
Appeal Decision

Site visit made on 28 March 2023

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/P0240/W/22/3303745
90 Peddars Lane, Stanbridge LU7 9JD

- 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 & Mrs Medlicott against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04401/FULL, dated 29 September 2021, was refused by notice dated 25 January 2022.
 - The development proposed is domestic outbuilding for storage and home study.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have dealt with another appeal on this site, Ref: APP/P0240/X/22/3294937. That appeal is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect on the character and appearance of the area and openness; and
 - If it is inappropriate development, whether the harm by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The appeal site is located in the Green Belt and planning permission is sought for a new single storey building for use as a store/gym and home office ancillary to the residential use of No 90 Peddars Lane.
5. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless they are for one of the exceptions listed in paragraph 149. Policy SP4 of the adopted Central

Bedfordshire Local Plan, 2015-2035 (LP) advises that within the Green Belt there is a general presumption against inappropriate development and that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework and National Planning Policy Guidance.

6. The appellants do not suggest that the new building would be for any of the exceptions listed in paragraph 149. However, I note that they state it is proposed to remove an existing shed on the site, subject to the new outbuilding being granted permission. That said, I have considered whether the new building would be a replacement building. Paragraph 149 provides for a replacement building in the Green Belt that is in the same use and not materially larger than the one it replaces.
7. From observations on my site visit, the existing shed is used for domestic storage ancillary to the residential use of No 90. Consequently, as the new building is also proposed for a use ancillary to the residential use of 90 Peddars Lane, it could be argued that the new building would be in the same use as the shed it would replace. However, from the evidence before me, the new building would be a materially larger building than the existing shed. It would have a pitched roof and extend to a height of some 3.9 metres. Its footprint would also extend over a greater area than that of the shed. Furthermore, I have not been provided with any evidence to demonstrate that the existing shed is lawful.
8. For the reasons given above the new building proposed would not be for any of the exceptions listed in paragraph 149 and would be inappropriate development in the Green Belt.

Character and appearance and openness

9. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belt are their openness and permanence.
10. The new building would be a substantial structure, which by reason of its bulk form and physical presence would reduce the openness of the Green Belt. Whilst I recognise that the existing shed on the site would be removed, the new building would be materially larger, and thus its harm to openness would be greater. Moreover, the new building would be sited in a location both physically and visually remote from the existing dwelling. The existing shed is sited close to the dwelling's original garden, and it has a more utilitarian appearance than the proposed building, which has a residential design, incorporating a porch/canopy and large areas of glazing.
11. I appreciate that the appellants are seeking to develop a high-quality garden building. However, that building would be an encroachment of built development into the Green Belt and would have a harmful effect on its open character and appearance. The harm to openness would be moderate and there would be conflict with Policy EE5 of the LP which seeks to ensure that all development respects, retains and enhances local character.

Green Belt Balance

12. I have found that the building would be inappropriate development in the Green Belt and by definition it is harmful to the Green Belt; harm which the

Framework indicates should be given substantial weight. Added to which is the harm to the openness and character and appearance of the area. There are no other considerations identified to weigh against that harm. Therefore, the harm by reason of inappropriateness, and additional harm identified, are clearly not outweighed by other considerations. Very special circumstances do not exist to justify the development. The development does not comply with national planning policy in the Framework and there is conflict with Policy SP4 of the LP.

Conclusion

13. For the reasons given above and taking into account all other matters raised, the development is not compliant with the development plan and no considerations merit a decision other than in accordance with the development plan and the Framework. I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR