



## Appeal Decision

Site visit made on 21 January 2025 by A Khan BSc (Hons) MA MSc

### Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

### Appeal Ref: APP/L3245/D/24/3349564

### Wootton Lodge, Duken Lane, Wootton, Shropshire WV15 6EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Robert Law against the decision of Shropshire Council.
- The application Ref is 24/01837/FUL.
- The development proposed is single storey rear extension to form dressing room/gym and erection of annexe to form granny flat for dependant relative.

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - i) whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,
  - ii) the effect of the proposal on the openness of the Green Belt, and
  - iii) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

### Reasons for the Recommendation

#### *Whether inappropriate development*

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within the given list of exceptions. One of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The original building, as defined by the Framework, is a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.
5. The term 'disproportionate additions' is neither defined in the Framework, nor is there a defined way of assessing and measuring proportionality set out within the development plan. It is therefore a matter for the decision maker to determine in the particular circumstances of the case whether the additions would be

disproportionate, albeit that with the reference to 'size' as set out in the Framework, this could include volume, floorspace, footprint and external dimensions.

6. The appeal site lies within an area of rural character, amongst a small cluster of buildings on one side of Duken Lane, which is otherwise surrounded by agricultural fields. The site comprises a bungalow with additional accommodation within the roof space, as well as a number of outbuildings along the front boundary of the site and within the rear garden. Limited information has been presented to determine the size of the original building. The appellant's submissions refer to the office and store building as being original, but it remains unclear, having regard to the available evidence, whether this building represents a normal domestic adjunct to the dwellinghouse. Even then, it is clear that the bungalow has been subject to a number of alterations and additions, which include side, rear and roof extensions. Cumulatively, these represent significant additions to the original building.
7. The proposed plans indicate that the appeal scheme would create additional built development with the construction of a rear extension and annexe. The appellant suggests that the additions would be much less than 30 – 40% increase which is 'typically' allowed. However, the size of the proposed development, in combination with previous additions, would clearly exceed what can be reasonably considered proportionate. Consequently, the proposed rear extension and annexe would represent disproportionate additions over and above the size of the original building.
8. The appellant mentions that the proposed annexe would constitute limited infilling in villages, which is another exception to inappropriate development in the Green Belt. The development plan policies with regard to this exception are broadly consistent with the Framework. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy [March 2011] (CS) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt.
9. Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan [Adopted 17 December 2015] requires development proposals to demonstrate that they do not conflict with the purposes of the Green Belt. The Court of Appeal judgement in *Julian Wood*<sup>1</sup>, wherein it was held that whilst settlement boundaries as set out in a development plan are a consideration in whether a proposal for limited infilling fell within a village, they are not determinative, and whether the proposal falls within a village is ultimately a matter of planning judgement for the decision maker based on the facts on the ground. The appeal site lies within a small cluster of buildings with no development on the opposite side of Duken Lane. As such, it does not form part of a village, and the proposed annexe therefore cannot be regarded as limited infilling in a village.
10. With regard to Paragraph 154 of the Framework, the proposal therefore would be inappropriate development in the Green Belt. The proposal would also contradict the Green Belt aims of CS Policy CS5 and SAMDev Policy MD6.

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<sup>1</sup> Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council  
EWCA Civ 195 - 9 February 2015

### *Openness of the Green Belt*

11. The proposed annexe would have limited visibility from the public road as the outbuilding and tall front boundary treatment provide some screening. However, the vehicle access point of the site provides public views into the site, as well as outside the neighbouring property, between the conifer hedge and the brick built outbuilding.
12. The proposed extension and annexe would introduce additional built forms where there are currently none. The scale of the proposed annexe, combined with its detached nature would erode the open and spacious nature of the site. Due to the existing development on the appeal site and the surrounding buildings in close vicinity, the proposed annexe would fill an open space. The proposed annexe would extend the building relatively close to the edge of the site boundary, creating a massing effect that would disrupt the connection between the front and rear garden space, despite being lower in height than neighbouring buildings. Consequently, the proposed annexe would moderately harm the openness of the Green Belt.
13. The proposed rear extension, though subservient to the host dwelling and not visible from public view due to being screened by the host property and annexe, would add further to the overall mass and bulk of the property. Consequently, there would be a loss of spatial openness to the Green Belt and thus cause moderate harm.
14. The proposed development would add to the cumulative effect of built form on the site. With regard to Paragraph 154 of the Framework, the proposal therefore would moderately harm the openness of the Green Belt.

### *Other considerations*

15. Paragraph 153 of the Framework highlights that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, to which I ascribe substantial weight, and any other harm resulting from the development, is clearly outweighed by other considerations, to which several have been referred to my attention.
16. The appellant has presented a case based on the need for the annexe to accommodate 3 dependent elderly relatives for whom they currently have caring responsibilities, which would include access for carers and disability facilities. It is noted that alternative solutions to address the family's needs, such as adapting the existing dwelling or outbuilding on site, may be available. While these personal circumstances are understood, there is a lack of presented evidence to demonstrate that there are no other suitable options other than constructing the annexe. Therefore, I attach limited weight to this consideration in the determination of this appeal.
17. By accommodating the 3 elderly relatives, the appellant states there is a potential to free up the 3 dwellings currently occupied by each of them, which would be suitable for family use. As I have not been presented with a mechanism to ensure that this would be the case, I therefore afford very limited weight to this consideration.

18. The appellant has listed a number of 3-, 4- and 5-bedroom properties which have been sold in the area as justification to demonstrate the absence of suitable and affordable properties to relocate the elderly relatives within a 2-mile radius of the appeal property. However, this in of itself does not mean there are no smaller or more affordable properties within the search area or a reasonable distance beyond. Consequently, I attach very limited weight to this consideration.
19. The appellant has made reference to nearby buildings which have had extensions approved of a larger scale than the proposal. I do not have the full context of these extensions and they relate to a scheme not comparable to the proposed extension and annexe, therefore I afford this limited weight.
20. I have had regard to a number of other considerations advanced in support of the appeal scheme, including the subordinate nature of the annexe and lack of visibility of the rear extension, as well as the lack of objections from neighbours and parish councillors. However, these are neutral considerations which do not weigh in favour of the development, and therefore afford them very limited weight.
21. Lastly, the appellant has cited the Council's Single Plot Exemption Policy to increase the supply of affordable housing in Shropshire. This policy has little relevance to the appeal scheme before me, therefore I ascribe very limited weight to this consideration.

### **Conclusion and Recommendation**

22. The appeal scheme would constitute inappropriate development in the Green Belt, to which I ascribe substantial weight. When taken individually or cumulatively, the other considerations advanced in support of the scheme do not clearly outweigh the harm which would be caused to the Green Belt. In this instance, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
23. As such, the development is contrary to CS Policy CS5, SAMDev Policy MD6 and Section 13 of the Framework which seek to prevent inappropriate development in the Green Belt. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*A Khan*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

24. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*S Edwards*

INSPECTOR