



PETER GEORGE TOWN PLANNING

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Planning Inspectorate
Temple Quay House
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Dear Sir/Madam,

Final Comments

Appeal by Mr A Del Basso

Appeal Ref: 6012789: Glencoe Villa, Snailswell Lane, Ickleford, SG5 3TS

Introduction

We write in response to the Council's appeal statement. The appellant does not seek to repeat the case already set out in the Statement of Case, which addresses the principal matters in dispute in detail. However, the Council's appeal statement provides further clarification of its interpretation of Policy GB7(g) of the National Planning Policy Framework (the Framework), particularly in relation to the requirement for an evidenced unmet need for the type of development proposed. It is therefore considered appropriate to respond briefly to that point, together with the Council's continued reliance upon Green Belt openness and the previous appeal concerning the removal of permitted development rights.

Policy GB7(g) and Evidenced Unmet Need

The Council's position appears to be that, although there is an acknowledged district-wide shortfall in housing land supply, the appeal proposal does not satisfy the unmet-need requirement because the dwelling already benefits from an implemented planning



permission and the principal additional elements now proposed comprise the garage and ancillary outbuildings. In effect, the Council considers that the identified housing need has already been met on the appeal site.

In the appellant's view, that approach introduces an additional requirement which is not contained within Policy GB7(g). The relevant question is whether there is an evidenced unmet need for the type of development proposed. In this case, the appeal proposal is residential development comprising a dwelling together with associated ancillary domestic buildings; it is not an application for the ancillary buildings in isolation. The Council's acknowledged housing land supply position demonstrates an evidenced unmet need for housing within the district and, for the reasons set out in the Appellant's Statement of Case, the requirements of Policy GB7(g) are therefore satisfied in this respect.

This should be distinguished from the weight attributable to housing delivery in the planning balance. The appellant has already acknowledged that, given the extant and implemented permission, the appeal proposal would not deliver an additional dwelling over and above the permitted fallback. Accordingly, the appellant does not seek to attribute significant additional housing delivery benefit to the proposal. That is, however, a separate matter from whether the policy requirement concerning evidenced unmet need for the type of development proposed is satisfied.

There is also an apparent inconsistency in the Council's approach. The Council expressly maintains that the appeal proposal should be considered as a whole and that the garage and outbuildings cannot be considered in isolation from the dwelling and the existing permission. The appellant agrees with that approach. However, when considering whether there is an evidenced unmet need, the Council adopts a different approach by treating the dwelling as already provided and asking whether there is a separate need for the ancillary buildings. There is no basis within Policy GB7(g) for applying the test in this way. If the proposal is properly considered as a whole, the relevant type of development is residential development.

Green Belt Openness

The Council places considerable emphasis upon the fact that the proposed garage and outbuildings would increase the amount of built form when compared with the development previously approved, including by extending beyond the footprint of



previously existing buildings. The appellant does not dispute this. However, the earlier decisions at the site were made under a different Green Belt policy test, which required consideration of whether redevelopment would have a greater impact on openness. Policy GB7(g) now provides that development which meets its requirements is not inappropriate development in the Green Belt. Accordingly, the fact that the appeal proposal involves a greater amount of built form than the previously approved development does not, in itself, provide a basis for treating it as inappropriate development where the requirements of Policy GB7(g) are satisfied.

Previous Appeal and Permitted Development Rights

The Council continues to place substantial reliance upon the previous appeal concerning the removal of permitted development rights, including the Inspector's conclusion that unrestricted additions and outbuildings could cumulatively harm Green Belt openness. The appellant accepts that this appeal decision is a material consideration, but it does not establish that no further ancillary development can ever be acceptable at the site.

The previous appeal concerned whether an unrestricted range of future extensions and outbuildings should be capable of being undertaken without the need for further planning permission. By contrast, the present appeal concerns specific buildings of defined scale, siting, design and appearance which are capable of detailed assessment on their individual merits. In that respect, the retained condition has performed precisely the function for which it was imposed: it has ensured that any further domestic development is brought back within planning control and assessed through a specific planning application.

Granting permission for the particular buildings now before the Inspector would therefore not undermine the purpose or effectiveness of the earlier condition. It would simply amount to a conclusion, following detailed assessment, that these particular buildings are acceptable having regard to the current policy framework.

Furthermore, if the Inspector considers it necessary to ensure that the proposed buildings remain functionally associated with the dwelling, this can readily be secured by planning condition. The appellant would have no objection to a condition requiring the garage and outbuildings to be used only for purposes ancillary to the residential use of the dwelling and preventing their occupation or use as separate residential accommodation



or for independent commercial purposes. Such a condition would provide certainty as to the future use of the buildings and would ensure that they remain part of the single residential planning unit now before the Inspector.

Conclusion

For the reasons set out in the appellants Statement of Case and these final comments, it is maintained that the appeal site constitutes Grey Belt land and that the appeal proposal satisfies the requirements of Policy GB7(g). The proposal should therefore not be regarded as inappropriate development in the Green Belt. The fact that the dwelling has already been implemented, that the proposal would introduce additional built form and that permitted development rights have previously been considered at appeal does not alter that conclusion.

Consequently, Policy S5(5) of the Framework is engaged and the appeal proposal benefits from the presumption in favour of sustainable development and should be approved unless its benefits are substantially outweighed by any adverse effects when assessed against the national decision-making policies of the Framework. For the reasons set out above, the Council has identified no adverse effects capable of substantially outweighing the benefits of the proposal. Accordingly, the presumption in favour of sustainable development provides further support for allowing the appeal.

Accordingly, the Appellant respectfully maintains the request that the appeal be allowed, and planning permission granted.

Yours sincerely,

Tom Donovan BA (Hons) MA MRTPI, Director

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