
Appeal Decision

Site visit made on 30 November 2016

by Melissa Hall BA(Hons), BTP, MSc, MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/P0119/C/16/3155072

Bramley Barn, Homeapple Hill, Bristol BS30 5QF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jim McAlinden against an enforcement notice issued by South Gloucestershire Council.
 - The enforcement notice, Ref COM/16/0466/OD/1, was issued on 23 June 2016.
 - The breach of planning control as alleged in the notice is '*Without planning permission, the erection of two extensions to the property, in the approximate locations marked in green on the attached site location plan and the attached block plan*'.
 - The requirements of the notice are:
 1. *Demolish the unauthorised extensions and remove the materials from the land.*
 2. *Return the building to its condition before the breach took place.*
 - The period for compliance with the requirements is 3 months from the date the Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of two extensions to the property at Bramley Barn, Homeapple Hill, Bristol BS30 5QF referred to in the Notice.

Background

2. The appeal site is a residential dwelling located outside any settlement defined in the adopted South Gloucestershire Local Plan Core Strategy 2013 (CS) and within the Bristol and Bath Green Belt.
3. Planning permission was granted for the conversion of the barn to a residential unit in February 2000¹. None of the conditions on that permission removed permitted development rights in relation to extensions or outbuildings².
4. I understand from the Council that the property was subsequently extended and outbuildings constructed, albeit such works are not in breach of planning

¹ Planning permission Ref. PK99/0496/F refers.

² The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out classes of development for which a grant of planning permission is automatically given, provided that no restrictive condition is attached or that the development is exempt from the permitted development rights.

control either due to benefitting from permitted development rights or immunity from enforcement action by virtue of s171B of the Act³.

5. In 2016, the two new extensions the subject of this appeal were constructed; one on the western end of the dwelling, the other on the eastern end linking the dwelling to the previously constructed outbuilding.

Deemed planning application / ground (a)

6. The appeal on ground (a) is that planning permission should be granted for what is alleged in the EN.

Main Issues

7. Against the background that I have described, the main issues are:
 - Whether the development represents inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy.
 - The effect of the development on the openness of the Green Belt.
 - If the development is inappropriate development, 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 it.

Reasons

Whether inappropriate development

8. CS Policy CS5 seeks to control the location of new development. It states that proposals for development in the Green Belt will need to comply with the provisions in the National Planning Policy Framework ("The Framework").
9. The Framework makes clear that all new buildings constitute inappropriate development in the Green Belt, with the exception of the categories set out at paragraph 89; the exceptions include the extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
10. The Council's Supplementary Planning Guidance '*Development in the Green Belt*' 2007 (SPG) states that, as a general rule, an addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension'. Although, it also recognises that each addition will be assessed on a case-by-case basis depending on the individual circumstances and the type of addition proposed.
11. The SPG also clarifies that any additions that have occurred since the original dwelling date will be considered cumulatively and will count against the overall increase in volume of the dwelling when new additions are being assessed.

³ Section 171B(1) states that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

12. The Council tells me that at the time the building was converted to a dwelling house, it had a footprint in the order of 82 sq.metres. I have been provided with a copy of a plan approved under planning permission Ref. PK99/0496/F which shows a building of simple, rectangular form and modest scale.
13. As I understand it, two gabled extensions were added to the front elevation and one smaller gabled projection to the rear elevation, which the Council states are lawful. Two separate outbuildings were constructed to the north of the dwelling which the Council accepts is permitted development. Only one of the outbuildings remains detached.
14. In terms of the additional extensions constructed in 2016 which are the subject of this appeal, the effect of the easternmost extension is that it joins one of the outbuildings, creating an 'L' shaped footprint to the dwelling. The other extension to the western end serves to elongate the building.
15. The Council states that, as a consequence, the footprint of the dwelling amounts to some 235 sq.metres, representing a total increase of some 288% over the original building.
16. The appellant has provided a different figure relating to the total volume increase in the building; this is based on the increase as a result of the extensions the subject of the appeal i.e. not taking into account the additional volume created by the previous extensions and outbuilding. It is concluded that the increase amounts to 33% notwithstanding that the Council puts this figure at 44%.
17. Be that as it may, and despite the discrepancies in the figures provided, it would be fair to conclude that cumulatively the extensions and alterations amount to a considerable expansion to the building's original footprint. Furthermore, the original form of the dwelling is virtually unrecognisable, overwhelmed by the additions which take the building from a simple, modest, rectangular building to an 'L' shaped building of substantial length and a more complicated form.
18. Thus the increase in volume is significant resulting in 'disproportionate' additions. It follows that the extensions amount to inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

19. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Therefore, its openness is an essential characteristic of Green Belt.
20. As the extensions introduce additional built elements within the site they inevitably affect openness. The appellant asserts, however, that in assessing harm consideration must be given to the development that could otherwise be constructed under permitted development rights. The appellant has indicated that, in the event of the appeal being dismissed, permitted development rights would be exercised; under Class E a free standing sunroom / hobby room with a lower ridge height would replace the westernmost extension and under Class A the 'linked' extension would be replaced by one of a smaller footprint and lower ridge height separated from the outbuilding. The Council accepts this position.

21. Having regard to the appellant's submitted site block plan indicating such an arrangement, it seems to me that additions which are broadly similar to that which has been constructed could be built at the property. I note the Council's view that such additions are unlikely to be built as permitted development given the limitations that would apply; for example, the sunroom /hobby room would need to be in use for purposes incidental to the dwelling (rather than primary living accommodation), physically detached from the dwelling and lowered in height by half a metre. Similarly, the easternmost extension would have to be reduced in width by a metre, reduced in height by half a metre and detached from the outbuilding to the rear.
22. However, in my opinion it is conceivable that the appellant would choose to pursue this option if the appeal were to be dismissed, if only to make up the space lost inside the dwelling. The reduction in the size of the additions would not be so extensive as to render the space unusable. Whilst the separation of the buildings may be inconvenient and, in the case of the sunroom / hobby room, would create a need to go outside to access the building, I do not consider this position to be unduly restrictive such that it becomes untenable. I therefore find it to be a realistic fallback position to which I have attached significant weight.
23. With this in mind, my overall impression is that the scale, form and appearance of the dwelling with the existing extensions would not change significantly if permitted development rights were to be exercised in the manner suggested. Indeed, in some respects, the existing arrangement is more visually pleasing than if the additions were designed to comply with the permitted development criteria. If that course of action were to be pursued, there would be several small, separate buildings of differing ridge heights in close proximity to each other and the extension at the eastern end would have a differing footprint and ridge height to that of the main dwelling. Such an arrangement would appear clumsy and busy.
24. The property is detached and set down off the road behind Highfield Farm and beyond a gated entrance. It is bound by the curtilages of neighbouring dwellings to the north and east and by open countryside to the west and south. As a consequence, the dwelling cannot be readily seen from the public domain. Rather, the additional massing created by the extensions is mainly appreciated from within the curtilage of Bramley Barn and the agricultural land beyond.
25. That is, the extensions are read predominantly in the context of the existing dwelling and curtilage to which it relates together with the surrounding built form. That situation would be similar if the appellant were to exercise permitted development rights as an alternative. Consequently, I do not consider that the development represents an encroachment into the open countryside or results in harm to the openness of the Green Belt.
26. The combination of the above factors weighs heavily in favour of the development and, when considered cumulatively, they clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and amount to the very special circumstances required to justify the development. For these reasons, I do not find conflict with the development plan, the SPG or the Framework in this regard.

Other Matters

27. I note the concerns of interested parties regarding the use of the building and the other buildings in the appellant's ownership as short term lets for hen and stag parties, and the resultant noise and disturbance that occurs as a consequence. However, the use of the building is not a matter before me and cannot form part of my assessment of the acceptability of extensions to a dwelling in the Green Belt.

Conclusion

28. For the reasons given above, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (f) need not be considered.

Melissa Hall

Inspector