the Framework.
18. For the above reasons and having considered all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR

¹ Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).