



Appeal Decision

Site visit made on 20 March 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/B3030/D/23/3314408

96 Caythorpe Road, Caythorpe, Nottinghamshire NG14 7EB

- 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 Martin Hough against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01984/HOUSE, dated 12 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is timber framed and clad double garage set forward from dwelling in parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The garage has already been partly erected. The works undertaken so far comprise a concrete slab, erection of timber frame and a felt roof. The appeal therefore relates to a refusal for planning permission which is partly retrospective, and I have considered it on this basis.

Main Issues

3. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the surrounding area; and
 - 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 development.

Reasons

Whether inappropriate development

4. The appeal site is located within the Nottingham-Derby Green Belt where development is strictly controlled by Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy (2019) (ACS). This states that development proposals in the Green Belt will be judged according to the Framework. There is

a general presumption against inappropriate development in the Green Belt unless very special circumstances exist.

5. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149 of the Framework. The exception at paragraph 149 e) allows for limited infilling in villages. A definition of limited infilling is not provided within the Framework and this is a matter of planning judgement, having regard to factors such as the nature and size of the proposal, the location of the site and its relationship to other existing development adjoining and adjacent to it.
6. The appeal site forms part of a consolidated row of dwellings which are similarly set back from the road behind generous frontages. Opposite, beyond Caythorpe Road are open fields. In the circumstances of this case, the garage is positioned noticeably forward of the house frontage and close to the road. By virtue of its forward position and absence of adjoining buildings to either side it does not amount to the infilling of a gap in an otherwise built-up frontage. Consequently, in the circumstances of this case, the garage would not fall within the definition of limited infilling and would not satisfy the exception at paragraph 149 e) of the Framework.
7. The development would also not comply with the exception in paragraph 149 c) as the garage is clearly physically separate from the dwelling and cannot therefore be considered as the extension or alteration of a building. The garage is therefore inappropriate development in the Green Belt, having regard to the Framework and ACS Policy 4B. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Openness

8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open regardless of whether that be within a settlement or in the open countryside. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. The footprint, height and volume of the structure has affected the openness of the Green Belt compared to the previous undeveloped nature of the front garden and drive. The footprint of the garage may be considered a small proportion of the dwelling frontage, and the garage may be the smallest size required for its purpose, but nevertheless, in spatial terms the development has reduced the Green Belt's openness.
9. Given the position close to the roadside boundary wall and with an absence of any screen planting, the garage is clearly viewed in close and more distant views along Caythorpe Road. Therefore, in comparison to the previous site, the garage has resulted in a small spatial and visual loss of openness of the Green Belt.

Character and appearance

10. The appeal dwelling is relatively modern and faced in render with a brick plinth. In the immediate area, dwellings are of mixed character in terms of building form and age, but they largely share a consistent building line, set well back

from the road behind substantial gardens and driveways. Walling materials are predominantly brick and some render.

11. The Council's Householder Development Supplementary Planning Document (SPD) advises that poorly sited garages can give rise to detrimental impacts on the appearance of the host dwelling and surrounding area. It draws particular attention to garages positioned forward of a dwelling where it is likely to have a dominant effect and adversely affect the character of the area. The detached garage, which is the subject of this appeal, is clearly well forward of the host dwelling and adjoining dwellings and is conspicuous in views along the road. When completed it would fail to complement the surrounding pattern and grain of development.
12. Although the garage is small-scale, its prominence is heightened by its cladding in timber which is not representative of building materials in the immediate area. When completed the garage would be conspicuous and look out of place. Timber may well represent a renewable building material and the scheme proposes to incorporate rainwater harvesting but these factors do not override the need for protecting and enhancing the built environment which is a key objective of national and local planning policy.
13. My attention has not been drawn to any examples of prominent structures near to the appeal site which stand forward of the host dwelling. During my visit I noted one or two examples, but these appear to be more traditionally designed 'farmhouse-type' dwellings with outbuildings of more substantial construction utilising facing materials reflective of the surrounding built context. The character, layout and details of these buildings are significantly different to the appeal scheme before me. I have noted the suggestion that there is a similar example in a nearby village and examples further afield but without further details, I am unable to draw any comparisons. In any event, I have considered this appeal fairly on the evidence before me, with full regard to relevant national and local planning policy.
14. Therefore, the garage has a harmful effect on the character and appearance of the surrounding area. It would consequently conflict with ACS Core Policy 9 and Policy DM5 of the Allocations and Development Management DPD (2013) as well as the SPD which generally require that proposals are designed to reflect the character of the area and use materials appropriate to their locality. It also conflicts with Section 12 of the Framework, which amongst other matters seeks to ensure that developments add to the quality of the area.

Other considerations

15. Very special circumstances would need to exist to justify granting permission for the development because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.
16. Whilst the proposal would provide secure storage for a vehicle within the grounds of the appeal site, this carries limited weight and does not convince me that the harm identified under the main issues would be justified. Also, the fact that nearby residents raise no objection to the proposal is not in itself a

reason to allow the development which is contrary to national and local planning guidance.

17. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. As such, the proposal would be in conflict with ACS Policy 4B and the Framework.

Other Matters

18. The appellant has expressed concerns regarding advice received from the Council when considering the proposal, resulting in the commencement of works. However, whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal. Whilst the garage structure has been placed on casters, I noted that some main elements of the structure still rest on the ground, and it would be very difficult to move beyond the concrete slab. The building therefore has a degree of permanence in this location, although in any event moving the structure around the building frontage would still amount to inappropriate development and this therefore does not affect my findings.

Conclusion

19. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

G Bayliss

INSPECTOR