



Appeal Decision

Site visit made on 14 November 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/D1265/D/23/3324508

Brooklyn Lodge, Burts Lane, Horton, Dorset BH21 7JX

- 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 S Bradford against the decision of Dorset Council.
 - The application Ref P/HOU/2023/00034, dated 3 January 2023, was refused by notice dated 10 May 2023.
 - The development proposed is described as "construction of a detached triple garage and demolition of three existing buildings".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The December 2023 changes to the National Planning Policy Framework (the Framework) have not affected its substance as it relates to the appeal scheme. I have accordingly referred to the new paragraph numbers below.

Main Issues

4. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if it would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

5. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances set out in paragraphs 154 and 155. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. The garage would have a high double pitched half-hipped roof and would appear to be a similar design to the main dwelling. The scheme would include the demolition of an extension to the house and two outbuildings. The latter

being a flat roofed building and a breezeblock and mesh structure. It is debateable whether the extension to the dwelling can be considered a building in its own right for the purposes of a paragraph 154 replacement and whilst it seems apparent that the two outbuildings are ancillary/incidental residential uses, I cannot be certain the extension to the dwelling is. It is more likely than not going to be a primary use as part of the dwelling. If I were however to take the extension into account, it seems sufficiently clear that the garage would equate to less than the land take of them combined. That said, the Framework does not define what is meant by materially larger. It is therefore reasonably a qualitative and quantitative judgement to be made on a case by case basis.

7. The proposed garage would be much taller than anything it would replace and although I have not seen a drawing of the garage next to the house, what has been provided would indicate that its scale would be closer to it than the outbuildings. The massing would also be concentrated in one place. With this in mind, the garage would not be acceptable in Green Belt terms, with regard to the Framework's definition of a not inappropriate replacement building.
8. It has been held that, as a closely related domestic adjunct to a host building within its curtilage, an outbuilding could be considered as an extension to a dwelling in the Green Belt. The Framework suggests this might not be inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building. I have not been provided with exact details of what constituted the original building for the Framework's purposes and from what I have seen on site, it appears to have been extended. That aside, and on its own should what is on site be the original building, the garage would be substantial in height, land take and overall mass in relation to the host dwelling. It would, on the basis of what I can assess and as a consequence, result in disproportionate additions over and above the size of the original building.
9. Taking this and the above into account, the appeal scheme would be inappropriate development in the Green Belt, contrary to the Framework. This would be harmful to the Green Belt by definition.

Openness

10. Openness is an essential characteristic of the Green Belt and has both a visual and spatial dimension. The site is largely screened from public view by mature hedges and trees which border the site. However, the 'yard' between the main dwelling and the barn creates an open feeling to the site. Some buildings would be lost to offset the proposal, but these are small, much lower and of noticeably lesser scale than the proposal which would, by virtue of its own size and land take, have a harmful reducing effect on the spatial dimension of the Green Belt's openness over and above that of the existing situation. This would be regardless of the appeal site's relative containment visually.
11. This would be further harm to the Green Belt in addition to that caused by the proposed development's inappropriateness. As per paragraph 153 of the Framework, substantial weight should be given to any harm to the Green Belt. In regard to this main issue, the scheme would also fail to comply with Policy KS3 of the Christchurch and East Dorset Local Plan 2014 (the Local Plan), which requires developments to maintain an area of open land.

Other Considerations

12. The appellants have identified that there would be ecological benefits as a result of the proposed garage, which include bird and bat boxes and bee bricks. Whilst such measures could be introduced without the proposed development in the form advanced, these would represent an opportunity for biodiversity enhancement, and would be a benefit to the biodiversity in the area overall. This would be worthy of some limited weight.

Conclusion

13. The appeal scheme would constitute inappropriate development in the Green Belt. It would also reduce its openness and there would be conflict with the development plan. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm is clearly outweighed by other considerations. As I have explained, the other considerations in this particular case would attract limited weight. This would be insufficient to make the proposed development acceptable in Green Belt terms. I therefore recommend the appeal be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representatives' report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR