

Appeal Decision

Site visit made on 8 June 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/V1505/D/17/3173106

Stead Hall Farm, Laindon Common Road, Little Burstead, Billericay, CM12 9TD

- 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 David Lovell against the decision of Basildon Borough Council.
 - The application Ref 16/01589/FUL, dated 10 November 2016, was refused by notice dated 16 January 2017.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the Little Burstead Conservation Area.
3. The further main issue is, if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development and effect on openness

4. The Framework states that, provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts. Saved Policy BAS GB4 of the Basildon District Local Plan 1998 allows for the extension of existing dwellings within the Green Belt to 90 sq m, or by 35 sq m over and above the original floor area of the dwelling, whichever is greater. The appeal property is a barn that was converted and extended in 2011, which saw the extension of
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the original building from 53 sq m to a total of 205 sq m. The extension now proposed would see an additional 74 sq m and would also link the existing detached garage to the house.

5. The current proposals would thus be contrary to the provisions of Policy BAS GB4 and represent a further cumulative addition that results in the property being disproportionate to the size of that original building. The appellant accepts this would comprise inappropriate development.
6. The extension would increase the volume of the property on the site through the additional building area created both in its footprint and the spread of the extension away from the existing house to link with the existing garage. This additional building mass on the site would harm the openness of the Green Belt, and the Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
7. It is thus concluded on the first issue that the scale of the proposed extension would represent a disproportionate addition to the original building, and lead to moderate harm to the openness of the Green Belt. The proposals therefore represent inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and Policy BAS GB4 of the Local Plan. I attach substantial weight to this harm.

Effect on character and appearance

8. The current dwelling was established following the grant of planning permission on appeal in 2010 for the alteration and extension of a barn of historic interest, which also saw the removal of a number of buildings across the wider site (ref. APP/V1505/A/09/2118446).
9. My colleague Inspector found that the scheme was inappropriate development, but attached very significant weight to the heritage benefits arising from the proposed works. It is evident in his decision that part of this reasoning was due to the design, scale and proportions of the scheme before him; he commented that *'The extension would have a similar appearance and takes the form of a cross-wing commonly added to hall houses in the Middle Ages. Although large its dimensions are based on examples elsewhere so that to reduce its size would be to compromise historical accuracy. Indeed, the County Council's Conservation Officer considers that it is "in proportion". In its context I therefore consider that the design is appropriate.'*
10. The proposals the subject of this current appeal would significantly change that design approach. The primarily flat-roof single storey extension would be attached to part of the rear and part of the side of the 'cross-wing' that was shown in the 2010 permission. The extension would then link to the existing garage. This would create a confused and discordant element that does not relate well to the main house, and detract from the proportions and design philosophy that were evidently part of the original scheme. Thus, harm would be caused to the design and form of the original barn and the house as currently exists.
11. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposed

extension would be visible from the road. The above undesirable features of the design and scale would impact on the character of the village and the Little Burstead Conservation Area, which sees houses interspersed by open land. This impact on the open area of the site would harm the character and appearance of the Area.

12. The proposed development would therefore be of a design, scale and siting that would harm the character and appearance of the building, and the Conservation Area. This would be contrary to the core planning principles and Section 12 of the Framework, which seeks to secure high quality design, conserve heritage assets, and attaches great weight to the conservation of designated heritage assets. For the reasons given, harm would be caused to the heritage asset and I consider that to be substantial harm. I therefore give considerable importance and weight to such harm.

Other considerations

13. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The proposed extension would enable the appellant's mother to move to the property from her existing house. Evidence has been submitted in support of this proposal, and I acknowledge the difficulties the appellant's mother experiences and the desire to move to the property. However, planning is concerned with land use in the public interest and there are strong policies in the Framework and the Local Plan that resist development of the size, scale and design that are proposed in this scheme. It is the Government's policy that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances¹.
15. I have found in this appeal that there would be substantial harm arising from the proposals by reason of inappropriateness, effect on the openness of the Green Belt, and effect on character and appearance. Whilst I have sympathy for the wishes of the appellant, in my judgement that harm clearly outweighs the personal benefits that would arise from the provision of the accommodation.

Conclusion

16. For the reasons given the conflict with national and local planning policy means that the appeal fails.

C J Leigh

INSPECTOR

¹ Planning Policy Statement: Green Belt protection and intentional unauthorised development (31 August 2015)