



Appeal Decision

Site visit made on 6 February 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2023

Appeal Ref: APP/N0410/W/22/3301041

2 The Stables, Glen Island, Taplow SL6 0BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Kim Smith against Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/21/2600/FA, is dated 28 June 2021.
 - The development proposed is described as 'Retrospective permission for a small timber outbuilding in rear garden of residential property within curtilage of a listed building'
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. I saw at my site visit that an outbuilding has been erected on site in accordance with the plans before me, therefore I have considered the appeal on the basis that the development has already taken place.
3. The Council have outlined their main concerns with the proposal, which relates to inappropriate development within the Green Belt.

Main Issues

4. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect of the development on the openness of the Green Belt; and
 - If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

5. The Framework states that the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in

- paragraph 149. This list of exceptions does not specifically refer to outbuildings.
6. Saved Policy GB1 of the South Bucks District Local Plan (1999) (LP) sets out that within the Green Belt, planning permission will not be granted for development other than some exceptions, including (e) the limited extension, alteration or replacement of existing dwellings, in accordance with Policies GB10 and GB11 of this Plan.
 7. LP Policy GB10 refers to extensions to dwellings within the Green Belt. Part e) of this policy refers specifically to ancillary buildings within residential curtilages in the Green Belt. It states:
 8. *'in the case of ancillary buildings within residential curtilages in the Green Belt, the building together with any other ancillary buildings would be of a small scale in relation to the size of the dwelling and of a small scale in relation to the size of the residential curtilage'*
 9. However, Policy GB1 and GB10 are of some age (1999) and their provisions are not consistent with the guidance set out in the Framework. In accordance with paragraph 219 of the Framework I therefore attach more weight within my decision to Green Belt national policy and determine the appeal in accordance with the Framework in this regard.
 10. Part c) of Framework paragraph 149 also includes 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. It has been established¹ that whether a detached structure would amount to an extension of the existing building is a matter of fact and degree.
 11. Whilst the outbuilding is of a modest scale, it is located as far as possible from the main house at the back of the rear garden. It is too physically remote and clearly separate to be reasonably regarded as an extension to the house itself, or indeed any other building.
 12. As such, I do not consider the proposed outbuilding can be considered an extension. I therefore conclude that it therefore represents inappropriate development in the Green Belt.
 13. Paragraph 147 of the Framework says inappropriate development is harmful by definition and paragraph 148 identifies that substantial weight should be given to any harm to the Green Belt.

Openness

14. The Framework makes it clear that openness is an essential characteristic of the Green Belt.
15. Whilst located within the domestic garden of the appeal site, and set behind the boundary facing and hedging, the roof of the structure is visible from the nearby riverside pathway. There would be therefore a visual impact upon openness, in addition to the spatial impact that would result, and openness would be reduced.

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145

Other Considerations

16. The appellant points to a lack of conflict with LP Policies H11 and H13, however these are general extension to dwellings and outbuilding policies, not specifically Green Belt. As such they do not alter my conclusions on appropriateness.

Other Matters

17. The appeal property is within located within the Taplow Riverside Conservation Area (CA) and within the curtilage of Grade II listed Glen Island House. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and preserving listed buildings and their setting or any features of architectural or historic interest which they possess.
18. No detail is provided regarding the CA designation; however, it is evident that its significance lies with its special architectural and historic interest. Glen Island House derives significance from its age, architecture and location on the Thames.
19. Given the small scale of the proposed outbuilding and its domestic nature I am satisfied that it does not harm the setting of the Listed Building nor harm its significance and would not detract from the character and appearance of the wider CA. There is therefore no conflict with the above Act.

Conclusion

20. The proposal constitutes inappropriate development in the Green Belt and reduces openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. There are no other considerations which clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the guidance contained in the Framework relating to Green Belts.
21. For the reasons given above I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR