



Appeal Decision

Site visit made on 26 July 2022 by G Sibley MPLAN MRTPI

Decision by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2022

Appeal Ref: APP/K0425/D/22/3292879

Pipers Cottage & Cross Cottage, Pipers Lane, Great Kingshill HP15 6LW

- 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 Shaun Middleton against the decision of Buckinghamshire Council.
 - The application Ref 21/07904/FUL, dated 27 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed is construction of semi-open carport structure within front driveway.
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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. I have removed '(resubmission of withdrawn application 21/05148/FUL)' from the description of the development proposed because this is not an act of development and as a result is superfluous information.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) (Revised 2021) and any relevant development plan policies
 - the effect on the openness of the Green Belt
 - if the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

5. The Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions. This includes the exception in paragraph 149 c) for the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Outbuildings can, in certain circumstances, form part of the dwelling and proposals for new outbuildings can be regarded as an extension to the original building in the Green Belt. There are several outbuildings around the site of which some at least are not considered to be part of the 'original building' by the Council. No substantive evidence has been presented to dispute the Council's position in this regard and I therefore accept it.
6. For sites such as this one, which are outside of a built-up village identified on the Policies Map or a Neighbourhood Plan, Policy DM43 (2) of the Wycombe District Local Plan (LP) (Adopted 2019) states that any increase in the volume of residential outbuildings would be inappropriate development in the Green Belt, unless all of the specified conditions are met.
7. Condition 2b requires the total volume of all existing and proposed outbuildings on the property to not exceed 140 cubic metres (m³). The Council state that the proposed outbuilding would be around 130m³ although the appellant has calculated the outbuilding to be approximately 137m³. There are currently three outbuildings associated with this dwelling. Whilst I have not been provided with the volumetric size of these outbuildings, it is evident from what I saw on site, as well as shown on the Proposed Block Plan (Ref: 157-201 Rev C), that any one of the existing outbuildings would exceed 10m³ in volume. Accordingly, the cumulative size of the proposed building alongside the existing buildings would be greater than 140m³ and the proposal would not accord with this condition of the policy.
8. Moreover, condition 2e requires that no part of the development would exceed 4 metres(m) in height and the proposal would be taller than this and thus would conflict with this condition of the policy as well.
9. Therefore, the proposal would not accord with two of the conditions and the policy requires development to accord with all of the conditions to not be inappropriate development in the Green Belt. Whilst the Framework does not define what disproportionate additions would be, Policy DM43 does set some size parameters which I have had regard to. When taking into consideration the outbuildings already built around the dwelling, the proposal would result in disproportionate additions over and above the size of the original building and would consequently be inappropriate development in the Green Belt with regard to paragraph 149 c) of the Framework.

Openness of the Green Belt

10. The site is bound by hedgerows along Pipers Lane and the development also proposes new hedgerow to be planted along the border of the site closest to the proposed outbuilding. Despite this, the building would likely still be visible above the proposed hedgerow, which itself would take time to establish before

forming a vegetative screen. Given the proposed siting of the car port in front of gated access it would also be clearly visible from there as well. Accordingly, given the relatively large scale and the siting of the proposed outbuilding and the limited proposed landscaping it would subsequently result in a moderate loss of the visual openness of the Green Belt.

11. The site where the outbuilding is proposed is currently free from built form which positively contributes to the spatial openness of the Green Belt. The proposal would erect a relatively large new building on this site which would be a significant change from the current situation. Accordingly, this would significantly erode the spatial openness of the Green Belt.
12. As a result, the proposal would harm both the visual and spatial openness of the Green Belt, contrary to one of the essential characteristics of Green Belts listed at paragraph 137 of the Framework.

Other considerations

13. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.
14. The proposal would provide a covered parking area for the appellant's vehicles but given that this would be a private benefit for the appellant, this attracts very limited weight.
15. The appellant states that they would be willing to reduce the height of the garage as part of this appeal process. However, paragraph M.2.1 of the Procedural Guide for Planning Appeals Annexe M (Updated April 2022) states that the appeal process should not be used to evolve a scheme. Additionally, even if I was to accept this offer, reducing the height to 4m as proposed would not address the volumetric harm or remove the harm to spatial and visual openness and so carries very limited weight.
16. The site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and great weight must be given to conserving and enhancing landscape and scenic beauty. The AONB in this location encompasses small sporadic residential settlements separated by areas of open countryside. The existing house is a large attractive building set within a spacious plot and many of the dwellings along Pipers Lane are similar. The scale and siting of the garage would appear subordinate with the host dwelling and given the size of the associated plot; the proposal would not over develop it. The garage would be an open car port built from timber and this material has been used in the construction of the other outbuildings locally. As a result, the design and materials proposed would not appear out of character or detract from the appearance of the house.
17. Given the design of the proposal it would conserve the landscape and scenic beauty of the AONB in this location. The Council also came to this conclusion and based on the submitted evidence I see no reason to disagree. However, this would be expected of any development within the AONB and carries neutral weight.

18. The appellant notes that they have already made several concessions to the Council with regard to the design and size of the garage. However, it is noted that the scheme that was originally submitted to the Council did not accord with the conditions set out in Policy DM43 and the revised scheme has also failed to comply. Moreover, whilst a condition has been suggested by the appellant to control the use of the proposed outbuilding, this would not overcome the identified harm to the Green Belt.
19. While the Parish Council did not object to the proposal this carries neutral weight in the balance.

Whether very special circumstances exist

20. The proposed development would cause harm to the Green Belt by reason of inappropriateness and reduction in openness and I attach substantial weight to these harms.
21. The other considerations cited in support of the proposal do not either individually or cumulatively, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
22. Therefore, the proposal would conflict with LP Policy DM43, and national Green Belt Policy set out in paragraphs 137 and 147-151 of the Framework.

Conclusion and Recommendation

23. Accordingly, the proposal would conflict with both local and national Green Belt policy. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

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

A Parkin

INSPECTOR