



Appeal Decision

Site visit made on 14 July 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26TH September 2023

Appeal Ref: APP/X0415/W/23/3316653

Bloom House, Coleshill Lane, Winchmore Hill HP7 0NP

- 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 F Jenns against the decision of Buckinghamshire Council.
 - The application Ref PL/22/1871/FA, dated 24 May 2022, was refused by notice dated 1 September 2022.
 - The development proposed is the conversion of existing detached garage building into independent dwelling, with rear rooflight and changes to windows and doors, together with associated driveway and hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that a revised description of the proposed development was agreed between the parties and the application was determined on that basis and so I have used that description which is included on the appeal form in the determination of the appeal.

Main Issues

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

Inappropriate Development and Openness

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. Relevant exceptions include paragraph 149 (c) 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 and paragraph 149 (e) limited infilling in villages.
6. Paragraph 150 sets out that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes paragraph 150 (d), the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. Saved policies GB2 and GB13 of the Chiltern District Local Plan (CDLP) originally adopted 1 September 1997 and including alterations adopted 29 May 2001, broadly conform to the general thrust of the Framework in so far as they allow limited infilling within certain villages; and the re-use of buildings provided that they are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. I note that in relation to extensions and alterations to buildings unlike saved policy GB2 the Framework does not restrict this exception to dwellings. Further, the Framework does not restrict limited infilling to only certain villages. Therefore, in those respects the saved development plan policies are inconsistent with the Framework and where they differ, I give those parts very limited weight in the determination of the appeal and give significant weight to the relevant parts of the Framework.
9. The appellant considers that the proposal complies with the exception set out paragraph 149 (c) of the Framework as they contend that the proposed conversion would not involve any extension and all alterations are within the existing structure. However, I do not consider that this exception applies to the proposal as it deals with an exception when considering the construction of new buildings in the Green Belt and the appellant accepts that no new building is proposed. Further, the proposal would also result in an associated driveway and an area of hardstanding which goes beyond alterations within the existing structure.
10. The appellant also consider that it can also be argued that the proposal could be deemed to amount to limited infilling within a village under the exception set out in paragraph 149 (e). Again, I do not consider this exception applies for similar reasons as the appellant accepts that there is no new building proposed and again this deals with an exception when considering the construction of new buildings in the Green Belt.
11. Further, even if I agreed with the appellant that the exception applied and that the appeal site is located within the village, which in the circumstances it is unnecessary to decide, I am not persuaded that the proposal involves limited infilling. The terms limited and infilling are not defined in the Framework, but it is generally accepted that infilling involves the development of a relatively small gap between existing buildings.
12. The existing garage is located in the very bottom corner of the existing garden of the appeal site behind the existing detached house on the same plot and

other properties that front Coleshill Lane. Having regard to the location of the proposed development and its relationship to other properties, the proposal would not involve the development of a relatively small gap between existing buildings and therefore would not amount to limited infilling.

13. I turn now to consider paragraph 150 of the Framework which seems to be the most relevant as it deals with certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Subsection (d) deals specifically with the re-use of buildings provided that the buildings are of a permanent and substantial construction.
14. I accept that the proposal would involve the re-use of a building that is of a permanent and substantial construction. However, before I can conclude whether the proposal amounts to inappropriate development in the Green Belt, it is necessary to consider whether the proposal would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it.
15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Although there would be no increase to the size of the existing building itself, the proposal would result in the sub-division of the plot resulting in the introduction of close boarded fencing, a significant new access driveway and a separate car parking area to serve the new dwelling. The proposal would also result in the introduction of additional domestic paraphernalia, which could include garden furniture and practical equipment such as refuse bins. The introduction of these associated items would harmfully reduce the openness of the site and therefore would not preserve the openness of the Green Belt.
16. Visually, given the location of the existing garage the proposal would have limited presence in public views. Nonetheless, overall, there would be a considerable harm to openness to which I give substantial weight. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and this proposal would fail to do so and would also conflict with the purposes of including land within the Green Belt.
17. As I have found that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with the relevant parts of saved policies GB2 and GB13 of the CDLP and the associated policies of the Framework as set out above.

Character and appearance

18. The appeal site comprises a detached house on a large plot which is set back behind properties that front Coleshill Lane. As noted above, the existing garage is located in the very bottom corner of the existing garden. Given its existing scale and position it sits comfortably on the plot and is clearly subservient to the main house. It takes up a small part of the garden with a discreet drive that runs to the side of the existing house which provides vehicular access to the garage. A significant feature of the appeal site is the extensive lawned area with natural vegetation which creates a sense of verdant spaciousness that significantly contributes to the character and appearance of the area.

19. The appeal site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB). A public footpath runs along the rear boundary which allows extensive views towards open countryside. Due to existing vegetation along the rear boundary, views from the footpath into the appeal site are limited.
20. The proposal would involve the conversion of the existing garage. The size of the garage would not increase. As a result, the proposed conversion of the garage itself would not have an unacceptable impact on the character and appearance of the area. However, the proposal would result in the introduction of a close boarded fence which would sub-divide the existing garden and create a relatively narrow plot, especially for that part of the proposal adjacent to and behind the existing house.
21. Furthermore, the proposed driveway would cut a swathe through the lawned area and would appear as a much more dominant feature than the existing discreet drive serving the existing house. Such an arrangement would diminish the existing sense of spaciousness which would unacceptably harm the character and appearance of the area and would not adequately conserve the landscape and scenic beauty of the AONB. I accept that public views of the proposal would be limited due to the existing vegetation around the site and as the appeal site is set back a significant distance from Coleshill Lane. However, the harmful impact of the proposal would be apparent from the existing house and in any event the fact that there would be limited public views does not justify harmful development at the appeal site.
22. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. As a result, the proposal would not accord with saved policies LSQ1 of the CDLP and policy CS22 of the Core Strategy for Chiltern District adopted November 2011 which amongst other things seek to ensure that new development is designed to a high standard and respects the character of the area and would conserve the special landscape character and high scenic quality of the AONB. The proposal would also be at odds with the Framework which seeks to conserve the landscape and scenic beauty of the AONB and ensure development is sympathetic to local character.

Other Considerations

23. The appellant has drawn my attention to a number of previous appeal decisions that deal with developments in the Green Belt. However, the circumstances and the relationship of these other proposals with other properties and their surroundings are materially different from the situation here. Therefore, these other appeal decisions do not alter my view that the proposal would amount to inappropriate development in the Green Belt or justify harmful development at the appeal site.
24. The appellant points out that the garage could be converted to a residential annexe and that a number of outbuildings and an access road could be constructed under existing permitted rights. However, no information or detailed proposals have been provided about any intention to construct any outbuildings, to create a new driveway or to convert the garage to an annexe. As a result, I am unable to find that there is a greater than theoretical possibility that the appellant would use their permitted development rights in this way or pursue an alternative scheme for an annexe. Consequently, I give these possibilities limited weight in the determination of the appeal.

25. I also note that additional car parking and the spread of garden furniture and other domestic paraphernalia could occur as a result of the current use of the site, that the existing garage already omits light as does the recently approved annexe in a nearby property and the plot size is comparable to others in the same area. However, none of these considerations carry positive weight in favour of the proposed development.

Green Belt Balance

26. I find that there are no other considerations in this case that clearly outweigh the harm the proposal causes to the Green Belt by virtue of its inappropriateness, its impact on openness and the adverse impact it would have on the character and appearance of the area. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

27. In summary, the proposal conflicts with the relevant parts of the development plan taken as a whole and the Framework and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is dismissed.

S Rawle

INSPECTOR