
Appeal Decision

Site visit made on 25 April 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 11th May 2017.

Appeal Ref: APP/R1038/D/17/3171941

The Croft, Main Road, Old Brampton S42 7JG

- 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 Leigh Titchener against the decision of North East Derbyshire District Council.
 - The application Ref 16/01036/FLH, dated 4 October 2016, was refused by notice dated 4 January 2017.
 - The development proposed is described as "two storey extension to side of existing house to form a triple garage together with a new open plan living space at ground floor level and two new bedrooms at first floor level".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstance required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

3. The appeal property is a detached house located in Old Brampton, which lies within the North East Derbyshire Green Belt.
4. The Framework establishes that new buildings within the Green Belt are inappropriate development. Exceptions to this include 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. Policy GS2 of the Local Plan¹ states that except in very special circumstances, planning

¹ North East Derbyshire Local Plan, adopted 28 November 2005

permission will not be granted within the North East Derbyshire Green Belt for new buildings other than, amongst other things, extension or alteration of existing dwellings that does not result in disproportionate additions over and above the size of the original dwelling.

5. The parties agree that the proposal, when combined with the previous single storey extension to the rear, would result in an increase in the original built volume of the house of approximately 50 percent. There is no guidance within Policy GS2 on what is considered to be a disproportionate addition. The appellant refers to guidance from other local planning authorities. However, this is not relevant to the appeal before me and consequently it carries no weight.
6. It is clear that the proposal, combined with the previous extension, would cumulatively represent a significant increase in size over and above the size of the original building. Proportionality is primarily an objective test based on size. If the proposal were to be constructed, the size of the resulting building when compared with the original would be 50 percent larger, and consequently it would be disproportionate. It would, therefore, be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

7. Despite its forward projection, the extension would be located within the spacious garden where it would be well screened from public viewpoints. Nevertheless, the proposal would increase the size of the building and, consequently, it would inevitably affect the openness of the Green Belt. However, in isolation, the loss of openness would be minimal.

Other considerations

8. The appellant has provided details of development that it is asserted could be built under 'permitted development rights.' Permitted development rights constitute a valid 'fall-back' position and there would be a benefit in avoiding a proliferation of extensions and outbuildings. However, it has not been demonstrated that the development described by the appellant could, or would, be built as shown. Consequently, I am not satisfied that the appeal proposal would be less harmful than the fall-back position. Overall, I give this consideration only moderate weight.
9. I have considered the other appeals submitted by the appellant. However, in each of those cases the site-specific circumstances differed from the appeal before me. Therefore, I give limited weight to this consideration.
10. The appellant suggests that the local planning authority is not able to demonstrate a five-year supply of deliverable housing sites. The development would provide living accommodation for the appellant's relatives, which may free up an existing property. As the contribution to the housing supply would be very small, this consideration carries limited weight.
11. There would be a personal benefit resulting from the development, as the appellant's relatives intend to occupy the extension. However, wider benefits are limited as there is no guarantee that this would reduce pressure on public services. Consequently, I give this consideration limited weight.

Conclusion

12. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness. Whilst there would be no harm to the character and appearance of the area or to the living conditions of adjoining occupiers, this is a neutral factor which does not weigh for or against the proposal.
13. Moderate weight is attached to the fall-back position and limited weight to the other considerations put forward by the appellant. These considerations do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
14. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land, or Policy GS2 of the Local Plan which seeks to limit extensions or alterations to existing dwellings in the Green Belt.
15. For these reasons given above, the appeal is dismissed.

Debbie Moore

Inspector