

# Appeal Decision

# APPENDIX 3

Site visit made on 16 April 2007.

by **Andrew Hammond MA MSc CEng**  
**MIEE MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Date: 18 May 2007

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## Appeal Ref: APP/V3120/A/06/2030497 Chilswell Farm Villa, Boars Hill Oxford OX1 5HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by M & W Richardson against the decision of Vale of White Horse District Council.
- The application Ref CUM/18846/3, dated 2 August 2006, was refused by notice dated 26 September 2006.
- The development proposed is the erection of a replacement dwelling including linked garage.

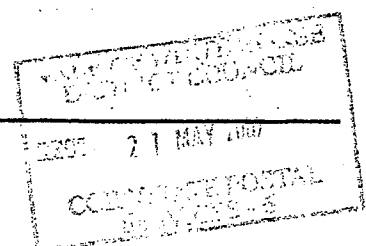
### Summary of Decision: The appeal is dismissed.

### Planning Policy

1. The development plan includes the Oxfordshire Structure Plan 2016 (SP) and the Vale of White Horse Local Plan 2011 (LP). SP Policy GB4 and LP Policies GS3 and GS6 relate to development in the Green Belt and reflect Government advice as contained in *Planning Policy Guidance 2: Green Belts* (PPG2) which states that the most important attribute of Green Belts is their openness and that the construction of new buildings inside a Green Belt is inappropriate except in certain circumstances, including the replacement of existing dwellings provided that the new dwelling is not materially larger than the dwelling it replaces. PPG2 further states 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 harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
2. LP Policy GS3 defines the limits by which replacement dwellings can exceed existing dwellings and, for dwellings with a floorspace of 81 to 120 square metres the limit is an increase of 40%.

### Main issues

3. Against this background I consider that the main issues in this appeal are:-
  - Whether the proposed dwelling is materially larger than the dwelling it would replace and hence whether the proposal would amount to inappropriate development in the Green Belt;
  - Whether there would be any other harm to the Green Belt; and
  - Whether there are any very special circumstances which would clearly outweigh any harm resulting from the above issues and thus justify the development.



## **Reasons**

### ***Whether the proposal would amount to inappropriate development***

4. In 2004 planning permission was granted for a replacement dwelling on the appeal site. The permitted replacement would be 30% larger than the existing dwelling and the permission included a detached garage building in addition. The volume of the permitted dwelling, not including the garage, would be some 494m<sup>3</sup> and, with the garage included, some 616m<sup>3</sup>. As the garage would be detached its volume was discounted in the calculation of increased volume, in accordance with the now superceded 1999 Local Plan.
5. The appeal proposal would have a volume of some 648m<sup>3</sup> including the integral garage, an increase of some 78% over that of the existing house which is some 377m<sup>3</sup>.
6. The appellants have suggested that appeal proposals represent an increase of less than 10% over the permitted dwelling, which should be taken as the starting point for calculations as that scheme could be built and then extended in line with LP Policy GS3.
7. I consider, however, that the starting point for the calculation should be that of the original building and not the previously permitted development. To do otherwise would allow for a continuing series of applications for larger dwellings which would be to the detriment of the openness of the Green Belt.
8. I also consider that the garage, being integral, forms part of the building and should, therefore, be included in calculations of volume.
9. I therefore consider that the proposed development would be materially larger than the dwelling it would replace and would constitute inappropriate development within the Green Belt which is, by definition, harmful.

### ***Other harm to the Green Belt***

10. The appellants have stated that the proposed development would have little effect on the character or openness of the Green Belt when compared with the permitted scheme. However, I consider that by linking the garage to the house and introducing a steeper pitched roof, the bulk of the development would be emphasised resulting in a more dominant building, to the detriment of the openness of the Green Belt, adding to the harm described above and contrary to SP and LP policies aimed at protecting the Green Belt.

### ***Very special circumstances***

11. The pitch of the proposed garage roof would closely match that of the main dwelling and the appellants have suggested that the Council could control the use of materials for the garage and link to the main house together with the future use of the garage, resulting in a better planned scheme. The proposal could also result in reduced heat loss from the house due to the link and the build would be more economical as a result of a reduction in external wall.
12. The appeal site is close to the former farm complex which includes a variety of residential buildings and converted agricultural buildings. The proposal is designed to be sympathetic and in context with this complex.

13. I have also noted the appellants' comment that the proposal would not set a precedent due to the timing of the previous application and the adoption of the current LP, with its changed definition of limits by which replacement houses may exceed the size of existing dwellings.
14. However, I do not consider that these advantages amount to very special circumstances that clearly outweigh the harm to the Green Belt.

**Conclusions**

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

16. I dismiss the appeal.

*Andrew Hammond*

INSPECTOR