



Appeal Decision

Site visit made on 6 February 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2024

Appeal Ref: APP/P1805/D/23/3326942

Pleasant View Wildmoor Lane, Wildmoor, Bromsgrove B61 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jack Nethercott of Prime Oak against the decision of Bromsgrove District Council.
 - The application Ref is 23/00408/FUL.
 - The development proposed is erection of oak framed garage with first floor home office space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the appeal form differs slightly from that on the application form. No confirmation has been provided of an agreed change in description therefore I have used the description as set out on the application form.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. As such, neither party is prejudiced by a lack of consultation on the revised Framework.

Main Issues

4. The appeal site is within the Green Belt, and therefore the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; 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 proposal.

Reasons

Inappropriate development

5. 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 the construction of new buildings in the Green Belt is inappropriate development, which is, by definition, harmful and should not be approved except in very special circumstances.

6. There are however a limited number of exceptions to this, as set out in paragraph 154 of the Framework. One exception under sub-paragraph c), is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building¹.
7. Policy BDP4.4 of the Bromsgrove District Plan 2017 (BDP) sets out that the development of new buildings in the Green Belt is considered to be inappropriate, except in certain circumstances. These circumstances include extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² ('original' dwelling plus extension(s)) provided that this scale of development has no adverse impact on the openness of the Green Belt. I am therefore satisfied that Policy BDP4.4 broadly conforms to the Framework, albeit with reference to an earlier version.
8. There is no specific exception within the Framework, nor within Policy BD4.4 for the construction of ancillary outbuildings.
9. The appellant draws my attention that the Council's consideration of the planning application is based on the fact that the proposal is within 5m of the existing dwelling, and that this factor is not referenced within the Council's policies or guidance. Furthermore, the appellant suggests that the Council's approach might be based on permitted development rights as they existed in 1995, when a determining factor in deciding whether or not a curtilage building was to be considered as an extension was if it was within 5m of an existing dwelling. However, there is no substantive evidence before me to demonstrate the gestation of the Council's policy.
10. In any event, it is a matter of established practice to assess whether a detached outbuilding serving a residential use falls to be considered as an extension, having regard to certain factors including its purpose, use, size and relationship to the original building.
11. The proposal would result in a detached outbuilding to provide a garage with home office above to serve an existing dwelling. In this regard, its purpose and use would be ancillary to the existing dwelling. The outbuilding would be within about 1.5m of the existing dwelling, and therefore the proposal would form a normal domestic adjunct. In such circumstances, I find that the outbuilding should be considered as an extension under paragraph 154c) of the Framework and Policy 4.4 c) of the BDP.
12. The Council calculates that the existing dwelling has been extended by about 167.96%; that the proposal would result in additional floor area of 76.40%; and that the cumulative increase would be about 244.36% above that of the original building. These figures are not disputed by the appellant. The resulting cumulative increase would significantly exceed the size limitations for extensions as set out within Policy BDP4.4. The cumulative increase would amount to a substantial addition, which I find to be disproportionate over and above the size of the original building.
13. For these reasons, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It conflicts with Policy BDP4 of the

¹ The Framework defines 'original building' as the building as it existed on 1 July 1948, or if it was constructed after that date, as it was built originally.

BDP, paragraph 154(c) of the Framework and the guidance within the Bromsgrove High Quality Design Supplementary Planning Document 2019.

Openness

14. The Framework identifies the essential characteristics of Green Belts as being their openness and their permanence. Openness is an essential characteristic of the Green Belt, and it has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
15. The outbuilding would be of a considerable footprint and volume, due to its overall scale, height, width and depth. Therefore, it would represent a significant spatial impact upon the openness of the Green Belt.
16. Due to its siting, the proposal would be largely screened from public view from the street by the existing dwelling and existing vegetation along the boundary of the appeal site adjacent to the road. The wider landscape beyond the appeal site appears as open countryside, rising to the east, such that the proposal would have a limited visual impact.
17. The appellant draws my attention to the Planning Practice Guidance regarding openness of the Green Belt, and the sustainable credentials of the proposal, which include the method of construction and materials to be used. In this regard, the appellant argues that the proposed outbuilding could be dismantled and materials used elsewhere, and the land would return to its original state, which is presently a gravelled surface. However, the proposal before me is not for a temporary period, and given the permanent nature of the existing dwelling, the impact of the proposal in terms of duration and remediability is a neutral factor in my assessment.
18. The proposal would not result in increased traffic generation. The home office would enable working from home or hybrid working and could thus reduce trips by private car. However, this would be limited in scale, and thus the positive impact upon openness would be limited.
19. I therefore conclude that overall, the proposal would fail to preserve the openness of the Green Belt.

Other considerations

20. The fact that the proposal does not result in any harm to the amenities of neighbouring occupiers is a neutral factor in my assessment, carrying no weight for or against the proposal, as does the fact that the design of the outbuilding is acceptable. The use of sustainable materials and construction methods is a limited benefit in favour of the proposal.
21. The proposal would enhance the living conditions of the occupiers of the property, providing them with garaging and a home office, but this would be a private benefit. In any event, it has not been demonstrated that the proposal is the only way to achieve the objective of a secure and quiet home working space.
22. The appellant suggests that a single storey outbuilding to a height of 4m could be erected by virtue of permitted development rights under Class E of the

GPDO². In this regard, the appellant argues that only the portion of the building above one storey (about 1.8m) should be evaluated. However, the proposal before me is for a single operation falling within the meaning of development as set out in section 55 of the Town and Country Planning Act 1990, and therefore it is necessary to consider the proposal as a whole.

23. In any event, permitted development rights under Class E represents a theoretical fallback position. I have not been provided with clear and compelling evidence that a single storey proposal would meet the limitations as set out in the GPDO, and I have no substantive evidence to indicate that there is a significant probability that such a fallback position would be constructed should this appeal be dismissed.
24. On this basis, and in the absence of any prior approval consent or lawful development certificate, I cannot therefore be certain that even if there was a realistic prospect of such a fallback, that it would result in the same or greater harm than I have identified with the scheme before me. Consequently, the potential fallback position attracts negligible weight.

Green Belt Balance

25. The proposed development would be inappropriate development in the Green Belt and would fail to preserve the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
26. The Framework makes clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted. I find that the limited benefits of the proposal do not outweigh the substantial harm to the Green Belt. Therefore, the very special circumstances necessary to justify the proposal do not exist in this case.

Conclusion

27. For the reasons given above, the appeal is dismissed.

J Moore

INSPECTOR

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)