



Appeal Decision

Site visit made on 27 February 2025

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2025

Appeal Ref: APP/K0425/D/24/3353703

Holly Frindle, Risborough Road, Terrick, Buckinghamshire HP17 0UB

- 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 Baverstock against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 24/06500/FUL.
 - The development proposed is described as 'construction of triple garage and conversion of existing garage to habitable space with 2no. front facing windows'.
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a detached garage.
2. The appeal is allowed insofar as it relates to the conversion of the existing garage and planning permission is granted for conversion of the existing garage to habitable space with 2no. front facing windows at Holly Frindle, Risborough Road, Terrick, Buckinghamshire HP17 0UB in accordance with the terms of the application, Ref 24/06500/FUL, so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the schedule below.

Preliminary Matter

3. During the course of the appeal, a new National Planning Policy Framework has been published (the Framework). The policies which are most relevant to this proposal have not been subject to any substantial changes and I am satisfied that no party has been prejudiced by my taking it into account.

Main Issues

4. Based on the Council's officer report and reasons for refusal, its concerns relate to the effects of the proposed detached garage. As such, the main issues of this appeal relate only to this part of the development.
5. The main issues are:
 - Whether the proposed garage would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
 - Effects on the openness of the Green Belt;
 - Effects on the character and appearance of the area, 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 detached garage.

Reasons

Whether Inappropriate

6. The Framework, at paragraph 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt should be regarded as inappropriate, but lists exceptions in paragraph 154. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. One such exception to inappropriate development listed in paragraph 154 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 building. The Framework defines 'original building' as a building as it existed on 1 July 1948, or if constructed after that date, as it was built originally. That is also consistent with the definition of 'original building' set out in the Wycombe District Local Plan 2019 (the WDLP).
8. Policy DM43 of the WDLP contains the Council's policy for extensions of dwellings in the Green Belt and section 2 of the policy refers specifically to proposals for residential outbuildings. Based on the information before me, the appeal site is not within a built-up village identified on the Council's Policies Map, and the proposal would not accord with any made Neighbourhood Plan. Accordingly, the policy then sets out conditions which it states should all be met in order for a proposal to be considered appropriate development.
9. The proposal is assessed against the criteria of Policy DM43 Part 2 below. In terms of establishing what constitutes the 'original building', the Council refer to a two storey side extension which was granted planning permission in 1986, and which appears to have been constructed to the eastern side of the property. The appellant does not dispute the Council's figures that the original building comprised a volume of approximately 418m³, and that the proposed garage would have a volume of approximately 218m³.
10. The appellant accepts that the proposed outbuilding would have a volume exceeding 25% of the volume of the original dwelling, and it would therefore breach part 2a) of the policy. The volume of the proposed outbuilding would exceed 140m³, and it would therefore breach part 2b) of the policy. The height of the proposed development would also exceed 4 metres, in breach of part 2e). Even if the remaining parts of the policy were met, the proposed garage would conflict with three of its criteria, and would therefore conflict with section 2 of Policy DM43 overall.
11. For the same reasons, given the scale of the proposed outbuilding comparative to the original building, it would constitute a disproportionate addition over and above the size of the original building. It is not apparent that the proposal should be considered under any other part of the Framework's exceptions to inappropriate development. Accordingly, the proposed new garage would be inappropriate development in the Green Belt.

Openness and Green Belt Purposes

12. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect¹. Therefore, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
13. This part of Risborough Road comprises groups of residential properties, set among an open landscape of predominantly open fields and grassland, which contribute strongly to the visual and spatial aspects of the Green Belt's openness. Holly Frindle is the most eastern property within a group of homes on the southern side of the road. The houses are set back from the road behind hedgerows and have generous plots which extend to the rear. The appreciation of the openness of the Green Belt is more limited among this group, given their regular boundary hedgerows and domestic paraphernalia including parking areas. Nonetheless the plot sizes and spaces around the properties contribute to feelings of openness.
14. The proposal would introduce new built form onto part of the site which is currently open and free of development. Given the footprint of the proposed building in combination with its overall height, which would be comparable to the eaves level of the main house, there would therefore be a considerable reduction in the spatial aspect of the Green Belt's openness.
15. The visual impact on the openness of the Green Belt would be limited to some extent by the front boundary trees and hedgerow. I observed that these are predominately evergreen trees, nonetheless they do not provide a continuous screen. The proposed development would therefore be apparent in glimpses from the road in the gaps between the trees, and would cause a reduction in the visual aspect of the Green Belt's openness.
16. The proposed new garage would therefore cause harm to the Green Belt's openness, although I find this to be at the lower end of the scale given the site's characteristics as set out. Accordingly, and given the findings above in respect of inappropriate development, the proposal would conflict with policies CP8 and DM43 of the WDLP which together relate to protection of the Green Belt.

Character and Appearance

17. The site lies within the Chilterns National Landscape, formerly known as an Area of Outstanding Natural Beauty (AONB). The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, among other designated areas, which have the highest status of protection in relation to these issues.
18. The prevailing character of the area is described above. This is a distinctly rural character which includes groups of residential properties set within well defined plots. The properties in this group vary in their character and appearance, and have different designs with areas of off-street parking and landscaping to the front. As set out above, the appeal site benefits from a tall row of trees to the front boundary, although these do allow some visibility into the site from the road and footpath.
19. While the proposed outbuilding would be smaller than the main house, it would nonetheless be a substantial building with tall pitched roof positioned very close to

¹ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

the front boundary. As such it is not considered to be a subordinate addition to the site and would dominate the front garden of the property. Due to its position it would also fail to respect the prevailing pattern of development and building lines of this group of properties. For these reasons the proposal would not comply with parts b), c) and d) of Policy DM36, which provides criteria for extensions and alterations to existing dwellings. While the front boundary trees would provide some screening, this would not screen the harmful effects of the development in its entirety, particularly given its proximity to the front boundary.

20. I observed a smaller outbuilding to the front of White Gates, however, I do not have details of whether this benefits from planning permission or the reasons it was considered acceptable. This is similarly the case for Amhurst House, further west along Risborough Road and in any event that outbuilding is set further from the front boundary. The parties also refer to an outbuilding to the front of Manorstead, which the Council state to be unauthorised. As such the presence of these other buildings do not provide a justification for the effects of the appeal scheme. The visual effects of those other buildings are also notably different to the appeal proposal. The appellant refers to other sites where planning permission has been granted for outbuildings in front of properties, however these are some distance from the appeal site and I cannot be satisfied that their circumstances and considerations are the same as this appeal proposal.
21. In conclusion, the proposed garage, by reason of its scale and forward position on the plot, would fail to respect the character and appearance of the area and would fail to both conserve and enhance the landscape character of the designated National Landscape. It would therefore be in conflict with policies CP9, DM35 and DM36 of the WDLP which together require development to improve the character of the area and demonstrate a positive response to context.
22. The proposal would conflict with the objectives of the Framework insofar as it relates to National Landscapes. It would also conflict with the Council's Householder Planning and Design Guidance 2020 which advises, among other things, that the siting of a detached garage in the front garden of a dwelling will not usually be acceptable.

Very Special Circumstances

23. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
24. While I have found the harm to the openness of the Green Belt to be at the lower end of the scale, the new garage would nonetheless be inappropriate development and the Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness. In addition, the proposed garage has been found to be harmful to the character and appearance of the area and the designated National Landscape.
25. A case for very special circumstances has not been put forward by the appellant. I acknowledge there would be benefits to the appellant through the provision of garaging for their cars, however this would not amount to a benefit of any significant weight and would not clearly outweigh the harms identified.

26. The appellant considers the Council's policy for outbuildings in the Green Belt should be applied flexibly according to the site's circumstances. However, it is not apparent that there are particular circumstances here which would warrant reduced weight being given to the conflict with that policy. In any event, as set out above, the breaches with the criteria of that policy would be numerous.
27. Overall, there are not considerations of sufficient weight which would clearly outweigh the harm to the Green Belt, as set out in the Framework. As a consequence, the very special circumstances necessary to justify the proposed garage do not exist.

Other Matters

28. As set out in the description of development, the proposal also includes the conversion of the existing integral garage within the main house, including the replacement of the garage door with windows. The Council's officer report includes an assessment of this part of the proposal. In respect of Green Belt impacts, those works would not entail an enlargement of the house, only the reuse of existing floorspace. As such it can be considered not inappropriate development under the provisions of paragraph 154c) of the Framework and the relevant development plan policies. Those works would also preserve the landscape character and reinforce the character of the existing house. As such it would be acceptable in terms of its visual and landscape effects. In addition, adequate parking for the property would remain at the front of the house and the garage conversion would preserve the living conditions of neighbouring occupants. As such, I find that part of the proposed development to be acceptable and compliant with the development plan as a whole. A split decision can therefore be issued, which grants planning permission for the garage conversion.

Conditions

29. In respect only of the garage conversion, in addition to the standard time limit condition, a condition is necessary to list the approved plans to provide certainty. For visual reasons and to ensure that development compliments the main house, materials should also be conditioned to match the existing.

Conclusion

30. The proposed detached garage would conflict with the development plan and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. The appeal in respect of the proposed detached garage is therefore dismissed.
31. The proposed garage conversion would comply with the development plan and the appeal is allowed only insofar as that part of the proposal is concerned.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted, being the conversion of the existing garage, shall begin not later than three years from the date of this decision.
- 2) The garage conversion hereby permitted shall be carried out only in accordance with approved plans HF11/A and HF14/A insofar as they relate to that part of the development.
- 3) The materials to be used in the construction of the external surfaces of the garage conversion shall match those used in the existing building.

End of Schedule