



Appeal Decision

Site visit made on 27 September 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/A1910/D/22/3311270

The Old Stables, Delmer End Lane, Flamstead, Hertfordshire AL3 8ER

- 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 Papworth against the decision of Dacorum Borough Council.
- The application Ref 22/02159/FHA, dated 6 July 2022, was refused by notice dated 25 August 2022.
- The development proposed is the construction of double garage.

Decision

1. The appeal is allowed and planning permission is granted for the construction of double garage at The Old Stables, Delmer End Lane, Flamstead, Herefordshire AL3 8ER in accordance with the terms of the application, Ref 22/02159/FHA, dated 6 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No 3818-L1 – Location Plan
 - Drawing No 3818-L6 – Proposed Site Layout
 - Drawing No 3818-P2A – Proposed Garage
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue in this appeal is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

Whether inappropriate development

3. The appeal site is located within the Green Belt. Paragraph 149 of the Framework indicates that the construction of new buildings within the Green Belt is inappropriate development, which is by definition harmful. However, there are several exceptions set out in paragraph 149 which are not regarded as inappropriate, one of which relates to the extension or alteration of a

building. This exception applies on the proviso that the development would not result in disproportionate additions over and above the size of the original building. Policy CS5 of the Dacorum's Local Planning Policy Framework Core Strategy 2006-2031 (the Strategy) broadly conforms to the national Green Belt policy objectives. Neither the Framework nor Policy CS5 indicate that an extension must be attached.

4. The proposed garage would occupy an area of hardstanding which is currently used for vehicular parking. Although the proposed garage would be detached from the main dwelling, it would have a functional and close relationship both physically and visually and its scale would be domestic. Consequently, it would appear as a normal domestic adjunct. Under these circumstances, and having regard to relevant case law¹, I am satisfied that the appeal development could be considered as an extension of a building.
5. The Framework does not define what is meant by 'disproportionate additions' beyond a comparison between the original building, any built extensions, and the extent of what is proposed. Moreover, whilst Core Strategy Policy CS5 refers to 'limited extensions', the policy criteria do not specify a test of proportionality. Such an assessment is therefore a matter of planning judgement.
6. For the purposes of the Framework 'original building' means a building as it existed on 1 July 1948 or, if constructed after that date, as it was originally built. The evidence before me indicates that the dwelling replaced a former barn and stables which originated from the 1950's. In relation to buildings constructed after 1 July 1948, the definition of 'original building' in the Glossary to the Framework does not expressly deal with replacements. However, the Courts have held that the building as it was originally built must be considered when assessing proportionality. Consequently, in determining the appeal, I have based my assessment on the original buildings and not the replacement building which currently exists.
7. There are no plans of the former barn and stables before me. Nevertheless, the appellant indicates that the replacement dwelling largely occupies the footprint of the original buildings and is of a lesser floor space and volume. Based on the available evidence, I have no reason to doubt this. The proposed garage would increase both the footprint and volume of the original building. However, given the limited scale of the proposal both in terms of its footprint and height, I find that the overall increase would be relatively modest. Consequently, having regard to the scale of the original building together with proposed garage, I am satisfied that the overall addition would be limited and would not result in a disproportionate addition over and above the size of the original building.
8. For these reasons, the proposal would not be inappropriate development in the Green Belt as defined by paragraph 149 of the Framework. It would also comply with Core Strategy Policy CS5 in so far as the appeal proposal would be a limited extension to an existing building.
9. The reason for refusal indicates that the proposal would affect the openness of the Green Belt. However, as I have found that the proposal would not be

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

inappropriate development, paragraph 149 c) does not require me to consider this aspect any further. I therefore have not done so.

Conditions

10. I have had regard to the planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
11. In addition to the standard time limit condition, and in the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. Whilst the supporting documents indicate that the external materials and finishes would match the dwelling, these are not specified on the proposed plans. As such, I have imposed a condition requiring the use of matching materials to safeguard the character and appearance of the dwelling and the surrounding area.

Conclusion

12. For the reasons given above, having regard to the development plan taken as a whole, and all other material considerations including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR