

Appeal Decision

Site visit made on 16 September 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/N1025/D/19/3225127

12 Hall Farm Court, off Main Street, Stanton By Dale DE7 4QH

- 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 Darren Yates against the decision of Erewash Borough Council.
 - The application Ref ERE/1118/0043, dated 5 November 2018, was refused by notice dated 18 January 2019.
 - The development proposed is an application to construct a single storey extension to include original wall.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have, for completeness, used the appellant's full name which is set out on the appeal form in my decision.

Main Issues

3. The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (ii) the effect on the openness of the Green Belt; (iii) whether the proposal would preserve or enhance the Stanton-by-Dale Conservation Area (SDCA); and (iv) if the development is inappropriate, 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 required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal property is a two-storey converted barn within Hall Farm Court which comprises of former single and two storey barns arranged in a rectangular shape around a yard, adjacent to a farmhouse. The appeal property is within the SCDA and the Green Belt. A single storey and a two storey extension have been added to the property.
5. The Framework states that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 145. Such exceptions include 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.

Saved Policy GB4 of the Erewash Local Plan Saved Policies 2005 (Amended 2014) (Local Plan) is broadly consistent with Framework paragraph 145 c), save for the reference to 'dwelling' instead of 'building'. However, this difference is not crucial in this case and the policy seeks to protect the Green Belt from inappropriate development.

6. The definition of an 'original building' is set out in Annex 2 of the Framework. In this case, the original building does not include the single storey lean-to extension or the two storey extension granted planning permission after the wider conversion of Hall Farm Court took place. While an original wall may well form part of the appeal scheme, this appears to have been reduced in height. There are also limited details of this wall before me to form a conclusive view as to whether it was once part of the original building.
7. The Framework does not specify what a disproportionate addition is. That said, even if the wall was part of the original building, the existing and proposed extensions, when taken together, would increase the volume of the original building by around 87% and the footprint by about 88%. I have no reason to dispute these figures. The proposal would, when added to the earlier extensions, result in a cumulative significant increase to the original building's floor space and volume. I consider that the proposal would be a disproportionate addition over and above the size of the original building.
8. The proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be contrary to saved Local Plan Policy GB4 and Framework paragraphs 143 and 145 c). Substantial weight should be given to any harm to the Green Belt (Framework paragraph 144).
9. While the Council refer to saved Local Plan Policy GB1 in respect of this issue, it is not directly relevant to the proposal which would be a new extension.

Openness

10. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy 3 of the Erewash Core Strategy (CS) seeks to maintain the strategic openness of the Green Belt between Ilkeston and Long Eaton and the Derby urban area.
11. The proposed development would be contained within the garden and views of the extension from the public domain would be limited to glimpses, which would mean that its visual effect would be modest given the built form of the appeal property and its neighbours. Nevertheless, the proposal would introduce new built form thereby adding to the scale and massing of the property and lead to development projecting away from the established rear building line of properties within the courtyard. As a result, there would be a spatial loss of openness in the Green Belt.
12. So, while there may not be any harm to the strategic openness of the Green Belt, having regard to CS Policy 3, I conclude, on this issue, that there would still be a loss of openness in the Green Belt which would conflict with Framework paragraph 133.

Conservation Area

13. The SDCA encompasses most of the village which displays a traditional

character and appearance mainly comprising of single storey and two storey built form with pitched roofs. Most of the properties within the village are used for residential purposes. There is some variance in the use of materials, but predominately properties in the SDCA are constructed from brick.

14. Notwithstanding my earlier findings, the proposal would be of a subservient scale and massing that would relate well to its host. Despite the contemporary approach proposed, the extension would be a development of its time and follow through the design principles of the host dwelling and Hall Farm Court in terms of the pitched roof, window design and external finish. Even though the age, location, form and former use of the building may make a substantial contribution to the character of the SDCA, I consider the proposal's straightforward form and design, even to the side of the property, would ensure that it would not appear as an incongruous addition.
15. As such, the proposal would preserve the SDCA and accord with CS Policies 3, 10 and 11, saved policies DC2, GB4 and EV5 which jointly, among other things, seek proposals to preserve or enhance the special character and appearance of the conservation area, having regard to their scale, massing, design and external materials.

Other considerations

16. The proposal would improve the living conditions for occupants of the property and provide additional accommodation for them. Moreover, the proposal would enable a ground floor toilet to be installed which would ensure that the dwelling is functional now and in the future. The appellant has referred me to a number of developments within the local area. While these may be recent and I note the photographs provided, I do not have copies of any of the plans or details of the circumstances which led to these schemes being approved as the appellant suggests. I note that there have not been any objections to the appeal scheme, but this does not weigh in favour or against the proposed extension.

Conclusion

17. The appeal scheme would be inappropriate development in the Green Belt and result in a loss of openness. By definition these are harmful and I attach them substantial weight as required by Framework paragraph 144. As a result, there is a clear conflict with the environmental role of sustainable development.
18. Balanced against this are my findings in respect of the SDCA. I have also considered the matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
19. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR