
Appeal Decision

Site visit made on 5 July 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/J3720/D/17/3175255

College Farm, Henley in Arden, B95 5RE

- 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 Neil Robinson against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/03578/FUL, dated 2 November 2016, was refused by notice dated 15 February 2017.
 - The development proposed is side ground and first floor extension to existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would, i) be inappropriate development in the Green Belt and, if so, whether there are any very special circumstances that outweigh the harm from inappropriateness and any other harm, and/or, ii) whether the proposal would cause visual harm by being out of character with the parent dwelling.

Reasons

3. The refusal notice says that the site is sited within the West Midlands Green Belt. The Council do not tell me which statutory plan places it in the Green Belt but its Green Belt location is accepted by the appellant.
4. The National Planning Policy Framework (NPPF) says that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One exception, and the only one applicable to the appeal proposal, is the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Annex 2 to the NPPF defines 'original building' as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The NPPF says 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.
5. Policy CS10 in the Council's Core Strategy repeats the NPPF's presumption against inappropriate development in the Green Belt. However, in defining exceptions to the definition of inappropriate, it refers to small-scale extensions

rather than extensions that do not result in disproportionate additions. I do not think that the difference in wording is material to the appeal before me.

6. The appellant refers me to a Planning Advice Note – ‘Extending your home’, which was adopted by the Council in 2008. I am told that paragraph 4.4 in that note says that extensions to houses in the Green Belt are generally limited to a 30% increase in volume above that of the house as it existed in 1975, when the Green Belt was designated. I note that the 1975 base date is inconsistent with the 1948 definition in Annex 2 to the NPPF.
7. A note at the end of the officer’s report says that the Council have chosen not to adopt the ‘Extending your home’ advice note as a Supplementary Planning Document. I am told that they still attach considerable weight to it but, apart from the inconsistency with the NPPF, its advice is clearly modified by explanatory paragraph 4.1.9 in the Core Strategy, which says: *“The Council previously applied a 30% maximum threshold relating to the scale of a house extension and replacement dwelling. However, it is considered that a specific maximum figure is in many senses arbitrary and a more appropriate means of maintaining openness is to consider proposals on a case-by-case basis, from the starting point that maintaining openness and preventing urban sprawl is of upmost importance. Such an approach would also conflict less and be more consistent with changes to the General Permitted Development Order (GPDO) regarding the ability of homeowners to extend their homes without necessarily requiring planning consent”*.
8. I read that planning permission was granted in 1976 for the modernisation, renovation and extension of the house as it then existed. The officer’s report says that previous extensions to the property amount to a volume of around 294m³. The meaning of this statement is unclear. I do not know whether the 294m³ figure relates to the volume following the construction of the extensions or the volume of the additions themselves. The latter seems the more logical explanation but is difficult to reconcile with the officer’s subsequent reference to a cumulative increase of only 100%. Equally, if the figure relates to the house after it had been extended, it conflicts with the appellant’s calculated volume for the existing building, a volume which seems to me to be broadly correct.
9. The officer’s report goes on to say that the volume of the extension now proposed amounts to an addition of around 211m³. Then, as discussed above, it says that cumulatively the property has been extended by around 100%. The use of the past tense is again confusing because the reference to a volume increase of 100% in the refusal notice makes it clear that this would be the future position if the proposed extension was constructed. The report refers to the further volume increase that would result from the appeal proposal alone as being just under 50%.
10. The appellant does not identify the degree of extension following from the 1976 permission. Instead it is claimed that the extension has become engrained in the context of the surrounding area, with the consequence that its inclusion in any calculation of volume increase is ‘highly tenuous’. I give this argument little weight since it is contrary to the NPPF’s guidance that the degree of increase should be calculated in relation to the original dwelling.

11. The appellant calculates that the volume of the extension now proposed is 195.41m^3 , which is close to but lower than the officer's figure. The appellant compares this calculated increase in volume with his calculated existing volume of 394.76m^3 to give a volume increase arising from the appeal proposal of 49.5%, which agrees with the officer's assessment.
12. While there is agreement between the parties about the amount of additional volume now proposed, the evidence for the degree of extension that has already taken place is unclear. There is however no doubt that the cumulative degree of extension that would result from the appeal proposal would be well over 50%. In this regard, the appellant does not actually question the officer's 100% figure; instead he discounts the additions that followed the 1976 planning permission for reasons which I do not accept.
13. Whilst I appreciate that the Council no longer rigidly apply their 30% guideline I consider that the cumulative degree of extension of the appeal property that would result from the appeal proposal would clearly be disproportionate in the context of the NPPF and would not be small in the context of Core Strategy policy CS10. Although I agree with the case officer that the proposal would not have a significantly harmful effect on the character of the Arden Special Landscape Area the degree of extension would inevitably reduce openness. Guided by both the NPPF and the Core Strategy, I conclude that it would constitute inappropriate development in the Green Belt, which is, by definition, harmful.
14. The appellant argues that a 27.9% increase in volume could be achieved by building single storey extensions under permitted development rights. I share the case officer's reservations about the likelihood of the appellant pursuing this alternative form of development and in any event the increase in volume entailed by the appeal proposal would be more than 75% greater than that achieved under permitted development rights.
15. I am satisfied that the proposed extension would give the whole building, which includes the workshops at the northern end, a more balanced appearance. I consider that, in an isolated rural location, this greater balance outweighs any need for the extension to appear subservient to the main house. I therefore conclude that it would not appear out of character and would not conflict with the objectives of Core Strategy policy CS.20. This does not change my view that the proposal is unacceptable for Green Belt reasons.
16. The appellant has not claimed that there are any very special circumstances that overcome the presumption against inappropriate development in the Green Belt. I am satisfied that the wish to construct a more balanced elevation and to provide improved accommodation for the four adults that presently live in the house falls far short of very special circumstances. Finally, the absence of an adverse landscape impact reduces the overall harm caused by the proposal but is not a positive factor which weighs against the harm that is by definition caused by inappropriate development.

George Arrowsmith

INSPECTOR