



Appeal Decision

Site visit made on 22 February 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 13th April 2022

Appeal Ref: APP/M2372/D/21/3280829

Lower Paddock Farm, Belthorn Road, Blackburn, BB1 2NN

- 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 McGeachie against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/0438, dated 22 April 2021, was refused by notice dated 11 August 2021.
 - The development proposed is domestic garage and office.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr John McGeachie against Blackburn with Darwen Borough Council. That application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i) 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;
 - ii) The effect of the proposal on the openness of the Green Belt; and
 - iii) If the development is inappropriate, 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 development.

Reasons

Whether or not inappropriate development in the Green Belt

4. Lower Paddock Farm comprises a residential dwelling and ancillary buildings in a large plot that is well separated from Belthorn. The appeal site is in the open countryside and the Green Belt.
5. The proposal would be the replacement of a single storey garage with a 2 storey building comprising a ground floor garage and kitchen and a first floor office and store.

6. 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.
7. Policy 3 of Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies Adopted December 2015 (the LP) sets out that the construction of new buildings is inappropriate development in the Green Belt subject to listed exceptions. These include 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; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. These exceptions are consistent with the relevant exceptions in the Framework, namely Paragraphs 149 c) the extension or alteration of a building, 149 d) the replacement of a building, and 149 g) the infilling or redevelopment of previously developed land (PDL). I will consider each of these in turn.

The extension or alteration of a building

9. The existing garage is detached and it is not in close proximity to, nor is it read as part of, the dwellinghouse. The proposal would not be an extension or an alteration to the dwelling. Hence, if the proposal was considered to be an extension or an alteration to a building, then the garage, and not the dwelling, would be the original building for the purposes of Framework paragraph 149 c).
10. The proposal would measure 8m by 8m, with an eaves height just over 3.4m and a height to the pitched roof ridge of just under 5.9m. Although the dimensions of the existing garage have not been specified, the Council considers that the proposal would be more than twice its height and over 3 times its volume. On this basis, the proposal would result in disproportionate additions over and above the size of the existing building.
11. Based on the appellant's calculations, the proposal would still be more than double the volume of the existing building. Therefore, based on the calculations of either party in the appeal, the proposal would be disproportionate additions over the size of the original building.

The replacement of a building

12. The proposal would replace the existing residential garage with a residential garage and office building. However, as I have found it would be disproportionate additions over the size of the existing building, the new building would be materially larger than the one it would replace. The proposal would not meet the exception in paragraph 149 d) of the Framework.
13. I note the suggestion that the proposed volume increase should be considered not only in the context of the volume of the existing garage but also the existing dwelling and earlier extensions to it. However, the garage is widely separated from the dwelling. The proposal would not be an extension to the dwelling nor would it be the replacement of a cluster of buildings that includes the dwelling. Therefore, the existing building for the purposes of the calculation

is the garage that would be replaced and not other widely dispersed buildings within the same planning unit that are excluded from the proposal.

14. Tandridge DC v SSCLG & Syrett [2015] EWHC 2503 relates to a new dwelling in the Green Belt as a replacement for a small group of buildings including a dwelling and a detached garage and outbuilding. The judge concluded that "building" should not be read as excluding more than one building, provided as a matter of planning judgement they can sensibly be considered together in comparison with what is proposed to replace them. However, this does not imply that a word in the singular should be always be interpreted as also referring to the same word in the plural, because that case related solely to the replacement of several existing buildings. It did not relate to the replacement of a single dispersed building where there are other buildings in the same curtilage, as in the case of the appeal proposal.
15. In a similar vein, my attention has also been drawn to an appeal decision (ref APP/F0114/W/17/3178000) for the erection of a replacement dwelling and garage following the demolition of the existing dwelling and ancillary outbuildings. The Inspector found that the proposed buildings were in the same use and they would not be materially larger than the existing buildings. However, the scheme was the replacement of a building group including a dwelling and it was not the replacement of 1 ancillary building.
16. Therefore, irrespective that the garage in this appeal is in ancillary residential use, domestic in scale and part of the same planning unit as the dwelling, neither the Tandridge case nor the appeal decision appear directly comparable to the proposal. They do not provide a justification for it.

Redevelopment of PDL which does not have a greater impact on openness

17. The definition of PDL in the glossary to the Framework does not exclude residential gardens outside of built-up areas. Therefore, the appeal site can be considered to be PDL.
18. Paragraph 133 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
19. The evidence indicates, and as illustrated on the plans, that the proposal would have a larger footprint than the existing garage. The proposal would apparently be accommodated partly within the existing hardstanding area and partly on an area of grass. The increase in the permanent footprint of development would result in a small spatial loss of openness.
20. By virtue of the greater size and height of the proposal, there would be a substantial increase in the scale and the bulk of the building in this location. While the band of woodland on the valley slopes below the appeal site might result in some screening of the proposal, the site is generally open to the surrounding farmland. Consequently, the 2 storey proposal would be more conspicuous than the existing low level garage. Moreover, its design and the illumination from the first floor office windows and rooflights would draw greater attention to the proposal from the surrounding area.
21. The appellant considers that there would be limited views from public vantage points. However little substantive evidence has been provided in this regard. As noted above, the appeal site is relatively open and there are views both in and

out of the site, including towards Belthorn and the tracks and pathways in the surrounding area. The increased bulk of the proposal would not be assimilated by the widely separated dwelling. It would have a greater visual impact than the existing garage. Notwithstanding that the proposal would be within the grounds of the appeal property, by virtue of its scale and siting it would appear to be the encroachment of built development into the countryside.

22. Therefore, the combined spatial and visual aspects would result in a small loss of openness of the Green Belt. The proposal would have a greater impact on the openness of the Green Belt than the existing development and it would not assist in the Green Belt purpose of safeguarding the countryside from encroachment. While it would be the redevelopment of PDL, it would not meet the test in Paragraph 149 g) of the Framework.

Findings

23. The proposal would not be the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. Although it would be in the same use, it would be materially larger than the building it would replace. It would be the redevelopment of PDL, but the proposal would have a greater impact on the openness of the Green Belt than the existing development.
24. As it would not meet any of the listed exceptions in Framework paragraph 149, the proposal would be inappropriate development in the Green Belt. It would conflict with LP Policy 3 and the policies in the Framework that protect the Green Belt. It would also conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment.

Other Considerations

25. While the application was not refused on grounds relating to the character and appearance of the area, the design of the proposal does not weigh in its favour.

Green Belt balance

26. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a small loss of openness of the Green Belt. In accordance with the Framework, these matters attract substantial weight.
27. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

28. For the reasons set out above, the appeal should be dismissed.

Sarah Manchester

INSPECTOR