



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: 29 May 2025

Appeal Ref: APP/L3245/D/24/3355380

Hall Cottage, Folley Road, Shropshire, Ackleton WV6 7JL

- 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 P Inions against the decision of Shropshire Council.
 - The application Ref is 24/03342/FUL.
 - The development proposed is described as 'for the proposed demolition of existing conservatory and erection of a single storey rear extension, together with the erection of a ground and lower ground level incidental outbuilding providing garaging and gym facilities'.
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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.

Preliminary Matters

3. A new version of the National Planning Policy Framework (the Framework) was published in December 2024. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. A previous appeal (APP/L3245/D/22/3297563) for a larger scheme on the site was dismissed in August 2022. I have had regard to this decision as an important material consideration for this appeal.

Main Issues

5. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt, having regard to the Framework and any relevant development plan policies,
 - ii) the effect of the proposal on the character and appearance of the host dwelling and surrounding area, and

- iii) whether any harm by reason of inappropriateness, and any other harm, would be 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 and openness

6. The appeal site lies within the Green Belt. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within a given list of exceptions. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy [March 2011] (CS) makes it clear that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Policy MD6 of the Shropshire Council Site Allocations and Management of Development Plan [Adopted 17 December 2015] (SAMDev) states that development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt. Insofar as they relate to this appeal, I find that these policies are broadly consistent with the Framework.
7. One of the exceptions envisaged by the Framework 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'. No concerns were raised by the Council regarding the proposed single storey rear extension, which would replace a conservatory of a broadly similar size. There are no reasons for me to disagree with this assessment, and this extension would not therefore constitute inappropriate development in the Green Belt.
8. However, the appeal scheme also includes the construction of a large two storey outbuilding for ground floor garage use and lower ground floor gym facilities. There is no dispute between the main parties that this part of the proposal, which would be connected by a staircase and paved terrace area, should be regarded as an extension to the host property, due to the absence of meaningful degree of separation. It is also agreed that by comparison with the original dwelling, the proposed extensions would represent disproportionate additions.
9. The appeal dwelling is set within a sizable plot, and lies within an area characterised by its spaciousness and openness, with relatively large separation between buildings. The proposed outbuilding would reduce the gap between the host and neighbouring properties and introduce a significant built form where there is currently none. The proposal would consequently diminish the site's contribution to the openness of the Green Belt. The scale, massing and location of the proposed development would make it unduly prominent from the street scene, therefore reducing the openness of the Green Belt, both in visual and spatial terms.
10. Together with previous additions, the appeal scheme would result in disproportionate additions over and above the size of the original building and would therefore constitute inappropriate development in the Green Belt. It would also harm the openness of the Green Belt. Consequently, the proposal would be contrary to CS Policy CS5 and SAMDev Policy MD6, which seek to protect the Green Belt.

Character and appearance

11. The appeal site lies within a quiet, residential area along the southern side of Folley Road, which is otherwise surrounded by agricultural land. The southern side of Folley Road is characterised by dwellings spaciouly set apart from one another, and within large, spacious plots. Dwellings are generally set back from the road but have open frontages and low front boundary treatments, providing views to and from the road. These elements contribute to the open and spacious character of the area.
12. The proposed two-storey structure would result in a significant increase in built form which, despite being set back from the frontage, would appear unduly prominent from the street scene. The development would fill an existing gap where there is currently no built form, leading to a visual intrusion that would appear incongruous to the area. The erosion of the gap would lead to a cramped and overdeveloped appearance which would detract from the spacious and open character of the area.
13. The harm would be exacerbated by the excessive scale and massing of the proposal, which would lack subservience to the host property. This would create a dominant form of development that would be unsympathetic and disproportionate to the host property. The appellant's argument regarding the high quality of the proposal's design does not adequately mitigate the harm of the proposal's excessive scale and massing.
14. Due to the land level changes, the two-storey scale of the building at the rear would emphasise the incongruous nature of the outbuilding and lack of subservience to the host property. Although this aspect of the proposal would not be widely visible from the road, this adds to my concerns regarding the harm that would be caused by the structure, as a result of its excessive scale.
15. Consequently, the proposal would cause unacceptable harm to the character and appearance of the host dwelling and surrounding area. The proposal would conflict with CS Policy CS6 and SAMDev Policy MD2, which seek to protect the design of development by ensuring it respects local context and character.

Other considerations

16. 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 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.
17. The appellant has presented detailed evidence with regard to the existence of a fallback position which, it is argued, would be more harmful to the Green Belt than the appeal scheme. This includes a Lawful Development Certificate (Local Planning Authority Reference 23/04361/CPL) for the proposed erection of two detached outbuildings. Furthermore, a Lawful Development Certificate (Local Planning Authority Reference 24/00687/CPE) confirms that the implementation of a scheme previously granted planning permission by the Council was not fully exhausted, meaning that the right to implement a rear conservatory remains available to the appellant.

18. Having regard to the presented evidence, I have no reasons to doubt there is a real prospect that this fallback position would be implemented if the appeal proposal does not go ahead. However, whilst these buildings would cumulatively cover a larger footprint than the appeal scheme, they would be of a single storey scale and would not appear unduly prominent within the street scene. They would not be comparable in scale or height to the appeal proposal. Overall, based on the available information, I consider that the appeal scheme would be more harmful to the Green Belt and the character and appearance of the area than the fallback position.
19. Furthermore, I have been presented with no mechanism which would prevent the exercise of further permitted development rights, for example before permission for the appeal scheme is implemented. This means that an outbuilding could be constructed using permitted development rights even if the appeal was allowed. For these reasons, I ascribe limited weight to the presented fallback position.

Conclusion and Recommendation

20. Substantial weight is ascribed to the harm which would be caused to the Green Belt, due to the inappropriate nature of the development and loss of openness. Additionally, I ascribe moderate weight to the harm which would be caused to the character and appearance of the host dwelling and the area. Limited weight is afforded to the presented fallback position for the reasons given above.
21. The harm caused by the development would not be clearly outweighed by the other considerations advanced in support, whether taken individually or cumulatively. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
22. The proposal conflicts with the development plan as a whole. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. 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

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

S Edwards

INSPECTOR