

**APPEAL BY MR D MORRIS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A GARAGE TO FORM ADDITIONAL PARKING TO ROOSTERS DAY NURSERY AT REAR OF 6, BRASSINGTON TERRACE**

<b><u>Application Number</u></b>	<b>13/00761/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated powers 27<sup>th</sup> November 2013</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>12<sup>th</sup> August 2014</b>

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00761/FUL) and the following is only a brief summary.

The Inspector considered the main issues to be whether the proposal is inappropriate development in the Green Belt, the effect of the proposal on the openness of the Green Belt and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm to the Green Belt is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development. In dismissing the appeal, the Inspector made the following key comments:

- The proposed garage would provide secure cover for vehicles used in the transport service provided by the nursery and for additional cold storage.
- Paragraph 89 of the NPPF states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The construction of a new garage building for use in connection with the day nursery does not fall under any of the listed exceptions and as such it would represent inappropriate development in the Green Belt which is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- The proposed development would also be contrary to Policy S3 of the Newcastle-under-Lyme Local Plan 2003.
- A temporary building had been stationed on the site. The introduction of a permanent, pitched roof detached double garage would inevitably reduce and harm the openness of the Green Belt to some degree by reason of its permanence and additional bulk and massing, however the loss of openness would be moderate.
- One of the core principles of the NPPF is to support thriving rural communities and it seeks to support a prosperous rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, and promote the retention and development of local services and community facilities in villages.
- It is evident that the children's day care nursery provides an important and valued community facility. The transport service it offers also reduces vehicle movements associated with the premises, provides flexibility for parents and encourages sustainable transport.
- Although the garage would offer cover for vehicles used in the transport service, reducing the time spent in the winter months preparing and de-icing vehicles ready for use, this would only provide a limited improvement to the service for a certain period of the year. The appellant also suggests that the garage would improve security on site by providing secure storage for vehicles and equipment but there is no evidence of any reported incidents.
- The appellant's argument that the garage would also provide additional cold storage facilities does not in isolation justify a building of the scale proposed and it has not been adequately demonstrated that such facilities could not be accommodated in an existing building. As such, only moderate weight is attached to any operational benefits derived from the provision of a secure garage.
- It is accepted that the garage would have limited visual impact on the surrounding countryside but such factors would only ensure that the scheme would not be harmful in this regard and do not weigh in favour of the development.

- The proposed garage is not required solely for purposes in connection with the transport service and therefore, the development would not fall under one of the listed exceptions in paragraph 90 of the NPPF.
- In conclusion, the proposed development would be inappropriate development and the NPPF establishes that substantial weight should be given to any harm to the Green Belt. The operational benefits of the proposed garage do not clearly outweigh the totality of harm to the Green Belt and therefore, very special circumstances do not exist. The appeal is therefore dismissed.

**Recommendation**

That the decision be noted