The Planning Inspectorate

Appeal Decision

Hearing held on 20 March 2012
Site visit made on 20 March 2012

by J I McPherson JP BSc CEng CEnv CWEM MICE MCIWEM MCMI

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

Decision date: 23 March 2012

Appeal Ref: APP/H1033/A/11/2166653
149 Long Lane, Charlesworth, Glossop, SK13 5ES

- 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 Mr D Stewart against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0181, dated 31 March 2011, was refused by notice dated 09 June 2011.
- The development proposed is a replacement dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr D Stewart against the High Peak Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are whether the proposed dwelling would be inappropriate development in the Green Belt and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

4. The appeal site is within the North West Derbyshire Green Belt where, in accordance national policy in Planning Policy Guidance 2:*Green Belts*, the explanatory text to saved Policy OC2 of the High Peak Local Plan makes clear that there is a general presumption against 'inappropriate development' in the Green Belt. Whilst Policy OC2 does not define inappropriate development, it does give an abbreviated list from paragraph 3.4 of PPG2 of those categories that are considered not to be inappropriate development. One of these is 'limited extension, alteration or replacement of existing dwellings'. Paragraph 3.6 of PPG2 says that a replacement dwelling 'need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces.' Again there is no definition of what constitutes a materially larger dwelling, but at least a starting point should be the total floor areas involved.

5. The appeal proposal is for the replacement of an existing dormer bungalow with a contemporary two storey dwelling which, including the attached garage, would have a total floor area of some 293m^2.

6. On a similar basis, the existing bungalow has a current floor area of about 167m^2, though this includes a flat roofed extension and a subsequent conservatory that was granted planning permission in 2004. The floor area of the '*original* building', as referred to in paragraph 3.6 of PPG2, was therefore rather less than the 167m^2 accepted by the Council in their assessment of a 75% increase in floor area.

7. The Appellant proposed to remove two garden sheds, a stable/workshop building and a shipping container and therefore sought to include their floor areas in the calculation of the existing floor space. The two garden sheds are within the residential curtilage (totalling 7m^2) and the stable/workshop building and the shipping container (totalling 39m^2) are sited outside the primary residential curtilage, but on land owned by the Appellant. With these additions the Appellant considered the overall increase to be about 37.5%; somewhat lower than the 50% figure used to assess domestic extensions in the explanatory text to the saved Local Plan Policy H14. He therefore considered this a modest increase, thereby making the proposal not 'inappropriate development' in the Green Belt.

8. The two garden sheds are both of light timber construction, sited some way from the dwelling and are not directly related to the basic function of the dwelling. The stables/workshop building and the shipping container are further divorced from the dwelling, both in their location and function. Discounting these, there would be about a 75% increase in floor area over that currently existing on the site; and more than that when compared with the original dwelling. This can hardly be considered a limited, or immaterial, increase in floor area.

9. Part of the ground floor of the proposed dwelling would be below ground level on the upper (eastern) side, but the ridge height would exceed the height of the present hipped roof by about 0.5m. The ridge would be parallel to the road, to which the elevation would be significantly longer than that of the present dwelling. Therefore, whilst the scale of the east and west elevations would be somewhat reduced, there would be an increased mass when viewed from the front and rear. Taken together with the floor space calculation, this confirms the point that the replacement dwelling would be 'inappropriate development' in the Green Belt.

10. In accordance with saved Local Plan Policy H13 relating to the replacement of dwellings in the countryside, the proposed dwelling would be located very much in the same position as the existing bungalow. With this, and the proposed design using the existing highway access, and making provision to turn vehicles on site, there would be a small incursion of the driveway into the adjoining field. Both main parties accepted this would be 'inappropriate development' in the Green Belt.

11. Whilst still of only limited weight, because of its draft status, the National Planning Policy Framework follows very much the same policy on Green Belts that is set out in PPG2. It states it in a rather more concise form but, in paragraph 144, it does make explicit reference to assessing increases in buildings against the size of the original building.

Other Considerations

12. Even though I have no evidence of any accident record at this point, the ability to turn a vehicle within the site and avoid reversing out onto the steep, narrow and busy Long Lane would be a benefit to highway safety.

13. The proposal is to erect a partially earth sheltered contemporary dwelling that would reflect the local vernacular. The Council's Design Review Panel, and also several of the Council's Officers, commented favourably on the proposed design of the house. It would meet a very demanding zero-carbon, or near zero-carbon, Passivhaus specification, of which there are only about a dozen in the country, none of which are in Derbyshire. It was said that Passivhause certification would guarantee a standard at least as high as Level 5 of the Code for Sustainable Homes. The design has been developed in conjunction with Manchester University and would have a high reliance on passive energy and insulation. It would incorporate a ground source heat pump, solar thermal panels, photo-voltaic panels and green roof technology, as well as rainwater harvesting. Such a design would easily meet the requirements of the Council's Supplementary Planning Document (SPD2) on sustainable design. The design won the best eco-build category of the Northern Design Awards and was recommended in the proposed new-build category of the British Homes Awards. The Appellant anticipated that the building would become a showcase for such developments, and that there would be regular monitoring of the real-life performance of the dwelling for research purposes.

14. Apart from the Green Belt designation, the site is also within a Special Landscape Area where saved Local Plan Policy OC3 calls for particular consideration to avoid harm to the special qualities and character of the area.

15. The original design of the present bungalow is comparable to many other inter-war dwellings and, with the various subsequent extensions, it is not of any particular architectural merit.

16. In comparison, the proposed design incorporates a simple farm-like form with a dark slate pitched roof and part of the bottom floor set into the ground on the up-hill side. There was no dispute at the hearing that the proposed design took into account the advice in the Council's Supplementary Planning Document on Key Landscape Characteristics (SPD5), or that it would in any way be unsuitable for its location, subject to the Green Belt considerations.

17. The inclusion of a small portion of the adjoining field would, to a limited extent, amount to encroachment into the countryside; one of the five purposes stated in paragraph 1.5 of PPG2 that Green Belts are intended to prevent. However, paragraph 1.4 states the most important attribute of Green Belts to be their openness, and this small section of driveway would have little effect in this regard.

18. Whilst, as noted above, the total floor area of buildings on the site would be increased, a significant proportion would be at least partially below ground such that the green roof over the eastern part of the ground floor would tend to blend in with the rising ground on that side of the development. Although the front and back elevations would be significantly larger than those of the existing dwelling, above ground level, the end elevations would be somewhat reduced in the views from up and down Long Lane. When looking up the hill from the road, the existing stables/workshop building and shipping container

are particularly prominent on the hillside. Overall, taking into account the removal of the sheds and other buildings, there would be some increase in openness to this part of the Green Belt.

Very Special Circumstances

19. Paragraph 3.2 of PPG2 makes it clear that the Secretary of State attaches substantial weight to harm that would occur to the Green Belt and that the harm from inappropriateness, and any other harm, must be clearly outweighed by other considerations.

20. In this case, there would be harm to the Green Belt by virtue of the inappropriateness of the dwelling and, to a limited extent, from the encroachment of the driveway into the countryside. To set against this, there would be some benefit to highway safety and the design of the dwelling would clearly be novel for this part of the country, and very sustainable. In this instance, the lack of harm to the Special Landscape Area does not weigh in favour or against the scheme, but there would be some benefit to the openness of the Green Belt.

21. Even allowing significant weight to the novel aspects of the design, these considerations do not clearly outweigh the harm from inappropriateness and therefore the very special circumstances necessary to allow this development in the Green Belt do not exist.

22. The appeal will therefore be dismissed.

J I McPherson

APPEARANCES

FOR THE APPELLANT:

Ms K McClean	From Indigo Planning Ltd
Mr (Dr) D Stewart	Appellant,
Mrs S Stewart	Wife of Appellant
Mr R Bridge	Architect from Roger Stephenson Architects,

FOR THE LOCAL PLANNING AUTHORITY:

Ms A Jordan	Senior Planner with High Peak Borough Council
Mr S Brough	Planning Assistant with High Peak BC

INTERESTED PERSON:

Miss D Oake	Local Resident

DOCUMENTS

1 Letter of Notification of the Hearing and Distribution List
2 Attendance List
3 Letter from Derbyshire County Council
4 Extracts from the High Peak Saved Local Plan, SPD2 and SPD5
5 Application for Costs from the Appellant
6 The Council's Response to the Costs Application

APPENDICES TO APPEAL DOCUMENTATION

1 Application Plans

1/1	Location Plan	- 200A
1/2	Existing Site Plan	- 201A
1/3	Existing Elevations (N & W)	- 202A
1/4	Existing Elevations (E & S)	- 203A
1/5	Existing and Proposed site Plans	- 204
1/6	Proposed Site Plan and Roof Plan	- 300B
1/7	Proposed Ground and First Floor Plans	- 301B
1/8	Proposed Elevations (N & W)	- 302B
1/9	Proposed Elevations (E & S)	- 303B
1/10	Proposed Sections	- 304B
1/11	Design and Access Statement	

2 Planning Application
3 Planning Application and the Council's Decision
4 Location Plan
5

5/1	Existing and Proposed Floor Areas	- 107B
5/2	Location Plan	- 200A
5/3	Existing Site Plan	- 201A
5/4	Existing Elevations (N & W)	- 202A
5/5	Existing Elevations (E & S)	- 203A
5/6	Proposed Site Plan	- 300B
5/7	Ground and First Floor Plans	- 301B
5/7	Proposed Elevations (N & W)	- 302B
5/8	Proposed Elevations (N & W)	- 302C
5/9	Proposed Elevations (E & S)	- 303B
5/10	Proposed Elevations (E & S)	- 303B
5/11	Proposed Sections	- 303B
5/12	Planning Concept Statement	

6 Planning Concept Statement
7 Design and Access Statement
8 Correspondence with the Council
9 Photographs of the Site