



Appeal Decision

Site visit made on 17 July 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/P0240/D/24/3355405

Icknield Way Farm, Tring Road, Dunstable, Central Bedfordshire LU6 2JX

- 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 Tim Clark against the decision of Central Bedfordshire Council.
- The application Ref is CB/24/02113/FULL.
- The development proposed is demolition of existing garage and the construction of a timber car port.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2024, after the planning application was determined. The parties have been provided with the opportunity to comment on the revised Framework, and I have taken the comments received into account.

Main Issues

3. The main issues are:
 - whether the proposal 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 and purposes 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 proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt, where Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (LP) states that development proposals will be assessed in accordance with government guidance including the Framework. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate, other than in a few exceptions.
5. The appeal scheme has evolved following the Council's refusal of previous iterations of the development. The appellant states that previous proposals on the

site have been considered against the exception set out in paragraph 154 c) which allows for 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. It is also stated that, in considering those proposals, the Council indicated that up to a 60% increase in the footprint of a building would be acceptable in the Green Belt.

6. I have been provided with a copy of the Central Bedfordshire Design Guide (August 2023) (CBDG), which provides guidance on proposals to extend dwellings in the Green Belt. It states that, in order to be considered as proportionate in size, the original building should not be added to by more than 60% of footprint, floorspace, and volume. However, it also states that the '60% rule' would usually refer to additions that are physically attached to the host building.
7. I do not have the full details of the previous proposals before me, and I cannot be certain as to the Council's full reasoning in its consideration of them. However, there is nothing in the evidence that leads me to conclude that the appeal proposal should be considered as an extension or alteration to the existing garage given that the garage would be demolished. Furthermore, it has not been put to me that the proposal should be considered as an extension to any other building on the site. In any event, I have not been provided with sufficient information to assess the proportionality of the size of the proposed development with any other building insofar as it would meet the Framework's definition of an original building. Consequently, I am not persuaded that the proposal would fall within the exception set out in paragraph 154 c) of the Framework.
8. The Council assessed the appeal proposal against the exception set out in paragraph 154 d) of the Framework, which allows for the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. The Framework does not define 'materially larger'. Given that the '60% rule' in the CBDG applies to extensions to buildings, I do not find it to be determinative to my assessment of the proposal against paragraph 154 d). Rather, the CBDG states that when assessing whether or not a building is 'materially' larger, the proposal will be judged on footprint, scale, and massing. The Courts have held that the exercise I need to undertake is primarily an objective one with reference to size, and I shall therefore have regard to the external dimensions of the existing garage and the proposed carport, including their footprint, volume and height.
9. I do not have definitive figures before me that set out the size of the existing garage. From my observations, it is a modestly sized, single-storey structure with a flat roof. The parties state that the new building would have a footprint that is 6.14m² greater than the existing garage, excluding the proposed log store. However, whilst the log store would be open-sided, it would nonetheless be sited beneath the roof of the building and the vertical supports would mark the side extent of the new structure. The log store would therefore contribute to the overall width and volume of the building proposed, and I am not persuaded that it should be excluded from my assessment of the size of the proposed building. Based on the evidence before me, the log store would add significantly to the footprint of the new building, thus there would, overall, be a large increase in footprint compared to that of the existing garage.
10. The new building would also be 1.41m taller than the existing flat-roofed garage, with a steeply pitched roof. When the additional height is considered together with

the larger footprint, the proposed building would be greater in volume, scale, and massing and, consequently, it would be materially larger than the existing building even if the log store were to be disregarded. Consequently, the proposal would not fall within the exception listed in paragraph 154 d) of the Framework.

11. I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and Policy SP4 of the LP. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness and purposes

12. Given its scale and siting, the proposal would not conflict with the five purposes of the Green Belt set out in paragraph 143 of the Framework. However, the Framework also states that a fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence.
13. Openness can be perceived visually and spatially. Like the existing garage, the proposed car port would be sited on a spacious plot that is set well back from Tring Road. However, it would be larger and taller than the existing building and it would, therefore, permanently occupy space at ground and floor level that is currently devoid of buildings. This would cause a modest loss of openness in spatial terms.
14. The site is well-screened from public views by the host dwelling, trees, and hedging. Indeed, at the time of my site visit, the boundary planting along the adjacent access to the industrial park was sufficiently tall to preclude visibility of the existing garage. Some elements of the car port would have an open structure, which could have the effect of reducing the visual perception of its overall bulk. However, the new building would nonetheless be taller, and the roof ridge would, in all reasonable likelihood, be visible in glimpsed views from the adjacent access road notwithstanding the presence of the hedge.
15. Overall, there would be some minor and localised harm to openness. Nonetheless, regardless of the modest scale of the harm, it carries substantial weight in accordance with the Framework.

Other considerations

16. The proposal would be inappropriate development in the Green Belt. Therefore, by definition, it would be harmful to the Green Belt and should not be approved except in very special circumstances.
17. The proposed car port would have a modern appearance, utilising high quality materials, that would be more in-keeping with the personal design preferences of the appellants than the existing flat-roofed garage. The Council has not raised any objection in respect of the appearance of the proposal or its effect on local character, and I have no reason to conclude there would be conflict with development plan policies in respect of its design and appearance. Indeed, the proposal could enhance the appearance of the site.
18. However, there is limited evidence before me to suggest that the garage is not fit for purpose. Therefore, the evidence does not lead me to conclude that there is an exceptional need to replace the garage with a materially larger building and not by

other, potentially less harmful, means. This limits the weight that can be afforded to the benefits of the scheme.

Green Belt Balance

19. The proposed development would cause harm to the Green Belt by way of its inappropriateness and loss of openness. Whilst there would be some benefits arising from the proposal, these other considerations do not outweigh the harm I have identified. Consequently, there are no very special circumstances before me to indicate this inappropriate development should be approved.
20. The proposal would be contrary to the Framework, and Policy SP4 of the LP, which seek to resist inappropriate development in the Green Belt except in very special circumstances.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

E Catchside
INSPECTOR