
Appeal Decision

Site visit made on 30 October 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 22nd November 2017

Appeal Ref: APP/Y3425/W/17/3179986

Field Farm, Moss Lane, Hilderstone, Stone ST15 8RQ

- 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 Mrs Hill against the decision of Stafford Borough Council.
 - The application Ref 16/25487/FUL, dated 22 December 2016, was refused by notice dated 1 March 2017.
 - The development proposed is the demolition of existing two storey dwelling and erection of new two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the area; and
 - If the proposed development 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 it.

Reasons

Whether inappropriate development

3. The appeal site lies in the Green Belt and in an area outside the settlement hierarchy as defined by *The Plan for Stafford Borough 2011 – 2031 (adopted June 2014)* (PSB). Paragraphs 89 and 90 of the Framework set out the forms of development which are not inappropriate within the Green Belt. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the replacement of a building, provided that the new building is in the same use and is not materially larger than the one it replaces.

4. The Framework does not give a definition of what constitutes “materially larger”. As such, this is a matter of judgement for the decision maker, although the courts¹ have established that this is essentially a quantitative assessment.
5. It is agreed that the appeal scheme would have a height of approximately 7m compared to the current building height of about 5.65m. In addition, the proposal would have a floor area of around 181.5 sqm in comparison to the 139.6 sqm of the existing dwelling, which both parties agree is a 30.1% increase. I agree with the Council that these increases would consequently result in a substantial increase in volume.
6. In my opinion an increase of this magnitude in the floor area, and the consequent significant increase in volume, would result in a materially larger dwelling. Consequently, although for the same use, the proposal does not fall within the fourth bullet point exception of paragraph 89 of the Framework.
7. I therefore consider that the proposal would be inappropriate development, which according to paragraph 87 of the Framework is, by definition, harmful to the Green Belt and should only be approved in very special circumstances.
8. Policy C5 Part B of the PSB sets out the criteria for when replacement dwellings may be acceptable outside the settlement hierarchy but is not confined solely to replacement dwellings in the Green Belt. Criterion f states that the replacement building should be of a similar floor area, volume and massing as the original, whilst respecting the character of the existing site and its surroundings. Given my conclusions above about the increase in floor area and volume, I consider that the proposal cannot be considered to be similar to the existing dwelling it would replace. Therefore the proposal would also be contrary to Policy C5 of the PSB.

Openness

9. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. The proposed dwelling would occupy a similar position and have a similar footprint to the existing dwelling. Nevertheless, the height, mass and bulk of the proposed dwelling would all be greater than at present. As a result the openness of the Green Belt would be reduced. Although in isolation the loss would be limited, nonetheless, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.
10. The appellant has argued that the increase in the size of the building would not be readily seen, as due to the surrounding vegetation there are limited views of the property, and especially the elevations that would change the most. As a result she considers this would minimise the effect on the openness. However, whilst visibility can be a factor in considering the effect on openness, this does not mean that the proposal would not affect the openness, as a lack of visibility does not in itself mean there would be no loss of openness. Moreover, even a limited adverse impact on openness means that openness is not preserved.

¹ R (oao Heath and Hampstead Society), Camden LBC and Vlachos [2008] EWCA Civ 193

Character and Appearance

11. The appeal property is set back some distance from the surrounding roads, and is attached to an L-shaped single storey brick barn building that has been converted into two dwellings. It is surrounded by countryside, although there are a number of dwellings along Moss Lane and other dwellings scattered across the landscape.
12. At present the vegetation around the site and along field boundaries, and the attached barn building, mean that there is only limited visibility of the existing dwelling from the public realm. The scale and mass of the dwelling proposed would be significantly greater than the current dwelling, and the attached barn building. However, this change would not be readily visible, and the Council have stated that the existing house also has an unsympathetic relationship with the barn, and is out of character with the area.
13. Consequently, I am satisfied that the proposal would not adversely affect the character and appearance of the area. Nevertheless, an absence of harm in this regard is a neutral factor.

Other Considerations

14. Since determining the application which is subject to this appeal, the Council have approved a different replacement dwelling on the site² which the appellant considers is a fallback position. The appellant seeks to make comparisons between the effects of the appeal proposal and those of the permitted scheme, but the appeal decision must focus on the comparison between the appeal proposal and the existing dwelling. Therefore, while the permitted scheme could provide a fallback position, as claimed by the appellant, it would only provide support for the appeal proposal if its effects could be shown to be equally or more harmful.
15. Whilst this approved dwelling has the same height as the appeal scheme, it would only increase the floor area by 4.1%. As such, the Council considered it was not a materially larger dwelling and so was not inappropriate development. However, in this case, I have concluded that the increase in floor area would result in a materially larger dwelling, and so the proposal would be inappropriate development.
16. The appellant has highlighted that the main differences between the approved and the appeal scheme are at the rear of the dwelling of which there is very little visibility. However, as outlined above, whilst a lack of visibility may result in the scheme not having an adverse impact on the character and appearance of the area, it does not necessarily mean the proposal does not affect the openness of the Green Belt. Moreover, visibility is not a determining factor in whether a replacement dwelling is materially larger, which as outlined above is primarily a quantitative assessment.
17. The appellant has also referred to the fact that in 2007 permission³ was granted to extend the existing dwelling and that this would have resulted in a dwelling with a height of around 7.3m and a floor area of about 214.5 sqm, which represented a 53.7% increase. It is accepted that extensions to dwellings in the Green Belt are subject to a different assessment than

² Application Reference 17/25908/FUL

³ Application reference 07/09209/FUL

replacement dwellings, in that extension should not be disproportionate additions whereas replacement dwellings are not to be materially larger. However, the appellant states that, although this lapsed permission no longer provides a viable fallback position, it does indicate that the Council previously considered that a dwelling of this size could be acceptable without adversely affecting openness. Be that as it may, both national and local policy has changed since 2007, and as set out above, irrespective of the impact of the proposal on openness, I have concluded that this proposal would be inappropriate development.

18. In support of the appeal my attention has been drawn to an appeal⁴ in another authority for an extension to a house in a Green Belt. I do not know the full details of this case but as an extension to a property rather than a replacement building it is not directly comparable to the appeal scheme. Moreover, the Inspectors consideration of the proposal's impact on the character and appearance of the host property and the prominence of the extension in deciding whether the extension was disproportionate, appear to reflect the specific wording of the relevant local plan policy. Thus it does not indicate that such criteria are always relevant in assessing whether a proposal is inappropriate development or not.
19. I note the personal circumstances of the appellant, and in particular the need to provide additional bedroom space for her family. However, I have not been provided with any substantive evidence to show that the appeal scheme represents the only way adequate bedroom space can be provided on the site. In any event, personal circumstances seldom outweigh more general planning considerations, and it likely that the adverse effects of the development would remain long after the current personal circumstances cease to be material.
20. I note that the existing dwelling has very poor energy efficiency, and so the replacement of the dwelling would enable the construction of a much more energy efficient home. Whilst this is a matter that favours the scheme, I give it limited weight as this would also be the case for the approved scheme on the site which does not cause the same harm to the Green Belt.

Conclusion

21. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy C5 of the PBS.
22. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR

⁴ Appeal Reference APP/R0660/D/16/3152865