

APPEAL BY ASPIRE GROUP AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEMOLITION OF THE EXISTING GARAGES AND THE ERECTION OF 1 DETACHED BUNGALOW AT A GARAGE SITE BETWEEN 82 AND 88 HARRISEAHEAD LANE, HARRISEAHEAD.

<u>Application Number</u>	13/00714/FUL
<u>LPA's Decision</u>	Refused by delegated powers 14th November 2013
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	9th June 2014

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 1300714/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework. In allowing the appeal, the Inspector made the following key comments:

- The Council has not relied on any development plan policies in its decision notice and therefore the reasoning of the Inspector is based upon the provisions of the Framework. Paragraph 89 of the Framework says that the construction of new buildings in the Green Belt should be regarded as inappropriate. However, it lists certain exceptions. These include limited infilling in villages (bullet point 5) and the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt (bullet point 6).
- The proposed bungalow, although of a similar sized footprint to the garages, would have a substantially greater volume and height. This additional volume and height would introduce an additional amount of built development to the site and consequently, it would have a materially greater impact on the openness of the Green Belt. Therefore, in respect of bullet point 6 of paragraph 89, the Inspector considered that the proposal would be inappropriate development.
- Turning to bullet point 5 of paragraph 89, The Council describes Harriseahead as a village but it says that the site is not within this village but is located within a linear spine of housing. The Council did not provide any policies defining the boundary of the village.
- The "linear spine" is essentially a continuous line of development which extends from the centre of the village where services are located. The Council agrees that the site is within a sustainable location and that there are a number of services and facilities in the area. Given the relatively close proximity of the site to the centre of the village and the fact that it is connected to the village, it appears that the site is within the village. Therefore, the proposal represents infill within an existing village and the Inspector concluded that the proposal would not be inappropriate development and as such, very special circumstances do not need to be demonstrated.
- The Inspector notes the neighbour's concern in relation to car parking but the Local Highway Authority has no objection to the scheme and therefore the Inspector had no reason to believe highway safety issues would arise. The Inspector also considered the concerns regarding privacy of the neighbour's rear garden but did not consider that the siting or design of the proposed dwelling would lead to an unreasonable amount of overlooking.

Recommendation

That the decision be noted.