



## Appeal Decision

Site visit made on 14 June 2017

**by G P Jones BSc(Hons) MA MRTPI**

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

**Decision date: 28 June 2017**

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**Appeal Ref: APP/C3105/D/17/3174448**

**Faraway, Brill Road, Horton Cum Studley OX33 1BX**

- 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 Worrall against the decision of Cherwell District Council.
  - The application Ref 17/00423/F, dated 14 February 2017, was refused by notice dated 20 April 2017.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the site address and names of the appellants as provided on the planning application form, even though these differ from those provided on the appeal form.

### Main Issues

3. The site falls within the Oxford Green Belt, and accordingly the main issues are:
  - Whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
  - The effect of the proposal on the openness of the Green Belt;
  - If the proposal 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 the development.

### Reasons

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

4. The proposal is for a single storey extension to part of the rear elevation of the existing dwellinghouse. Paragraphs 89 and 90 of the Framework state that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to certain exceptions. One of these exceptions is for the
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extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. The Framework does not provide a numerical threshold to define what constitutes a disproportionate addition, but neither does it preclude local planning authorities from doing so. Policy ESD14 of The Cherwell Local Plan 2011-2031 Part 1, adopted July 2015 (CLP), does not set specific thresholds but states that it seeks to maintain the Green Belt's openness and only permit development that does not harm the purposes and visual amenities of the Green Belt.
6. The Council contends that the floorspace of the original dwelling, ie prior to 1 July 1948, is 123 square metres (sq m) and the total floor space of the proposed extension along with the previous post-1948 extensions would be 238 sq m, thus resulting in a 194% increase in floorspace over that of the original dwelling. These figures have not been disputed by the appellant. However, the appellant indicates that the proposal would represent only a 10% increase based on the floorspace of the original dwelling.
7. Whilst that may be the case, in my view the proposal needs to be considered in combination with the previous extensions and alterations that have been undertaken, and as such it would represent a significant overall increase in the original floorspace. Consequently, I consider that the proposal would represent a disproportionate addition over and above the size of the original building and thus would be inappropriate development in the Green Belt.

#### *The effect of the proposal on openness of the Green Belt*

8. The appeal site is located within a rural area and there are fields to the rear and the southern side of the appeal property, with a dwelling to the north. The rear garden of the appeal property is reasonably spacious and at present there is wooden decking with a pergola above on the area where the extension would be located.
9. Paragraph 79 of the Framework advises that openness is an essential characteristic of Green Belts. Although the proposed extension would be of a modest scale, nevertheless it would still result in some built development where none previously existed, and thus would give rise to a small loss of openness. As such, the proposal would cause harm to the openness and purpose of the Green Belt, contrary to CLP Policy ESD14, albeit the degree of harm would be limited given the scale of the proposal in relation to the Green Belt as a whole.

#### *Other considerations*

10. The proposal would create a new dining area that would lead off the kitchen and provide a link to the outdoor space. Whilst this would create a better living environment the appellant has not demonstrated that there would be no other ways by which internal improvements to the existing accommodation could be made in order to achieve a similar result.
11. Given the scale and design of the proposal and its location I consider that it would have a negligible effect on the character and appearance of the area. This chimes with the view expressed by the Council in this regard.

12. The appellant has also cited a 'fallback' position whereby a larger outbuilding could be constructed as permitted development. However, that would be different from the proposal that is before me. Furthermore, as the proposal would extend off a previous addition and not the original property there would be no permitted development fallback position for the scheme that is before me. Therefore I give only limited weight to the matter of a fallback position.

### **Conclusion**

13. Paragraph 88 of the Framework guides that substantial weight be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. I have concluded that the proposal would represent inappropriate development in the Green Belt, and that it would result in a very small loss of openness. It is my view that the other considerations that I have identified in the context of this proposal would not clearly outweigh this harm that I have identified.
14. I therefore conclude that very special circumstances necessary to justify inappropriate development in the Green Belt would not exist, and therefore the appeal should be dismissed.

*GP Jones*

INSPECTOR