The Planning Inspectorate

Appeal Decision

Site visit made on 30 November 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/K0425/D/21/3275603
Crossview, Shootacre Lane, Princes Risborough HP27 9EH

- 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 R. Hoyte against the decision of Buckinghamshire Council.
- The application Ref 21/05088/FUL, dated 12 January 2021, was refused by notice dated 15 March 2021.
- The development proposed is erection of detached garden building for use as temporary annex.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties had the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.

3. The proposed detached garden building has already been constructed. It is sited at the end of the appeal property's rear garden and contains a bedroom, kitchen, shower room and living space. I have determined the appeal on the basis of the building that has been constructed.

4. The information before me indicates that the Council has granted conditional planning permission[1] for construction of two storey front and side extensions, roof alterations to create first floor accommodation with x 2 front and x 2 rear dormers, creation of basement and driveway alterations. There is nothing to show that this has been implemented to date.

Main Issues

5. The main issues are:

    - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and

    - The effect of the proposal on the openness of the Green Belt; and,

[1] Council Ref. 21/05157/FUL

- The effect of the proposal on the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty (the AONB).
- 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 proposal.

Reasons

Inappropriate development

6. The appeal site is located within the Green Belt. The Framework in paragraph 147 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 should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions. Whilst detached garden buildings are not specifically referred to in this list of exceptions, the exception at Paragraph 149 c) relates to 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. Original building is defined in the Framework as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

7. Policy DM43 of the Wycombe District Local Plan Adopted August 2019 (the Local Plan) sets out the circumstances where the erection of residential outbuildings in the Green Belt will be regarded as not inappropriate development. Amongst other things, this includes a) the total volume of all existing and proposed outbuildings on the property would not exceed 25% of the volume of the original dwelling; and b) the total volume of all existing and proposed outbuildings on the property would not exceed 140 cubic metres. Moreover, development will also be required to respect the open character of the Green Belt and appear proportionate to the original dwelling, taking particular account of visual impact. The Local Plan post-dates the 2019 version of the Framework, and the revised 2021 Framework contains no material changes to Green Belt policy. I therefore attach full weight to Policy DM43 of the Local Plan.

8. There is no dispute between the parties that the original dwelling has a volume of 306 cubic metres, and that the proposed outbuilding has a volume of approximately 175 cubic metres. The outbuilding is around 57% of the volume of the original dwelling and it therefore significantly exceeds the 25% threshold in Policy DM43a). Furthermore, the volume of the proposed outbuilding significantly exceeds the 140 cubic metres threshold set out in Policy DM43b). I note the appellant's reference to the previous removal of structures at the appeal site, however as they no longer exist, I attach limited weight to this consideration. In any event, the information before me indicates that the proposed outbuilding is larger than those pre-existing buildings and so this would not overcome the conflict with Policy DM43a) & b).

9. The Framework does not provide a definition of 'disproportionate addition', however the criteria in Policy DM43 of the Local Plan provides clarity in this regard. The proposed outbuilding exceeds the thresholds in criterion a) and b) of Policy DM43 and I find that the dimensions and volume of the outbuilding

are of significant size when compared to the original dwelling. It would therefore constitute a disproportionate addition.

10. For the above reasons, I conclude that the proposal constitutes inappropriate development in the Green Belt.

Openness

11. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. Openness can be defined as an absence of built form.

12. The visual impact of the proposed outbuilding in Shootacre Lane is limited by its location to the rear of the dwelling. However, whilst the building is single storey in height, it amounts to a large structure of 175 cubic metres. Although there is vegetation that provides some screening, the outbuilding is visible in the countryside to the west. Furthermore, the effect on openness is not just about the degree to which a new building is visible in its surroundings but is also concerned about the spatial aspect of encroachment on openness. The proposed outbuilding is sited in an open area that was previously free of buildings. Given the extent of the outbuilding in the garden, it leads to a loss of the spatial openness of the site. Having regard to the above, I find that the proposal causes moderate harm to the openness of the Green Belt.

Character and appearance

13. The appeal site is located within ribbon development of dwellings on Shootacre Lane. The dwellings are set within the countryside in the AONB, which provides an open and rural character to the area. Whilst I note that some neighbouring properties have outbuildings in their gardens, they are generally modest and discreet in the surroundings. By contrast, the proposed outbuilding amounts to a substantial building of domestic appearance providing habitable living accommodation. The outbuilding has a large, blocky form, and the limited elevational detailing results in a bland appearance that fails to achive a high standard of design. Furthermore, the excessive size of the outbuilding visibly erodes the characteristic sense of openness in this rural setting. I appreciate that there are only glimpsed views of the outbuilding from Shootacre Lane, however it is conspicuous from neighbouring properties and their gardens due to its size and the limited screening. It is also visible in the countryside to the west.

14. For the above reasons, I conclude that the proposed development erodes the open and rural character and appearance of the area and detracts from the natural beauty and landscape quality of this part of the AONB. The proposal is therefore contrary to Policies DM30, DM32, DM35 and DM36 of the Local Plan, Policy 6 of the Bledlow-cum-Saunderton Neighbourhood Plan and guidance in the Chilterns Buildings Design Guide SPD, which, amongst other things, require that development conserves and where possible enhances the natural beauty of the AONB, and seek the highest quality design which enhances the sense of place and local character within the AONB. Moreover, the proposal is contrary to the Framework which advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's which have the highest status of protection in relation to these issues.

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. The proposal is inappropriate development in the Green Belt and also causes moderate harm to its openness. The Framework makes clear in paragraph 148 that substantial weight should be given to such harm. Furthermore, I have found that the proposal is harmful to the character and appearance of the area.

16. I have had regard to the appellant's suggestions to control the use of the outbuilding, including planning conditions, S106 legal agreement, a temporary consent, and the removal of permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. However, these measures would not overcome my fundamental concerns regarding the disproportionate size of the outbuilding and its effect on the Green Belt and the character and appearance of the area.

17. I note the appellant's comments regarding greater flexibility to smaller dwellings. In this respect, the supporting text in paragraph 6.228 of the Local Plan states "*The Policy reflects the established approach in our district of allowing greater flexibility for very small dwellings and applying an upper limit on the extension of very large dwellings".* Flexibility is built into Policy DM43 paragraphs 1d), e) and f), which enables a greater percentage increase in volume of extensions to original dwellings of less than 240 cubic metres. In this case, the proposal is for an outbuilding and not an extension to the dwelling. The Policy does not provide for a greater percentage increase in volume for outbuildings relating to small properties. This consideration would not alter my findings relating to the disproportionate size of the proposed outbuilding.

18. I am sympathetic to the appellant's comments that they mistakenly considered the outbuilding to be permitted development and that they have sought to remedy the breach in planning control. Furthermore, I have had regard to the appellant's stated intention to occupy the outbuilding for a temporary period while works to the main dwelling are carried out.

19. Overall, the other considerations identified in support of the scheme do not clearly outweigh the totality of harm to the Green Belt and the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and Policies DM42 and DM43 of the Local Plan which seek to protect the Green Belt.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR