



Appeal Decision

Site visit made on 8 May 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2019

Appeal Ref: APP/L3245/D/19/3222553

Keepers Cottage, 6 Decker Hill, Shifnal TF11 8QN

- 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 & Mrs A Whittall against the decision of Shropshire Council.
 - The application Ref 17/03809/FUL, dated 1 August 2017, was refused by notice dated 20 November 2018.
 - The development proposed is a two-storey extension to dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. However, the changes have no material bearing to the main issues before this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to national policy and relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the host dwelling and surrounding area;
 - whether the proposed development would result in the loss of a smaller lower cost market dwelling; and,
 - 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 Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state

that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 of the Framework. One of the exceptions cited is the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'.

5. The national policy advice in the Framework has to be read together with the relevant development plan, Policy CS5 of the Shropshire Council Local Development Framework: Adopted Core Strategy 2011 (CS) and Policy MD6 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) conform to the thrust of national Green Belt policy in these respects.
6. There is no definition within the Framework of 'disproportionate'. Both parties acknowledge that the appeal property has benefitted from a variety of extensions and alterations that now form the existing dwelling. The Council's evidence on this matter in the Officer Report advises that the extension would amount to an increase in size of approximately 103% to the original building, when taking previous extensions and alterations into account. The appellant does not dispute this figure, but it is noted that the appellants refer to 'the proposals are for a 25% increase in size'. However, on the evidence before me I find that this increase is to the existing dwelling.
7. Therefore, on the evidence before me, I concur with the Council and conclude that, due to its size, the proposed extension would amount to a disproportionate addition to the original building. Consequently, this does not comply with the exception listed under paragraph 145 c) of the Framework.
8. For these reasons, the appeal scheme would be inappropriate development in the Green Belt and, in this regard, it would conflict with CS Policy CS5; SAMDev Policy MD6 and with the Framework. I attach substantial weight to the harm arising due to the inappropriate nature of the development.

Openness and Green Belt Purposes

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework.
10. The host dwelling is not particularly visible from within the public realm. However, notwithstanding the presence of the adjacent dwelling and associated development and planting in the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the host dwelling and the wider area. Although the loss of openness that would be directly attributable to the appeal scheme would not be great in itself, it would add to the overall bulk of the property.
11. The development would introduce additional built footprint and volume to the host dwelling. This would increase the built up and urbanised nature of the appeal site. I note reference by the appellants to 2 Judgments to support their

case. The first judgement¹ found, amongst other things, that the impact of a development on openness is not necessarily related to its size but also its purpose, amongst other things. The second Judgment² similarly found, amongst other things, the purpose of the exceptions is to distinguish between those types of new buildings which would be inappropriate if built in the Green Belt from those that are not or potentially are not. Additionally, it was found that a development would only not be inappropriate development if it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

12. I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework. Accordingly, I must give such Green Belt harm substantial weight in my assessment and determination of this appeal.

Character and appearance

13. The appeal site is located in a semi-rural area given the existing development in the locality. The appeal dwelling is rendered with a slate roof and is accessed by a private road. Currently the side elevation of the dwelling is staggered with a single storey porch located in the junction. The proposal is for a 2-storey side extension with a balcony facing the access road. Under the balcony would be a porch accessed by a set of double doors similar to those in the existing porch. The proposed extension would comprise of a dining hall and porch at ground floor and an additional bedroom at first floor with a dressing room, where access to the balcony would also be taken.
14. The proposal would be level with the main front elevation of the property and would be slightly set back from the existing rear elevation. I find that the proposed extension replicates features present on the existing dwelling, in particular on the section on the opposite side of the front facing 2-storey gable that would result in an increase in symmetry of the dwelling when viewing it from the front. Although the scheme would represent a notable extension, and whilst I acknowledge that the property has been extended previously, I find the proposed extension to be subordinate and complementary to the character and appearance of the existing dwelling through its overall design, scale, siting and materials proposed.
15. For the reasons given above, I conclude that the development would not have a significantly detrimental impact on the character and appearance of the appeal dwelling or surrounding area and hence that it would accord with the design, character and appearance aims of CS Policy CS6, SAMDev Policy MD2 and the Framework.

Loss of a smaller low cost market dwelling

16. The Council's Supplementary Planning Document, Type and Affordability of Housing was adopted by the Council on 12th September 2012 (SPD), and on the evidence before me, its status has not altered. I therefore consider that this document is a material consideration, which I give significant weight.

¹ Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government & Ors [2013] EWHC 2643 (Admin)

² Fordent Holdings Limited v SSCLG & Cheshire West and Chester Council [2013] EWHC 2844 (Admin)

17. The SPD at paragraphs 2.20 and 2.21 note the trend in countryside locations towards providing larger and more expensive dwellings which can exclude the less well off, including those who need to live and work in rural areas. The guidance advises that, in relation to both house extensions and replacement dwellings, it is important to control size in order to maintain and provide an appropriate stock of smaller, lower cost market dwellings.
18. I have noted that the host dwelling is of a reasonable size, and is located on a substantial plot. Whilst the appellant has not provided any financial figures in the form of a valuation of the existing property, or neighbouring properties, I find that the appeal dwelling in relative terms does not appear to amount to a smaller or lower cost dwelling. As such, I do not consider that this scheme would result in the loss of a smaller or lower cost market dwelling and it would not therefore conflict with the SPD in this regard.

Other considerations

19. The evidence refers to potential fallback options in the form of development that might be implemented without seeking planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to construct a different form of development at the appeal site. However, there is limited information within the evidence regarding the detail of such permitted development. In any event, even if the construction of an extension under permitted development was possible in the location of the appeal scheme, the resultant structure would be much smaller than the appeal scheme, due to the single storey restriction specified in the GPDO, resulting in a reduced height and volume. Therefore, I give limited weight to the potential permitted development fallback.
20. The general circumstances of this case are not exceptional since existing dwellings in the Green Belt are not unusual. Many other Green Belt residents are likely to want to build sizeable extensions to their homes. In addition to the foregoing matters I have taken into account the appellant's wider evidence, including the desire to improve the design of the front of the property and the host dwelling being largely shielded from public views. Although I am sympathetic to the circumstances of those concerned, bearing in mind the harm I have identified and that the proposal is for permanent development, I consider these are minor factors in favour of the development.
21. I note the assertion made by the appellants in relation to the extent of the Green Belt and how the application site was not in the original West Midlands Green Belt, when it was established in 1975. However, this is not a matter for consideration under this appeal and the proposal falls to be determined against the current policy framework.
22. With the exception of the harm to the Green Belt, the proposed development would not have any other adverse impacts to the character and appearance of the host dwelling or surrounding area or the occupants of nearby residential properties, raise any highway safety issues or result in the loss of a smaller low-cost market dwelling. These matters attract neutral weight.
23. Consequently, these considerations, along with the other matters identified in the evidence either individually or collectively, do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development. I have considered this

appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.

Conclusion

24. In summary, therefore, the appeal proposal would be inappropriate development in the terms set out in the Framework and lead to a small loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and in the wider evidence so as to amount to very special circumstances. Consequently, very special circumstances do not exist and the development would conflict with the Framework and CS Policy CS5, as well as with SAMDev Policy MD6.
25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR