



Appeal Decision

Site visit made on 23 January 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2024

Appeal Ref: APP/D0121/D/23/3328002

1 Woolmers, Wrington Hill, Wrington, North Somerset BS40 5PT

- 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 Jack and Hayley Hughes against the decision of North Somerset Council.
 - The application Ref 23/P/0350/FUH, dated 15 February 2023, was refused by notice dated 7 July 2023.
 - The development proposed is erection of 1.1/2 storey detached triple garage with office area above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023. However, as the provisions in the Framework that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework, and any relevant development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - Whether any 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 proposal.

Reasons

Whether inappropriate development in the Green Belt

4. Both Policy DM12 of the North Somerset Sites and Policies Plan (Part 1) 2016 (PP) and the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in

the case of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. The Framework does not define what constitutes materially larger. However, PP Policy DM12 states that a replacement building will not normally be regarded as materially larger provided it does not exceed 50% of the gross floor area of the original building.
6. The proposed outbuilding would replace an existing single storey shallow mono-pitch roof building. However, the proposal features a larger footprint, and would be significantly taller due to a steep pitch roof to provide a room in the roof, albeit with low eaves. As well as the outbuilding to be replaced I observed two further outbuildings within the garden of the host property. These, similar to the building to be replaced, are of utilitarian appearance and of small scale, which is not out of character with other small outbuildings in the area.
7. It is put to me that the proposal would result in a net reduction in overall floorspace of outbuildings at the site, as existing outbuildings would be removed, and hardstanding laid to lawn. However, 'outbuilding 1' as referred to in the appellant's statement has already previously been removed. Furthermore, even if I were to take into account the floorspace associated with this now demolished building, the proposed plans clearly indicate retention of the two further outbuildings and the proposal would represent a materially larger building than that it replaces.
8. Notwithstanding, the Framework states that the extension or alteration of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. PP Policy DM12 also continues that proposals for domestic outbuildings and garages within existing residential curtilages are not considered to be inappropriate development and should be of a scale and height subordinate to the original dwelling and should not adversely affect the openness of the Green Belt. It continues that normally they should be small scale and single storey. No definition of small-scale or disproportionate additions is provided within the Policy or Framework and it is therefore a matter of planning judgement on the basis of the proposal and its context.
9. In the context of the size of the dwelling, I acknowledge that the proposed footprint is under half of that of the main house. However, although the ridge line is also lower than the main house, the scale of the proposed building would be exacerbated by the steeply pitched roof, dormer windows on the front roof slope and additional width. Consequently, whilst smaller than the main dwelling, I find that the building would not be small scale. Given the height and scale of the building, it would amount to a disproportionate addition.
10. I therefore conclude that the proposal would be inappropriate development which would be harmful to the Green Belt. The proposal would conflict with PP Policy DM12 which, amongst other things, seeks to protect the Green Belt from inappropriate development. There would also be conflict with the provisions of the Framework in this regard. This is a matter to which I attach substantial weight.

Openness

11. The proposed building would be of 1 ½ storey solid construction which would be clearly visible from the public footpath to the front of the appeal site. Furthermore, although partially screened from viewpoints on the footpath from the north by hedge and tree planting, due to the additional height the building would be visible above this planting and more apparent from the footpath and within adjacent woodland.
12. Whilst the building would be screened from other directions, the outward expansion of built form on the site, with significantly increased ridge height and additional width, would spatially increase the form, volume and massing of development. This would result in a loss of both spatial and visual openness. For that reason, I conclude that the proposal would result in a harmful loss of openness to the Green Belt. This is also a matter to which I attach substantial weight.

Other considerations

13. I recognise that the building would be sympathetically designed and attractive in terms of its materials and external appearance with a design that would not lead to any harmful effects on neighbouring occupiers living conditions. However, any new development would be expected to be well designed in order to comply with local and national planning policy and these are neutral matters and I do not ascribe them weight in favour of the development.
14. The proposal would provide a home office to allow the appellant to work from home, thereby reducing the need to commute to their place of work and having a positive effect for the appellant's family which would have an environmental and social benefit. However, there is no substantive evidence before me to suggest why, in the face of harm to the Green Belt, the same benefits could not be achieved through alternative means or the implementation of a less impactful form of development. I therefore attach the benefits limited weight having regard to the particular circumstances of this case.

Other Matters

15. My attention has been drawn by the appellant to three other planning permissions¹ (one allowed at appeal) where it is put to me that the proposals increased roof heights with an upper floor. However, these concern differing sites and whilst noting elevation plans and photographs, the full details of the proposals and their context are not before me. I am therefore unable to determine the equivalence of the other cases to the current proposal. Moreover, the current appeal proposal has its own circumstances and I have determined it on its own merits.
16. I note the appellant's comments about the Council's handling of the application. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me and a recent site visit.

¹ 14/P/1305/F, 07/P/2079/F and 19/P/0939/FUH

Planning Balance and Conclusion

17. The proposal would be inappropriate development in the Green Belt and would cause harm to its spatial and visual openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it.
18. The considerations presented by the appellant do not clearly outweigh the totality of the harm that I have identified. Consequently, other considerations amounting to very special circumstances sufficient to outweigh the harm to the Green Belt do not exist.
19. The proposal would conflict with the development plan taken as a whole, the Framework, and all other relevant material considerations. Therefore, for the reasons given, I conclude that the appeal is dismissed.

S Harrington

INSPECTOR