



Appeal Decision

Site visit made on 1 March 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/K0425/D/22/3304611

Crossview, Shootacre Lane, Princes Risborough HP27 9EH

- 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 R Hoyte against the decision of Buckinghamshire Council.
 - The application Ref 22/05205/FUL, dated 25 January 2022, was refused by notice dated 18 July 2022.
 - The development proposed is alterations and reductions to an existing detached garden building for use as a swimming pool building (retrospective). Installation of a deck level fully in ground swimming pool within the rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An outbuilding has been built on the appeal site. However, it is different from that for which permission is sought including in terms of both its size and appearance. For the avoidance of doubt this has had no bearing on my decision and I have determined the application in accordance with the submitted plans.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - 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

Whether the proposal would be inappropriate development

4. The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as

inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.

5. Of relevance to this appeal is that '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' is listed as an exception in paragraph 149c. When making an assessment of the volume of the outbuilding compared to the original building both main parties' cases consider the outbuilding as an extension. I have no evidence to dispute this approach and have proceeded on this basis.
6. Policy CP8 of the Wycombe District Local Plan (August 2019) (LP) seeks to protect the Green Belt from inappropriate development. Policy DM43 of the LP sets criteria that should be met for residential outbuildings in the Green Belt, outside of a built up village. Of relevance to this appeal these include that 'the total volume of all existing and proposed outbuildings on the property would not exceed 25% of the volume of the original building'.
7. The parties agree that the volume of the original dwelling was around 307m³, and that the proposed outbuilding would be 107m³. There would therefore be a cumulative volume increase of approximately 35%. At my site visit works were ongoing to the main dwelling, however this does not alter the volume of the original dwelling.
8. The proposed outbuilding would span the majority of the width of the plot at a depth of 3.6 m. This would create a large outbuilding, particularly when compared to the original, modest single storey bungalow. Furthermore, the proposed 35% increase would appreciably exceed the 25% volume increase set out in Policy DM43 of the LP. Taking all the above into account the proposed outbuilding would be a disproportionate addition over and above the size of the original building.
9. Consequently, for the reasons described above, the appeal scheme would be inappropriate development in the Green Belt both in the terms of the Framework and Policies CP8 and DM42 of the LP, the aims of which are set out above.

Openness

10. Openness has both spatial and visual dimensions. The outbuilding would introduce permanent built form where previously there was none. Therefore, there would be harm to spatial openness.
11. In terms of visual openness, although the outbuilding would not be seen from Shootacre Lane, it would be likely to be visible from the nearby properties. There is an evergreen hedge at the end of the garden, however this does not completely block all views and therefore the outbuilding would also be perceived from the open land to the rear. It would be sited away from the line of houses and consequently, despite the fact that it would be within a residential plot, its impact on visual openness would be greater than the existing domestic garden. Therefore, in terms of visual intrusion, there would also be harm to openness in this regard.

12. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt and it would be contrary to the Framework in this regard.

Other Considerations

13. It may be possible to construct an outbuilding on the site under permitted development. However, the proposed outbuilding would be taller, and further from the house than would be allowed under the General Permitted Development Order in this location. Therefore, the development that is the subject of this appeal would not appear to be permitted development. Consequently, there is not a real prospect that the proposed outbuilding would be built under permitted development and as such this does not weigh in favour of the appeal scheme.
14. The proposed development would be located in a residential garden and outbuildings are not uncommon in this context. It also appears that there are other outbuildings along Shootacre Lane. However, I am not provided with evidence that they are of a comparable scale to the development proposed. Nor are large outbuildings so common as to form an overriding part of the character and appearance of this area. Consequently, these matters do not provide support for the development proposed.

Green Belt Balance

15. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case do not clearly outweigh the harm that I have identified.
16. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework and Policies CP8 and DM42 of the LP the aims of which are set out above.

Conclusion

17. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR