

Appeal Decision

Site visit made on 19 June 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 04 July 2017

Appeal Ref: APP/R1038/D/17/3174982

Millstone Cottage, The Ford, Ridgeway, Sheffield S12 3YD

- 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 N Broadley against the decision of North East Derbyshire District Council.
 - The application Ref 17/00119/FLH, dated 20 January 2017, was refused by notice dated 17 March 2017.
 - The development proposed is a single storey extension to rear of bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; whether the proposal would preserve or enhance the character or appearance of the conservation area; and whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Procedural Matters

3. The application was made as a householder extension for works or extension to a dwelling. It is evident from the plans and the submissions that it also involves the extension of the area associated with the dwelling. It therefore involves a change of use of the land. As this is not evident from the description of development or the procedure adopted by the Council, I am not satisfied that third parties in particular, have had the appropriate opportunity to comment on the full extent of the proposal. In these circumstances, I would not be able to reach a positive decision in relation to the elements of the proposal that involve the change of use. I have however, considered the extension in so far as I am able, notwithstanding the above.

Reasons

4. The proposal would result in a rear extension to this building which has been extended and converted to form a dwelling. The site lies within the Green Belt and within the Moss Valley Conservation Area.

Inappropriateness and other Green Belt harm

5. Policy GS2 of the North East Derbyshire Local Plan 2005 (LP) advises that except in very special circumstances, planning permission will not be granted within the Green Belt for new buildings other than for certain uses including the extension or alteration of existing dwellings that would not result in disproportionate additions over and above the size of the original dwelling. The policy is consistent with the requirements of the *National Planning Policy Framework* and can be afforded considerable weight. The definition of original building is given in the glossary to the *Framework* as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
6. This building was originally a public convenience but it was converted to a dwelling following permission in 2011. Given the definition of 'original building' contained within the *Framework*, the size of the former building, before it was extended to form a dwelling, represents the starting point for assessing any increase in scale. However, even on the basis of the appellant's calculations, which include the permitted alterations to the original building, the increase in volume has been calculated to be 62%.
7. Policy GS2 does not provide a figure for assessing what represents disproportionate additions. The *Framework* is also silent on this matter. However, this percentage increase and my assessment of the scale of the works proposed, in comparison to the scale of the building that now exists, clearly indicates that the new works would represent a disproportionate addition over and above the scale of the existing building. More importantly, there would be a greater increase over and above the scale of the original building. The proposal does not therefore fall within any of the exceptions set out in the policy or the *Framework*. It would represent inappropriate development in the Green Belt.
8. The extension would result in development where previously there has been none. It therefore reduces openness but its impact would not result in significant harm to the openness of the Green Belt overall. The addition of the new fencing associated with the larger curtilage and the additional parking area would need to be considered as part of a change of use application.
9. It is suggested that such a small extension to an existing dwelling would not result in conflict with the purposes of the Green Belt. I accept that the harm to the purposes of the Green Belt would be limited due to the scale of the works proposed but the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This proposal would result in the development of land that was previously open.

Any other harm

10. The property lies within the Moss Valley Conservation Area. The application fails to describe the significance of this designated heritage asset. The

conservation area covers a wide area of predominantly agricultural land and is characterised by its openness; the irregular patterns of field boundaries that contain relatively small parcels of agricultural land; and the prominence of trees and hedgerows. I am satisfied that this alteration to the dwelling would not result in harm to the significance of this heritage asset and would preserve its existing character and appearance.

11. Reference has also been made to the site lying within a special landscape area. As the building lies within a hamlet within the countryside, I accept the Council's view that the extension would have no significant impact on its character and would not therefore conflict with LP Policy NE2.
12. The Council have identified a concern with regard to the scale of the development in relation to the character of the original building. Policy GS7 relates to conversions and includes a requirement that where a building is situated outside a defined settlement, it must be capable of conversion without the need for major rebuilding or extension. Although the building has already been converted, allowing proposals that would conflict with its original requirements would undermine the policy objectives.
13. I am unable to reach a conclusion with regard to the extension of the curtilage and the change of use of the agricultural land as third parties have not had an appropriate opportunity to consider these changes and make representations. I cannot therefore be certain that all material considerations are before me. To the extent that I can consider the extension in isolation, I find some conflict with the requirements of LP Policy GS7 which requires that buildings are capable of conversion without the need for major rebuilding or extension.

Other considerations

14. The appellant advises that the existing accommodation does not meet national space standards as the bedroom is too small. The proposal would provide an additional bedroom of an appropriate size and a new bathroom. This would improve the living conditions of the residents and prevent the need for them to move to a larger property. This provides weight in favour of the proposal but this weight is reduced given that it is clear that national space standards could be achieved by internal alterations and the addition of a much smaller extension. Furthermore, the standards apply exclusively to new housing.
15. Details of an application whereby the neighbouring Council accepted that improved facilities within a dwelling represented very special circumstances have been provided. I have limited information in this regard but it is clear that the circumstances differed from those before me. In any event, I have already identified that improved accommodation could be achieved without an extension of the scale proposed.
16. Reference has been made to permitted development rights. Although they set out what would be allowable without the need for permission, these rights were removed when the dwelling was first permitted. I do not consider that they offer support for this proposal.

Conclusions

17. Even setting aside previous extensions, the increase in scale resulting from this proposal would represent a disproportionate addition over and above the scale of the original building. The proposal does not therefore fall within any of the exceptions set out in Policy GS2 or the *Framework*. It therefore represents inappropriate development in the Green Belt. I have found no significant harm to the openness of the Green Belt from the extension of the dwelling but I have found some harm with regard to the requirements of Policy GS7.
18. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have had regard to the considerations put forward, including the personal circumstances of the appellant. Whilst the improved accommodation provides some weight in favour of allowing alterations to the property, I am not satisfied that the scale of the works proposed would be necessary to achieve the space standards that are sought. I accept however that the addition would be limited in scale and the design and materials would be in keeping with the existing character of the property and would not detract from the wider area.
20. Even if I were to accept the appellant's view that Policy GS7 was not relevant to the proposal and if I disregarded any potential harm that may result from the extension of the curtilage, I would still conclude that the considerations put forward are not sufficient to clearly outweigh the harm from inappropriateness. They do not therefore represent the very special circumstances that are necessary to justify the development.
21. The proposal would be contrary to LP Policy GS2 and the specific policies of the *Framework*, relating to the Green Belt, that indicate that the development should be restricted. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR