



Appeal Decision

Site visit made on 17 September 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/G1630/D/19/3231752

4 Farm Lane, Shurdington, Cheltenham GL51 4XL

- 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 Natalie Selwyn against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00401/FUL, dated 11 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is a two-storey extension to the rear of the property and relocation of two windows from their existing location in the west elevation to the south and east elevations.
-

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.

Main Issues

3. The appeal site is located within the Green Belt. Accordingly, the main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - if the proposal would be 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 for the Recommendation

Whether Inappropriate Development

4. The appeal property is situated at the end of a row of terraced houses, in a primarily residential area. A two-storey rear extension has previously been added to the original building.

5. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a number of exceptions to this, as set out in paragraph 145 of the Framework, including 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. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (adopted December 2017) (JCS) states that in the Green Belt development will be restricted to those limited types of development which are deemed appropriate by the Framework, unless very special circumstances can be demonstrated.
6. Calculations provided by the Council, which have not been disputed by the appellant, show that the existing extension combined with the appeal proposal would create an increase in floor area of more than 100%, over and above the size of the original building. This percentage increase in size over the original building is substantial.
7. Furthermore, the ground floor element of the proposal would fully extend to the existing building line at the rear of the property, causing a noticeable increase in mass. The first floor element contains a pitched roof which would extend upwards as far as the existing roof, and whilst this element of the proposal is set back, it too would add a noticeable increase in the mass of built form.
8. Taking all of the above into account, it is clear that the proposal would result in a disproportionate addition over and above the size of the original building. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy SD5 of the JCS. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

9. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
10. In that the proposal would increase the size of the property and result in additional mass, the openness of the Green Belt would, both visually and spatially, be reduced. I acknowledge that there are buildings close to the appeal site, however this does not alter my findings in this regard. Although the impact to openness would be limited and localised, harm would result to the Green Belt.

Other Considerations

11. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. Whilst the proposed extension would be likely to improve the living conditions of the appellant and her family and potentially could reduce any need to move

house, this could be claimed for many proposed developments in the Green Belt. Accordingly, I have given limited weight to these considerations.

13. The appellant has referred to a planning permission for houses on a nearby garage site (17/00506/FUL). No details have been provided to allow a comparison to be made, but it is likely that this permission was determined under different planning policies, and therefore is not comparable to the scheme before me. As such, very limited weight has been given to this matter.
14. The appellant submitted text extracted from the minutes of a meeting held by Shurdington Parish Council. As the full text of those minutes has not been provided, the context for those comments is unclear. The Parish Council itself did not submit observations at application or appeal stage, and therefore this evidence is given very limited weight in support of the proposal. Similarly, whilst there has been a lack of objections from interested parties regarding the proposal, this only provides limited weight in support of the proposal.
15. It is submitted that the appellant could extend the dwelling under permitted development. However, as no detailed drawings have been provided in this regard, I am unable to conclude whether or not such development would have a greater impact on the harm to the Green Belt than the proposal before me. This matter carries very limited weight in my consideration of the proposal.

Balancing of Considerations and whether very special circumstances exist

16. The proposal would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. Limited weight has been given to the material considerations cited in support of the proposal and I conclude that, taken together, they do not outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with the Green Belt aims of Policy SD5 of the JCS.

Conclusion and Recommendation

17. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR