



Appeal Decision

Site Visit made on 13 October 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/N0410/D/21/3275370

Barton Turf, Park Road, Stoke Poges SL2 4PE

- 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 Tim Karbani against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/21/0120/FA, dated 5 January 2021, was refused by notice dated 29 April 2021.
 - The development proposed is garden gym pavilion.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

3. Barton Turf is a detached dwelling house set within a generously sized rectangular plot. It is located within a linear form of spacious housing development on Park Road. Properties have long rear gardens with open fields beyond. The site lies within the Metropolitan Green Belt.
4. The proposal is for a detached single-storey outbuilding positioned at the far end of the garden. The building would be partly flat roofed and partially mono-pitched, with a maximum height of 4 metres.

Whether inappropriate development in the Green Belt

5. 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. Paragraph 149 sets out that the construction of new buildings is inappropriate within the Green Belt subject to a number of

exceptions. None of these would apply to the appeal proposal. This is not disputed by the parties.

6. Saved Policy GB1 of the South Bucks District Local Plan 1999¹ (Local Plan) sets out that planning permission will not be granted for development within the Green Belt subject to a number of exceptions. The part of the policy which is concerned with the construction of new buildings in the Green Belt is consistent with the Framework.
7. For the reasons above, I therefore conclude that the proposed development would be inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

8. 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; the 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 the development, its locational context and both its spatial and visual implications.
9. The proposed building, whilst not substantial, would be physically large in all three dimensions when compared with the undeveloped and enclosed area of garden in which it is positioned. It would extend the built form into the countryside and further from the established line of development along Park Road. It would be taller than the boundary fencing and hedge and a more significant structure. This would cause moderate harm to the spatial openness of the Green Belt.
10. Due to its height and enclosed position at the far end of the garden, the proposed outbuilding would be visible from adjoining properties and above the fence when viewed from the fields to the rear. However, it would not be widely visible from public viewpoints. It would not therefore be visually prominent when viewed from the surrounding area. Consequently, it would cause limited harm to openness in visual terms.
11. I conclude that the appeal proposal would result in a moderate loss of openness thereby causing limited harm to the Green Belt. It would therefore be contrary to the objectives of the Framework.

Other considerations

12. The appellant has set out that he requires the proposed building for use as a gym. He has stated that he is a semi-professional triathlete and requires this for home training. This is partly in response to the pandemic where opportunities for training were very limited. This personal benefit of the scheme would carry limited weight in the balance.
13. The provision of a gym at the appellant's home would reduce the need for him to travel. There may be a very small reduction in the number of trips associated with this. This factor therefore also carries limited weight.

¹ South Bucks District Local Plan Adopted March 1999, Consolidated September 2007 and February 2011

14. As an alternative, the appellant stated that he considered the construction of an outdoor pool with associated changing facilities and pump which could be not inappropriate development in the Green Belt. However, this would not deliver the appellant the facilities he is seeking. It would be open to the appellant to seek permission for this if he wished. I therefore give this no weight.
15. The host property does not benefit from permitted development rights, removed due to the location of the property within the Green Belt. Had this not been the case, an outbuilding such as proposed here could be permitted under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. Regardless of whether that is the case, permitted development rights have been removed and there is no legitimate fallback position. This therefore carries little weight.
16. Due to its position, design and modest size, the proposed building would not be visually prominent and would not harm the character and appearance of the area. It would also be positioned away from neighbouring properties and would not cause any harm to adjoining occupiers' living conditions. Both these would be neutral factor.

The Green Belt Balance

17. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause moderate harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 148 of the Framework.
18. The proposal would provide the personal benefit of a home gym for the appellant. It may also reduce some travel by private car. These minor and largely private benefits would have limited weight and would not outweigh the substantial harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
19. As such the proposed development would be contrary to the Framework. It would also conflict with Policy GB1 of the Local Plan which sets out that the Green Belt should be protected against inappropriate development.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR