



Appeal Decision

Site visit made on 15 January 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/C1570/D/23/3315870

Church Cottage, Church Lane, White Roding, Essex CM6 1RJ

- 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 Richard Pyle against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2700/HHF, dated 30 September 2022, was refused by notice dated 28 November 2022.
 - The development proposed is erection of detached garage.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 19 January 2024.

Decision

1. The appeal is allowed and planning permission is granted for the erection of detached garage at Church Cottage, Church Lane, White Roding, Essex CM6 1RJ in accordance with the terms of the application UTT/22/2700/HHF, dated 30 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the appeal, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issues has not been materially altered. Therefore, in this instance it has not been necessary to consult the parties on the revisions to the Framework.
3. I have taken the address in the banner above from the Council's decision notice as this accurately reflects the appeal site location.

Main Issue

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

Reasons

5. Policy S6 of the Uttlesford Local Plan (ULP) is concerned with Green Belt. This policy relates to development within the settlement boundary of villages, including White Roding. However, the Council's officer report states the appeal site is located outside the defined Development Limits of the village. Its relevance is therefore limited to its definition of the extent of the Green Belt.

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Council's officer report refers to the exceptions listed in Paragraph 154 at c) and d), and I find these to be the most relevant for the purposes of this appeal.
7. An outbuilding such as the garage proposed does not have to be attached to a dwelling to be an extension for the purposes of Framework paragraph 154 c). Relevant case law¹ makes it clear that the paragraph is not to be interpreted as solely being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension.
8. The appeal property is a large, part single, part 2-storey house with projecting wings. There is also a detached garage to the side, with consent for its conversion to an annexe. Sited next to and behind the garage are a large wooden shed, greenhouse and timber wire fenced enclosure which would be removed as part of the development.
9. I have limited evidence before me regarding the size of the original building, including volume or floor space figures of the dwelling or by how much the proposal would add to that before me. Additionally, I do not have these figures for the other existing buildings, such as the shed. Based on the plans submitted, the removal of existing buildings and structures and my observations, the proposal would see a modest increase in built form. It would, in most instances, be restricted from view and, where visible, would be read as a subordinate structure to the host dwelling and complement the adjacent garage/annexe building. In the context of the existing buildings and large residential curtilage of the appeal site, I consider that the proposal would be for a modest domestic garage, and it would not represent a disproportionate addition.
10. The Council have stated that a previous application² was refused, and the appeal scheme increase in footprint would be more harmful to the openness of the Green Belt than the previous application. However, I am not bound by the Council's previous decision and must determine the appeal scheme on its own merits.
11. For the reasons above, the proposal would not be inappropriate development in the Green Belt having regard to the Framework as it would not result in disproportionate additions over and above the size of the original building. There would also be no conflict with Policy S6 of the ULP.
12. Since the proposal does not constitute a disproportionate addition, consideration of exception d or the impact of the development on Green Belt openness is not necessary.

Other Matters

13. The host dwelling on the appeal site, Church Cottage, is Grade II listed. Given the presence of this heritage asset, I have had special regard to the desirability

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

² Application Ref: UTT/22/1747/HHF

of preserving the building its setting and any features of special architectural or historic interest which it possesses. Church Cottage derives its significance from its prominent position close to the road and architectural appearance set over two-storeys with projecting single-storey wings and a thatched roof.

14. For the purposes of the Framework, Church Cottage is a designated heritage asset. Within the overall context, I consider that the proposal would, given the limited intervisibility and use of appropriate materials, not detract from the setting of the listed building or the ability to appreciate and understand it.

Conditions

15. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
16. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
17. To protect the character and appearance of the area, it is also necessary to impose a condition requiring details of the roof surface of the development and this is approved by the Council. For a similar reason, a condition is required on materials to be used on the external elevations of the garage.

Conclusion

18. The proposal would not be inappropriate development, and as such, there would be no harm caused to the Green Belt. Consequently, I conclude that the proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.

A Hickey

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02 Rev A, 10 Rev B, 11 Rev B and 13 Rev B.
- 3) The roof of the development hereby permitted shall be clad with handmade clay pantiles in accordance with samples that have been submitted to and approved in writing by the local planning authority before any development above ground works (slab level). Development shall be carried out in accordance with the approved details/samples.
- 4) All external weather-boarding to be used in the development shall be feather-edged and painted black. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.