



Appeal Decision

Site visit made on 27 February 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/F0114/D/23/3326705

49 Marksbury Bottom, Marksbury, Bath BA2 9HR

- 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 Mrs Catherine Brown against the decision of Bath & North East Somerset Council.
 - The application Ref is 23/00582/FUL.
 - The development proposed is construction of new timber framed car port over existing car parking hard standing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed 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;
 - the effect of the proposed development 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 proposed development.

Reasons

Whether Inappropriate Development

3. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this. The main parties have focussed on paragraph 154 c) of the Framework, which relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In a similar vein, Policy GB3 of the Local Plan Partial Update¹ (Local Plan) provides that proposals to extend or alter a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building.
4. Paragraph 7.4 ii) of the Existing Dwellings in the Green Belt Supplementary Planning Document (adopted 2008) (SPD) refers to the character of the dwelling and its surroundings. The appellant has referred to the openness of

¹ Bath and North East Somerset Local Plan: Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update - Volume 1: District-wide Strategy and Policies (adopted 2023)

the Green Belt and the visual impact of the proposed development in relation to paragraph 154 c). Reference has also been made to detached garage structures in the vicinity, and that the previous extension on site is to the rear of the main building. However, paragraph 154 c) refers to the size of the original building, and therefore that is the focus of my assessment under this main issue.

5. The Council have calculated that the proposed car port, in combination with a previous extension, would represent an increase in volume of approximately 65% over-and-above the volume of the original building. The appellant's volume calculations given in the submitted Design & Access Statement & Heritage Statement are similar to this.
6. It follows that the proposed development would not accord with the advice given in paragraph 7.5 of SPD which provides that, amongst other things, in many circumstances a well-designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable. I note the age of the SPD, but the inclusion of guidance relating to volume increases is not inconsistent with national planning policy.
7. Hence, the proposed development would clearly involve a considerable, and accordingly disproportionate, addition over-and-above the size of the original building. Thus, the proposed development would not benefit from the exception to inappropriate development provided at paragraph 154 c).
8. The proposed development would therefore constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

9. The Planning Practice Guidance advises that openness is capable of having both spatial and visual aspects². In this regard, the existing hardstanding on site, on which the proposed car port would be sited, contributes to the openness of the area due to the absence of built form within it. The vegetation present either side of the hardstanding does not fully enclose this area, meaning that its open nature is visible from the street.
10. Although the proposed car port would incorporate predominately open-sided elevations and would appear as a reasonable domestic addition to its host property in an established residential area, as it would be located close to the carriageway it would be a noticeable structure in the street scene.
11. The proposed car port would have a wide roof and its footprint would cover the majority of the existing area of hardstanding. As such, it would visually intrude upon the openness of the Green Belt. Due to the volume uplift, referred to on the first main issue above, the proposed development would also result in the reduction of the openness of the Green Belt in spatial terms. Even though its impact in these respects would be confined to the local area, the proposed development would nevertheless result in harm to the Green Belt.

² Paragraph 64-001-20190722

Other Considerations

12. The Framework makes it clear at paragraph 153 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
13. Policy GB2 of the Local Plan relates to limited infilling in Green Belt villages. However, the definition of limited infilling given in Policy GB2 refers to the building of one or 2 houses, which is not proposed in this appeal. Moreover, whilst the proposed car port would fit comfortably within the existing area of hardstanding, plans have not been provided showing that even 1 dwelling could reasonably fit within the constraints of the existing area of hardstanding. Therefore, whilst infill development might receive policy support on certain sites elsewhere in the local area, the potential for infill development on the existing area of hardstanding itself has not been demonstrated. Little weight is given to this matter, as a result.
14. The proposed development would protect vehicles from the elements. However, as this would mainly be a private benefit, it attracts little weight.

Other Matters

15. The Council did not refuse the application on matters relating to the character and appearance of the area, the living conditions of nearby occupiers, access, or the setting or significance of 47 Marksbury Bottom (a Grade II listed building). However, even if I were to likewise reason that the proposed development would be in compliance with the development plan (including Policy GB1 of the Local Plan which refers to the visual amenities of the Green Belt) and the Framework in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposed development.
16. Mention has been made of a garage previously being on site. Nevertheless, this appeal decision is based on the currently prevailing circumstances. This historical matter does not change my findings above.

Balancing of Considerations

17. The proposed development would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters attract substantial weight.
18. The other considerations in this case amount to no more than moderate weight in support of the proposed development. They do not clearly outweigh the harms identified. The very special circumstances required to justify the proposed development do not exist.
19. The proposed development would conflict with Policy CP8 of the Local Plan which provides that, amongst other things, the openness of the Green Belt will be protected from inappropriate development, and with Policy GB3 of the Local Plan, which has been summarised above. The proposed development would also conflict with paragraph 142 of the Framework which provides that, amongst other things, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR