



Appeal Decision

Site visit made on 20 August 2019 by Ifeanyi Chukwujekwu BSc (Hons) MSC
PIEMA RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/P2935/D/19/3231431

Whitehorn, C239 Oakwood Bank to Beaufront Woodhead farm, Oakwood, Northumberland, NE46 4LJ

- 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 K Bradley against the decision of Council of Northumberland County Council.
 - The application Ref 19/00750/FUL, dated 2 March 2019, was refused by notice dated 16 May 2019.
 - The development proposed is described as retrospective planning application proposing a side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by the appellant against the Council. The application is attached as a separate decision.

Main Issues

4. The development has already been carried out. Whitehorn is a detached bungalow located on the outskirts of the village of Oakwood. The site is situated within the designated Green Belt. The main issues are as follows:
 - (1) Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - (2) the effect of the development on openness of the Green Belt, and
 - (3) if the development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

5. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Similarly, Policy NE7 of the Tynedale District Local Plan (2000) (the 'LP') follows the same path.
6. Consideration of what represents a disproportionate addition over and above the size of the original building requires me to determine what constitutes the original building, and assess whether the development, when taken in combination with any previous additions to the original building, results in a disproportionate addition. In other words, when taken together, is the sum of existing rear and now developed side extensions to the original building disproportionate? There is no dispute between the appeal parties as to what constitutes the original building. The original building to which this appeal relates has been extended previously under application number 17/02478/HPA.
7. Based on the available evidence, the development, taken cumulatively with the existing rear extension, results in an increase in the volume of around 73%. The extension would add to the overall width of the dwelling and would add significant bulk, mass and scale. Consequently, the extension would result in disproportionate addition over and above the size of the original building.
8. The appellant argues that the development is, essentially, replacing the previous detached garage so it adjoins the host property. However, the side extension is larger than the detached garage which existed previously and results in an overall increase in floorspace over and above the size of the previous garage. Even if the dimensions of the previous detached garage were taken into consideration the development equates to a volumetric increase of 58.3% over and above the size of the original building.
9. Drawing all the above points together, I find that the development constitutes inappropriate development. Accordingly, the proposal is in conflict with the Framework, Policies GD2, H20, NE14 and NE7 of the LP.

Openness of Green Belt

10. The essential characteristics of Green Belts are their openness and their permanence. The argument is that the site is bounded on each side by residential properties. However, as I have already said elsewhere, the side extension is larger than the detached garage which existed previously and results in an overall increase in volume diminishing openness. Irrespective of what previously existed, the size of the bungalow has significantly increased thereby reducing openness in this part of the Green Belt. The side extension is seen as a bulky addition. It occupies space and causes spatial harm to the Green Belt because of its scale. Additionally, the development represents encroachment given the extension's overall size conflicting with at least one of the purposes of designating land in the Green Belt. I find the development has a materially harmful effect upon openness and conflicts with Policies NE14 and NE7 of the LP and the Framework.

Other considerations

11. The following arguments are advanced in support of granting planning permission. The appellant refers to the existence of a fallback position having regard to permitted development (PD) rights. A side extension could be erected subject to meeting physical criteria set in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended. Even if there is a realistic prospect of PD rights being exercised, the appeal scheme is plainly unacceptable given the bulk, mass and scale of the side extension.
12. The appellant disputes the Council's conclusion that the site is located "outside the settlement of Stocksfield" and "in open countryside". However, there is no dispute that the site is situated within the designated Green Belt where strict planning policies apply.

Conclusion and Recommendation

13. The development constitutes inappropriate development in the Green Belt to which substantial weight is given. Significant weight is given to findings on openness and the development conflicts with the purposes of designating land in the Green Belt, which is a serious planning objection. The scheme conflicts with local and national planning policies cited above.
14. On the other side, limited weight is attached to the fallback position and locational arguments. The advanced considerations in support of the appeal, whether taken individually to cumulatively, do not, on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt. There are no very special circumstances to justify the development.
15. For the reasons above, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

Costs Decision

Site visit made on 20 August 2019 by Ifeanyi Chukwujekwu BSc MSc PIEMA RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date:

Costs application in relation to Appeal Ref: APP/P2935/D/19/3231431 Whitehorn, C239 Oakwood Bank to Beaufront Woodhead farm, Oakwood, Northumberland, NE46 4LJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr K Bradley for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for a retrospective planning application proposing a side extension.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The argument is that the application was unreasonably refused thereby causing unnecessary and wasted expense in making an appeal. There is a dispute over the site location. The dispute required an exercise of planning judgement and my Decision above explains the reasons why I have found favour with the respondent's case.
3. The written representations suggest all relevant information, were considered when deciding the application. The refusal reason was clear and sufficient evidence was submitted to support the respondent's stance. The evidence presented does not show unnecessary delay during the application process. The respondent did not unnecessarily prevent development given the conflict with national and local policy. The applicant has not shown that the refusal of planning permission was unreasonable resulting in unnecessary and wasted expense as set out in the Planning Practice Guidance. A full or partial award is unjustified.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

4. Having considered the submitted evidence and the Appeal Planning Officer's report, for all the above reasons, I too concur that this application should be refused.

A U Ghafoor

INSPECTOR