The Planning Inspectorate

Appeal Decision

Site visit made on 14 December 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2022

Appeal Ref: APP/A1910/D/21/3274011
2 Timberlakes, Church Lane, Hastoe, TRING, HP23 6QB

- 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 John Popple against the decision of Dacorum Borough Council.
- The application Ref 21/00542/FHA, dated 10 February 2021, was refused by notice dated 7 April 2021.
- The development proposed is for a garage with ancillary workshop (outbuilding).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the proposed outbuilding would constitute 'inappropriate development' in the Green Belt
    - The effect on the openness of the Green Belt
    - The effect of the development on the character and appearance of the area (including effect on the Area of Outstanding Natural Beauty), and
    - If so, whether there are other considerations which clearly outweigh the harm caused by being inappropriate development so as to amount to very special circumstances.

Reasons

Green Belt Development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149. In this paragraph as one of the exceptions the Framework states that extensions or alterations to buildings are not inappropriate development in the Green Belt if it does not result in a disproportionate increase in size over the original building.

4. The proposal is for an ancillary outbuilding, being a detached garage and workshop building. This would therefore not be attached to any existing buildings. On this matter, the Courts found in *Sevenoaks District Council v SSE and Dawe [1997]* that an existing detached domestic outbuilding could be regarded as part of the dwelling and, therefore, that an extension to the outbuilding could be regarded as an extension to the house in some circumstances.

5. In this case the proposed structure would be set a significant distance from the dwelling it is to be associated with. Whilst it is proposed to be an ancillary outbuilding, the position of the proposed garage/workshop is such that it does not visually relate well to the dwelling. It would likely appear as a separate building. In this case, due to the separation distance of dwelling to the proposed outbuilding, I would not regard it reasonable to consider the outbuilding as an *extension* to the dwelling for the purposes of this main issue.

6. There are examples where outbuildings have been taken to be a form of extension for Green Belt purposes, but on the merits of this particular case I do not accept that the proposal can be regarded as an 'extension' to the dwelling.

7. As such, the exception that relates to extensions under Paragraph 149 is not applicable to this proposal, and there are no other exceptions that would reasonably apply. I conclude that the proposals would therefore be a form of inappropriate development which is, by definition, harmful to the Green Belt. It would also fail to accord with policy CS5 of the Dacorum Borough Core Strategy 2006-2031 (adopted September 2013) which relates to Green Belt development.

Effect of the development on the openness of the Green Belt

8. Openness is an essential characteristic of the Green Belt. The proposed large outbuilding would be positioned on what is an undeveloped lawn/landscaped area, which would be visible at least partially from the local roads, for example. Therefore, there would be a material loss of openness within this area of the Green Belt as a result of the proposals.

Character and Appearance/AONB

9. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

10. The site currently consists of a barn-conversion complex which has a distinct rural character and is set back from Church Lane behind an attractive lawn/landscaped area which creates a sense of openness. This openness is a positive feature within this low density small rural village and is therefore also a positive feature within this part of the AONB. However, the proposal is for a large garage structure within this space between Church Lane and the barn-conversion complex.

11. Whilst it would be largely screened from some directions, such as from Browns Lane, it would likely be visible from Church Lane where it would be a particularly prominent feature from the road, especially if it was on a higher ground level than this highway. Furthermore, the level of screening from

landscaped boundaries could change over time, resulting in an increase in the prominence of the proposed outbuilding.

12. The proposed garage/workshop would be seen with the barn-conversion complex behind it, but this complex has a distinct formal layout of buildings around a courtyard, whereas this proposed outbuilding would not follow this pattern. I acknowledge the buildings set towards the highway on Browns Lane, but in my view the proposal would be more visually prominent from Church Lane, where it would have an adverse visual impact as an overly intrusive new building due to a combination of its size and position. Additional planting would not be sufficient to mitigate the visual impacts of the proposal.

13. Although it is noted that this is a single storey structure proposed of a simple rural type design, its overall size and position would mean that it would erode the spaciousness of this part of the site and be an overly prominent feature introduced into the rural street scene.

14. For these reasons, the proposal would have an adverse impact to the AONB designation and the character of the area, thereby being in conflict with policies CS11, CS12, CS24 and CS25 of the Dacorum Core Strategy (2013). These policies require development to conserve the special qualities of the AONB and the natural landscape character, amongst other things.

Green Belt and Planning Balance

15. I have found that the proposed outbuilding would be inappropriate development. 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, as set out in paragraph 148 of the Framework.

16. The proposed outbuilding would have benefits to the appellant, such as providing storage for vintage vehicles. The proposal has taken the approach of incorporating a more rural design with materials similar to the barn-conversion dwellings. However, these are limited benefits. With the removal of permitted development rights for this site there does not appear to be any significant fallback position that would outweigh the harm identified.

17. Overall, the proposal is in conflict with the Development Plan and there are no other considerations which clearly outweigh the total harm I have identified. Consequently, whilst the appellant has set out positive features of the development proposed, these do not amount to very special circumstances. As such, there is not the necessary justification for allowing the proposal when considering the identified harm.

Conclusion

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

Mr S Rennie

INSPECTOR