



Appeal Decision

Site visit made on 28 March 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/P0119/W/22/3296147

Willis House, Latteridge Road, Iron Acton BS37 9AA

- 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 Jim McAlinden against the decision of South Gloucestershire Council.
 - The application Ref P21/00942/F, dated 15 February 2021, was refused by notice dated 18 February 2022.
 - The development proposed is for the construction of a new double garage and home office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the appellant has outlined via correspondence that the name of the property and postcode as indicated on the application form have been changed. As such, the address in the banner above has been amended to reflect this change.
3. At the time of my visit a building had been erected in the location of the proposed development and the Council Officer Report suggests that there is an ongoing enforcement investigation into the use of the building as a holiday let. However, any enforcement investigation into the outbuilding and its use is something to be dealt with by the Council under separate procedures and is not something I can consider as part of this appeal.
4. As such, for the avoidance of doubt, I have assessed the scheme based on drawings submitted with the appeal and its use as an ancillary office and garage to a residential property. The drawings considered are referenced 1101, 1102, 1104 and 1105.

Main Issues

5. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt; and its effect on openness.
 - the effect of the proposal on the character and appearance of the area.
 - if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development in the Green Belt

6. Policy CS5 of the South Gloucestershire Core Strategy 2013 (Core Strategy) sets out in part 6 (c) that proposals other than infill and development brought forward through a Community Right to build will need to comply with the provisions of the Framework or other policies in the Core Strategy.
7. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they are:
 - 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.
8. The Framework defines the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
9. The Framework does not provide a definition of 'disproportionate addition', but Part 3 of Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (Local Plan) refers to proportionate additions to a building in the Green Belt. It states that increases of 30% above the original building are likely to be proportionate, but above 50% are most likely to be considered disproportionate. However, those above 30% will be assessed carefully and regard will be had to whether the proposal would appear out of scale and proportion to the existing building. The policy provides a reasonable approach to assess the proportion of the extensions. I have considered the appeal on this basis.
10. The Green Belt Supplementary Planning Document 2007 (SPD) is not entirely consistent with the Framework as it refers to additions to dwellings rather than buildings. However, the proposal is for an extension to a dwelling, and the advice and guidance is largely consistent with the Framework in respect of additions to buildings in the Green Belt. As such, I have had regard to the SPD when making my decision.
11. The proposed outbuilding would have a length of 14.35 metres (m), a width of 11.04m, and a height of 6m. The volume would be 690 cubic metres and a footprint of 158 square metres. Based on the information before me and the findings of my site visit, the outbuilding is sufficiently close to the host dwelling and is within its curtilage. For these reasons, I agree that the outbuilding could be regarded as an extension to the dwelling for the purposes of paragraph 149 (c) of the Framework.
12. The main parties agree that planning permission for the house was granted in 1981 as an agriculturally tied dwelling. The Council has indicated that due to limited records the volume of the original building is unknown, but the floor area was 122 square metres, and the house is two storeys. The planning history does note the removal of the agricultural tie but there are no permissions for extensions. The Council suggest a single storey front extension and a first-floor side to rear extension have been added without formal permission. The appellant

has not included details of the floorspace and volume of the original building, and whether any additions have been included since it was built in 1981.

13. I have had regard to the appellant's position, but based on the limited evidence before me the proposed development would result in a sizeable increase in the floorspace and volume to the original property. Although the outbuilding is detached and single storey, the footprint and volume of the building would result in additions that would exceed a 50% increase in the size of the original building. Notwithstanding any other unauthorised extensions highlighted by the Council, the increase in floorspace, volume and size from the outbuilding alone would amount to a substantial addition, and one which I find to be disproportionate to the size of the original building.
14. For these reasons, the extensions would be disproportionate in size to the original building, contrary to paragraph 149 (c) of the Framework, and Policy PSP7 of the Local Plan. It would also be contrary to the advice and guidance set out in the Green Belt SPD.

Openness

15. Paragraph 133 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt.
16. The appeal property is visible from the adjacent highway on Latteridge Road and Latteridge Lane. Notwithstanding the existence of other two storey properties within the vicinity, the openness of the Green Belt is clear around the property and the wider area. The appeal proposal would increase the footprint and volume of the existing building and the spread of the built form across the curtilage. Despite being lower in height, the proposed building would be visible from the adjoining roads. In this regard, the proposal would result in a loss of spatial and visual openness on the site and from wider areas. This factor weighs somewhat against the proposal.

Character and appearance

17. Latteridge Road is a rural location characterised by detached dwellings of varied design and sizes within spacious plots. Whilst there is no dominant style to the dwellings along Latteridge Road, there is a predominance of large single dwellings within defined and dispersed plots. Detached garages and outbuildings are also a typical feature to the properties in the area. Willis House is a detached dwelling within a spacious plot with no immediate neighbours. The dwelling faces Latteridge Lane and sits centrally with a fence and some matures along its boundary with the Lane. Despite the presence of the fence and trees, the dwelling is visible from the Lane and from wider views along Latteridge Road.
18. I appreciate that the scale, design approach and materials look to replicate a rural building within the area. However, the proposed building is a residential outbuilding rather than a rural barn or stable. The proposal has openings and features that are more reflective of its residential use, but with a scale and size that would appear significantly larger and at odds with the smaller and more proportionate garage and annex buildings visible within the vicinity. Furthermore,

by virtue of its siting, orientation and size, the proposed building would undermine the sense of hierarchy at the appeal site whereby the proposal would appear more as a dominant structure rather than a subservient building to the main dwelling. The proposed building would also be visible from localised views from the adjoining lane and road, exacerbating the adverse visual impact of the proposed development.

19. I therefore conclude that the proposed development would harm the character and appearance of the area. Accordingly, it would be contrary to Policy CS1 of the Core Strategy and Policies PSP1 and PSP38 of the Local Plan. These policies seek to ensure that new development integrates effectively with its surroundings by having respect to the character, local distinctiveness, and amenity of both the site and its context. The proposed development would also be contrary to the design policies set out in section 12 of the Framework.

Other Considerations

20. I turn now to address other considerations that might clearly outweigh harm arising from inappropriate development in the Green Belt, to provide the very special circumstances required to justify a grant of planning permission.
21. The appellant has indicated that the building would provide a secure place to lock up cars and provide security. The proposal is also considered to be acceptable in respect of drainage and flooding, highway safety and neighbours living conditions. I acknowledge representations supporting the proposal, which indicate the building is in keeping in the area, it provides local jobs and does not pose a threat to the environment. The provision of building for storing of cars and bikes for security, jobs as well as support from local residents are a positive aspect of the scheme. However, in my judgement, the lack of objection on other issues and compliance with the relevant development plan policies is essential and would not be considered a benefit.
22. The appellant has indicated that outbuildings are permissible in the Green Belt subject to certain criteria. Although I acknowledge that permitted development rights exist for outbuildings, no details of an alternative permitted outbuilding have been provided with the evidence. As such, I cannot compare any fallback position or determine whether there is any prospect of such a scheme being implemented were I to dismiss the appeal. Accordingly, I attributed limited weight to this matter.

. Green Belt Balance

23. In considering the substantial weight given to the harm to the Green Belt¹, to my mind, the benefits outlined above, individually, or cumulatively do not clearly outweigh the harm to the Green Belt. These benefits would also not outweigh the harm to the character and appearance of the area. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified.
24. Consequently, the very special circumstances necessary to justify the development do not exist and the development would conflict with the Framework and the relevant policies of the development plan outlined above.

¹ Paragraph 148 of the Framework.

Conclusion

25. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR