



Appeal Decision

Site visit made on 6 June 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/H4315/D/22/3310077

10 Siding Lane, Rainford, St Helens WA11 7SS

- 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 and Mrs Stephen and Hayley Middlehurst against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2022/0538/HHFP, dated 27 July 2022, was refused by notice dated 21 September 2022.
 - The development proposed is described as 'a domestic outbuilding comprising a double garage and general store area (6.6m x 9.45m).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above is taken from the planning application form, but with the village and town inverted in the correct order.
3. I observed at the site visit that the area of gravel forming a car parking and turning area was more extensive than is shown on the submitted plans, extending further north and eastwards. For clarity, I have assessed the proposed development as shown on the submitted plans.

Main Issues

4. The main issues of this appeal are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the harm by reason of inappropriateness, would clearly be outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

5. The appeal site is located within the Green Belt to which the Government attaches great importance. Paragraph 149 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Two of

those exceptions are relevant to the case; c) which relates to extensions and g) which addresses the infilling of previously developed land (PDL).

Extension of Existing Buildings

6. Policy LPD05 of the St Helens Borough Local Plan up to 2037 (2022) (LP) sets out that garaging, storage or other ancillary structures will not be allowed within the Green Belt unless, in conjunction with the remainder of the existing and any other proposed development, providing it would not have a materially greater impact on the openness or purposes of the Green Belt than the existing building. This is consistent with paragraph 149c) of the Framework which permits 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.
7. Policy LPD05 of the LP suggests that proposals should not extend the volume of an original building by more than 30% either individually or cumulatively with other extensions. Although the Framework does not provide a definition of a disproportionate addition, the percentage increase figure provided by Policy LPD05, offers a reasonable method of determining whether an extension would be disproportionate. Policy LPD05 does not provide unqualified support for well-designed and appropriately scaled garages.
8. Undisputed by the Appellant, the host dwelling has previously been extended by a 94% volume increase to the original structure¹. Consequently, the further volume increase proposed by the erection of the garage would, if considered to be an extension, significantly and demonstrably exceed the 30% guidance set out in Policy LPD05. The proposal would therefore, amount to a disproportionate addition over and above the size of the original dwelling, when taken in conjunction with the existing extension.
9. The Appellant disputes the application of the exception under paragraph 149c) of the Framework, suggesting that the proposal should not be considered as an extension. If it is not considered as such, the proposed development would therefore be inappropriate development unless it is considered to comply with another of the exceptions listed under paragraph 149 of the Framework. From my observations and the evidence before me, the proposal is for a separate building some distance away from the dwelling, such that it could not reasonably be considered as an extension. Either way, the proposal would not meet the exception set out at paragraph 149c) of the Framework.

Limited Infilling of Previously Developed Land

10. Paragraph 149g) permits the limited infilling of PDL, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. The Appellant considers that it is this exception which applies to the proposal. PDL can include residential gardens where they are not in built-up areas² and I am satisfied that the appeal site is located in a semi-rural area, detached from the settlement of Rainford. However, the land to the north and east of the dwelling is extensive and has the overall appearance of a paddock, despite the presence of a limited number of raised beds and children's play equipment. No certificate of lawful

¹ Planning approval P/2016/0161/HHFP for a 2-storey side extension with access and driveway.

² As directed in the Dartford Borough Council v The Secretary of State for Communities and Local Government and Ors [2017] EWCA Civ 141 judgement.

use is before me for the land around the dwelling, and it is not clear from my observations whether the land on which the proposed garage would be sited, is or has been in use as domestic garden.

11. The Appellant has not clarified in what way the proposal would constitute infilling. There is no specific definition of 'limited infilling' within the Framework. However, it is generally considered to occur when a gap between buildings is filled, such as when an otherwise built-up frontage is completed. Although the host dwelling lies to one side, a gap of approximately 15m would exist between it and the proposed garage³, with a woodland to the other side which is not separated by any formal boundary treatment. The proposed development would not therefore visually relate to built development on either side, and in this regard, it appears to differ from the circumstances of the proposal considered under planning application 21/02345/FUL.⁴ For these reasons, it would not amount to infilling.
12. Whether or not the appeal site forms PDL, the determining factor in assessing the scheme in relation to this exception is the effect of the proposal on openness. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension, a principle established in *Turner v Secretary of State for Communities and Local Government and East Dorset Council* [2016] EWCA Civ 466 and with which I have had regard to.
13. Even if the previous 2-storey side extension⁵ was considered to have little impact on the openness of the Green Belt, an assessment of the impact of the specific proposal before me is required. The erection of a new building where one does not currently exist would, due to its large footprint and scale, result in a spatial loss of openness. Although it is suggested that the proposed garage building would not be visible, localised public views would be possible from Siding Lane at a medium distance across the front lawn of No 9 Siding Lane. The increased spread and volume of built form at ground level would be readily discernible, moderately diminishing the sense of openness and failing to safeguard the countryside from encroachment.
14. Consequently, the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing situation. In this regard my findings are consistent with the approach set out in *Euro Garages Limited v The Secretary of State for Communities and Local Government and Cheshire West and Chester Council* [2018] EWHC 1783 (Admin). The exception set out at paragraph 149g) of the Framework would not be met.

Conclusion on Inappropriate Development

15. The proposal would fail to meet any of the exceptions set out by paragraph 149 of the Framework and would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

³ As shown on the Proposed Site Plan drawing number 05.

⁴ As described at paragraph's 25 and 27 of the officer report supplied at appendix 2 of the Appellant's statement.

⁵ Planning approval P/2016/0161/HHFP.

Other Considerations

16. It is suggested that garage buildings can normally be expected for large properties sited within extensive grounds. Be that as it may, the appeal site is located within the Green Belt for which there are long standing controls on new development. Even if previous buildings were present on the appeal site, they do not exist now. The evidence before me suggests that the volumetric size of the former buildings was offset against the previously proposed 2-storey side extension, in part to demonstrate very special circumstances for new development within the Green Belt. In the absence of permitted development rights for the erection of an outbuilding, there is no fallback position available.
17. Whilst it is acknowledged that external storage for equipment would be desirable and that housing vehicles within a garage may be preferable, these would mainly be private benefits that do not present compelling reasons to justify a new building, where the starting point is that there are no new buildings within the Green Belt. Although their planning status is unknown, the appeal site does include 2 existing external storage buildings.
18. Similarly, whilst storage for fox rehabilitation care may be desired, there is no evidence before me that a car for fox transportation requires garaging. Cars can be parked outside without significant detriment to their condition. Being of a transient nature, their presence within a parking courtyard would have less of an impact on the openness of the Green Belt than a permanent structure. Even if a garage was allowed, there would no obligation on the Appellant's to use it for housing vehicles.
19. The proposal has been amended and reduced in size since the refusal of a previous iteration⁶. Nevertheless, that does not justify the proposal now before me, with which I have found harm for the reasons I have given above.

Planning Balance and Conclusion

20. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
21. The proposal would amount to inappropriate development in the Green Belt resulting in a moderate loss of openness. There are no matters individually or cumulatively that provide anything other than very limited weight in favour of the proposal. These other considerations do not outweigh the substantial weight that I must give to Green Belt harms. The very special circumstances necessary to justify the proposal do not exist. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR

⁶ Planning application reference P/2021/0784/HHFP.