



Appeal Decision

Site visit made on 4 April 2025

by **S. Hartley BA (Hons) Dist.TP (Manc), DMS, MRTPI, MRICS**

an Inspector appointed by the Secretary of State

Decision date: 07 April 2025

Appeal Ref: APP/W0530/D/25/3359578

85, Histon Road, Cottenham, Cambridgeshire, CB24 8UQ

- 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. and Mrs. Hart against the decision of South Cambridgeshire District Council.
 - The application Ref is 24/03962/HFUL.
 - The development proposed is described as a new garage to the front parking area of an existing residential dwelling. The garage is not more than 18 metres away from the property.
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Decision

1. The appeal is allowed, and planning permission is granted for a new garage to the front parking area of an existing residential dwelling at 85 Histon Road, Cottenham, Cambridgeshire, CB24 8UQ, in accordance with the terms of the application ref: 24/03962/HFUL, and subject to the following conditions: -
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 768 24PL101 (proposed garage floor plans and elevations); 768 24PL100 (existing and proposed block, site and location plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing development.

Procedural Matters

2. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of the identified main issues below and therefore, it has not been necessary for me to seek comments from the main parties.

Main Issues

3. The appeal site is located within the Green Belt. The main issues are (i) whether the proposal is inappropriate development within the Green Belt, and (ii) if the proposal is inappropriate development within the Green Belt, whether the harm by

reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify development.

Reasons

Whether inappropriate development in the Green Belt

4. The proposed garage would be positioned about 18 metres from the dwellinghouse and within its curtilage. The appellant has referred to a court decision that an extension is not defined by a requirement that it must be physically attached to the host property¹. In this case, owing to its position within the domestic curtilage, its relationship with the dwellinghouse, and its proposed use as a domestic garage, I find that it would be experienced as being a normal domestic adjunct. Therefore, I find that the proposed garage would be an extension to the existing dwellinghouse on the site.
5. Policy H/13 of the South Cambridgeshire Local Plan 2018 (LP) allows for extensions to dwellings in the countryside, and if in the Green Belt, it requires that an extension would not result in a disproportionate addition to the original dwellinghouse.
6. Paragraph 154 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. The paragraph makes it clear that the construction of new buildings is inappropriate development, though subject to specified exceptions, including at paragraph 154(c), 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.
7. Annex 2 (Glossary) to the Framework defines 'original building' as '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.*'
8. The officer report states that planning approval for the current dwelling on the site was granted in 2022 under reference 21/04549/FUL for the erection of a replacement dwelling following the demolition of an existing bungalow and outbuilding. Therefore, it is against the current dwelling, defined as the 'original dwelling', rather than the previous dwelling, with which the proposed garage must be assessed.
9. The officer report considers that the footprint of the existing dwelling is approximately 194m², while the addition of a garage that is 69m² would result in a 35% increase in footprint of built development. I have no reason to disagree.
10. The Framework does not include a definition of what constitutes a disproportionate addition over and above the size of the original building. Furthermore, I have not been referred to any development plan policy or local guidance which defines what is a disproportionate addition. There is no evidence that the original dwellinghouse on the land has been extended to date.

¹ Warwick District Council V Secretary of State for Levelling up, Housing and Communities(2022) EWHC 2145 (Admin) 12 august 2022

11. In my judgement, based on the dwellinghouse that exists on the site now, the proposed garage would not amount to a disproportionate addition to the original dwellinghouse. Therefore, the proposal would not amount to inappropriate development in the Green Belt. Consequently, the proposed development would accord with LP Policies S/4, NH/8 and H/13 of the LP, and with the Green Belt requirements of chapter 13 of the Framework, all of which permit as an exception to new development in the Green Belt, additions to original buildings so long as they are not disproportionate.
12. Given this conclusion, it has not been necessary for me to consider whether there are other considerations which would amount to very special circumstances necessary to justify the proposed development within the Green Belt.

Conditions

13. I have attached the standard time limit condition. It is necessary to impose a drawing condition, in the interests of certainty and for the avoidance of doubt. In the interests of good design, and the character and appearance of the area, a materials condition is necessary.
14. The LPA has proposed a condition limiting the garage to uses incidental to the enjoyment of the host property, specifically preventing its use for sleeping accommodation, for its separate occupation, or for it to be let as a trade or business. Its reason is to avoid harm to the character of the area and to protect the amenity of neighbouring occupiers. However, S55 of the Town and Country Planning Act 1990 (as amended) makes it clear in this regard that it is only the use of any buildings and other land within the curtilage of a host property, and used in this associated way, which does not constitute 'development', and where other uses would require planning permission. Therefore, I find that the proposed condition does not meet the test of necessity in paragraph 58 of the Framework.

Conclusion

15. For the reasons outlined above, I conclude that there are no matters that indicate the application should be determined other than in accordance with the development plan. Therefore, the appeal should be allowed.

S. Hartley

INSPECTOR