



Appeal Decision

Site visit made on 24 November 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2021

Appeal Ref: APP/Q3115/W/21/3273220

**Four Winds Garage, Dorchester Road, Drayton St Leonard, Wallingford
OX10 7BJ**

- 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 Greenaway against the decision of South Oxfordshire District Council.
 - The application Ref P20/S2895/FUL, dated 2 August 2020, was refused by notice dated 26 February 2021.
 - The development proposed is the erection of a 1½ storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether it would be inappropriate development in the Green Belt,
 - b) whether it would be in an unsustainable location, and,
 - c) if it is inappropriate development, whether the harm arising from inappropriateness and other harm is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

Is it inappropriate development?

3. Policy STRAT6 in the *South Oxfordshire Local Plan 2035* states that development in the Green Belt will be restricted to that deemed appropriate in the *National Planning Policy Framework* (the Framework).
4. In the Framework keeping land permanently open is said to be a fundamental aim of the Green Belt, and one of the Green Belt's purposes is to assist in safeguarding such designated areas from encroachment. It says the construction of new buildings in the Green Belt should be regarded as inappropriate and, by definition, harmful. However, Framework paragraph 149 gives some exceptions to this, one of which, criterion (g), concerns the partial or complete redevelopment of previously developed land that would not have a greater impact on openness than the existing development. The Framework's glossary defines previously developed land as land that is or was occupied by a permanent structure, including the curtilage of the developed land.

5. The land subject of this appeal is in the Green Belt away from any settlement and is a large, grassed area behind a vehicle repair garage. Although there are hedging and trees on 2 sides of the site, the surrounding landscape is relatively flat and open. Moreover, while there are commercial buildings associated with the garage, they are generally lower and a little distance away. In such a context, I consider this 1½ storey house would be a striking and dominant feature because of its height, bulk and scale. As such, it would cause substantial harm to both the visual and the spatial sense of openness that now exists, and would also represent a further encroachment of built form into the Green Belt.
6. Having regard to paragraph 149(g) of the Framework, the appellant has stated that there are existing buildings on the site, but none were in the area outlined in red when I visited apart from a small chicken coop in one corner behind tall hedging. Moreover, on the sequence of aerial photographs dating back to 2003 no built form is apparent or has been readily identified. Rather, the sequence appears to show the land as used for limited open storage, presumably in connection with the vehicle repair garage. At the time of my visit this was certainly the case as I saw on the land a number of cars and 2 double-decker buses in various states of disrepair. The main area of the site though was being used for the display of cars for sale, and this was served by a small portacabin. A container was also present.
7. I have insufficient evidence to find that the appeal site is or has been occupied by a permanent structure and so I consider it would not fall under the definition of previously developed land given in the Framework. Moreover, if it is to be contended that the chicken coop and the portacabin were permanent structures, the proposal would have a far greater impact on the openness of the Green Belt due to its greater height and scale.
8. Indeed, even if I were to assume this to be curtilage land to the garage, what is now before me would be far more dominant than the parked vehicles. It would be appreciably taller than the cars and container, which are concealed to a great extent by the boundary treatments, and would have a greater scale and mass than the buses. Moreover, as a building its impact would be permanent, as opposed to the transitory storage and displays now occurring that could change over time. Whilst it may be possible to intensify the nature and extent of the on-site storage, I have no evidence before me to show that would occur to a material degree. As such, Framework paragraph 149(g) does not prevent this from being inappropriate development.
9. Whilst agricultural buildings are not inappropriate in the Green Belt, it has not been said this is for such a use so that does not lead me to different findings. Moreover, in coming to my view on the case I have not assessed the visual effect of the development on the character and appearance of the area, but rather have focussed on testing the scheme against the approach to inappropriate development and its exceptions found in the Framework.
10. For these reasons I conclude this would constitute inappropriate development in the Green Belt. Moreover, by eroding the sense of openness and introducing a house on a relatively open grassed area away from other comparable buildings, the proposal would conflict with one of the fundamental aims of the Green Belt and one of the purposes the Green Belt serves.

Is it an unsustainable location?

11. Local Plan Policy STRAT1 sets out the housing strategy for the District, focussing development on a hierarchy of settlements. Policy H1 accepts housing on unallocated sites under certain circumstances, some of which concern it being specialist housing of one form or another, and others relate to it being in-filling in settlements. Policy TRANS2 then promotes development near good public transport links.
12. This proposal is not for any of the specialist housing types in Policy H1. Furthermore, it is away from Drayton St Leonard and the few services that village offers, and still further from the greater service provision at Berinsfield. I had no evidence to show a strong public transport system exists in the area and, noting the character of the lanes to these settlements, walking or cycling to them would not be attractive. Accordingly, I consider that anyone who lived in the proposal would be reliant on private motorised transport, whilst the opportunities the site would offer for those who did not have access to such transport would be limited.
13. There are houses already dotted around the surrounding countryside, but these are no doubt there for historic reasons and do not support the presence of further housing. I also recognise that, on occasions, housing can be allowed away from settlements. Those decisions though are very much dependent upon the circumstances of the case and the nature of the housing proposed. For the reasons given I consider no such justification exists in this instance.
14. Accordingly, I conclude this would be an unsustainable location that would result in a reliance on private motorised transport, and so would conflict in this regard with Local Plan Policies STRAT1, H1 and TRANS2.

Other considerations

15. 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 resulting from the proposal, is clearly outweighed by other considerations'.

16. There may have been sizeable releases of Green Belt land for housing across the District, but the examples given by appellant appear to have been approached in a structured way as part of the development plan process. They are therefore not comparable to the incremental ad hoc redevelopment of this site. I accept that windfall developments, the boosting of housing and the delivery of self-build housing are supported in certain circumstances. The scheme would also add to the housing stock. However, there is no basis to consider these matters should clearly outweigh Green Belt harm. The weight I therefore afford to these other considerations is limited, and I am aware of no further considerations to which moderate weight or greater should be attached.

Conclusions

17. Accordingly, I find this would be inappropriate development in the Green Belt in an unsustainable location that harmed one of the Green Belt's fundamental aims and one of the 5 purposes served by the Green Belt. In the absence of

any other considerations that, even if taken together, clearly outweigh the harm arising from inappropriateness and other harm, I find the scheme would conflict with Local Plan Policy STRAT6, as well as the policies cited in reference to the second main issue and the Framework. The appeal is therefore dismissed.

JP Sargent

INSPECTOR