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## Appeal Decision

Site visit made on 25 October 2016

**by Rory Cridland LLB (Hons)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 November 2016**

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**Appeal Ref: APP/F0114/D/16/3157614**

**Dundas, Warminster Road, Monkton Combe, Bath BA2 7BN**

- 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 G Wheeldon against the decision of Bath & North East Somerset Council.
  - The application Ref 16/02207/FUL, dated 5 May 2016, was refused by notice dated 1 July 2016.
  - The development proposed is the erection of a single storey extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

1. The main issues are:
  - (i) whether or not the proposal is inappropriate development in the Green Belt;
  - (ii) the effect of the proposal on the openness of the Green Belt;
  - (iii) if the development is inappropriate, 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

*Whether or not the proposal is inappropriate development in the Green Belt.*

2. The appeal site is situated in the Green Belt, adjacent to the Somerset Coal Canal adjoining Dundas Basin and Aqueduct. The site itself consists of an attractive stone building known as Dundas which forms an important part of the landscape. It benefits from a large garden and has a backdrop of mature trees.
3. Policy CP8 of the Core Strategy<sup>1</sup> seeks to protect the Green Belt from inappropriate development in accordance with national policy. Furthermore, Policy HG.15 of the Bath and North East Somerset Local Plan (2007) permits proposals to extend a dwelling in the Green Belt provided, amongst other

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<sup>1</sup> Bath and North East Somerset Composite Core Strategy – adopted 10 July 2014.

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things, they do not represent a disproportionate addition over and above the size of the original dwelling.

4. The National Planning Policy Framework ("the Framework") indicates<sup>2</sup> that, other than in connection with a small number of exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. The extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building is one of the listed exceptions. The central question is therefore whether the extension proposed, taken cumulatively with the previous alterations to the original building, would constitute a disproportionate addition.
5. The term original building is defined in Annex 2 of the Framework as being the building as it existed on 1 July 1948<sup>3</sup>. However, neither the Framework nor Policy CP8 provides any guidance about the approach to take in considering such proposals. Some guidance can be found in the Council's Supplementary Planning Document on Existing Dwellings in the Green Belt which indicates that extensions resulting in volume increases of around a third of the original dwelling would be more likely to be acceptable.
6. It is clear that the original building has been subject to a number of additions including a two storey side extension and front lean-to extensions. However, neither party has indicated what they consider to be its original size for example by means of volume, floor area or other objective measurement. In the absence of such information, I cannot be certain that the proposal would not represent a disproportionate addition. It therefore follows that the exemption provided for in Paragraph 89 of the Framework and Policy HG.15 cannot be relied upon.
7. Accordingly, in not benefiting from an exemption, I find the proposal to be inappropriate development which is, by definition, harmful to the Green Belt.

#### *The effect on openness*

8. The Framework indicates that openness is an essential characteristic of the Green Belt. In my view, openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt. Nevertheless, the addition of the proposed extension would alter the existing site both visually and spatially, adding built form where presently there is none. Although it would not be prominent in its surroundings, it would be visible from a number of public vantage points and would negatively impact both visually and spatially on the surrounding area.
9. Consequently, I find that the proposal would impact negatively on the openness of the Green Belt, the effect of which would be to cause further harm contrary to CS Policy CP8 and the guidance set out in the Framework.

#### **Other considerations**

10. Although it would not appear prominent in the landscape, the proposed extension would nevertheless be visible from the Canal Basin. While I note that its impact on wider views of the surrounding area or the visual amenity of the

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<sup>2</sup> at Paragraph 89

<sup>3</sup> or, if constructed after 1 July 1948, as it was built originally.

wider AONB would be limited, I attribute this only a small amount of weight in support of the proposal.

11. I also note the comments provided in support by the Parish Council. However, there is no evidence which indicates that the proposal would, in itself, have any material impact on rural tourism or leisure. I therefore only afford it a limited amount of weight.
12. Nevertheless, I have found that the proposal would be inappropriate development within the Green Belt and that it would impact negatively on openness. In accordance with Paragraph 88 of the Framework, I afford this substantial weight. While I acknowledge that some reduction in openness is not ruled out by the Framework, it is nevertheless a key characteristic of the Green Belt and any such reduction requires justification, either by means of an exemption or by demonstrating that very special circumstances exist.
13. On balance, I regard the harm identified above not to be outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### **Conclusion**

14. Consequently, for the reasons set out above, I conclude that the appeal should be dismissed.

*Rory Cridland*

INSPECTOR