



Appeal Decision

Site visit made on 5 July 2022 by Andreea Spataru BA (Hons) MA

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/P4415/D/22/3298062

Wales Court, Annexe 1 The Old Coach House, Manor Road, Wales, Rotherham S26 5PB

- 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 S Fletcher against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2022/0255, dated 4 February 2022, was refused by notice dated 1 April 2022.
 - The development proposed is a domestic double garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Whilst the Application Form and the Decision Notice Letter of the Local Planning Authority (LPA) refer to the appeal dwelling as 'Annexe 1', the property is mentioned as 'Annexe 2' in the planning officer report. Nevertheless, I have considered the appeal site as indicated on the submitted plans, on which the LPA has also made their decision.

Main Issues

4. These are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of 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 development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
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Reasons for the Recommendation

Inappropriate development

5. Framework paragraph 149 lists the types of development that are not considered inappropriate in the Green Belt. These include the extension or alteration of a building, if it does not result in a disproportionate addition over and above the size of the original building. Policies CS4 of the Rotherham Local Plan Core Strategy 2013-2028 (CS) and SP2 of the Rotherham Local Plan Sites and Policies (LP) reflect and apply the Framework policy.
6. The proposal would comprise the erection of a detached double garage with pitched roof to the North-West of the appeal dwelling, on a piece of land which is currently raised and open, except from the domestic paraphernalia. The LPA considers that the garage would not fall into any of the exceptions of the Green Belt policy and so would be inappropriate.
7. Although the garage would be sited within the curtilage of the host dwelling, it would be set away from the dwelling with a clear visual separation. It would not appear modest, as it would have a considerable footprint and overall mass. Because of its siting and size, I consider that the proposal cannot be considered as an extension.
8. On this basis, the proposal does not meet any of the exceptions outlined in paragraph 149 of the NPPF, therefore it would be inappropriate development in the Green Belt.

Openness

9. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would introduce a permanent solid structure to the side/rear of the property. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

Other considerations

10. My attention has been drawn to a planning decision¹ which granted permission for the appeal property to be used as an independent dwelling, subject to several conditions. Both the LPA and the appellant have referred to one of the conditions, which restricts further extensions to the dwelling, in order to preserve the openness of the Green Belt.
11. The appellant considers that the garage could be constructed without the need for planning permission if its siting in relation to the curtilage of the property would be different, as the condition mentioned above would not preclude them from adding outbuildings.
12. Irrespective of whether the proposal has been considered as an extension or an outbuilding by the LPA, and whilst I acknowledge that in certain circumstances a domestic outbuilding could be built without the need for planning permission, there is no evidence before me to demonstrate that this would be the case. Moreover, I am not aware that a certificate of lawfulness to confirm the matter

¹ LPA ref: RB2020/1180

has been sought. On this basis, I am unconvinced there is a realistic 'fallback' position and accordingly I give this matter limited weight.

Very special circumstances

13. The proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful and cause limited harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. Having regard to all the other considerations put before me, I find that they do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policies CS 4 of the CS and SP2 of the LP.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Hollie Nicholls

INSPECTOR