



Appeal Decision

Site visit made on 29 October 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/N2739/D/19/3235424

Hill House Cottage, Hall Lane, Newthorpe, Selby LS25 6JN

- 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 and Mrs Tomson against the decision of Selby District Council.
 - The application Ref 2019/0371/HPA, dated 10 April 2019, was refused by notice dated 19 July 2019.
 - The development proposed is two storey rear and single storey side extensions.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Tomson against Selby District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal in relation to the Green Belt as follows:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - Its effect upon the openness of the Green Belt;
 - Its effect on the character and appearance of the host property and the surrounding area; and
 - If the development is inappropriate, whether any harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

4. Hill House Cottage is a detached 'L' shaped two-storey house constructed mainly in stone with elements of render to the upper floors. It lies within the Green Belt. On the south side of the driveway is a detached double garage. It was built as part of a 2006 planning permission¹ that also included a single and two storey rear extension to the south-facing facade and a single storey

¹ Council Ref: 2006/0705/FUL

addition to the west elevation. As it has been partially implemented, it remains extant. The appeal proposal would introduce a two-storey extension to the south facing gable with a single storey addition to each side of it.

Whether inappropriate development

5. The Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It advises at paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within certain listed exceptions. This includes at (c), 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.
6. This approach is broadly reflected in Policies SP2 and SP3 of the Selby District Core Strategy Local Plan (SDCSLP) (October 2013). The former advises that in Green Belt, development must conform to national guidance and also with Policy SP3. The latter confirms, amongst other matters, that planning permission within the Green Belt will not be granted for inappropriate development unless very special circumstances exist and in accordance with the Framework.
7. The glossary to the Framework defines 'original' to be a building as it existed on 1 July 1948 or, if constructed after that date, as it was originally built. The officer report, upon which the appellants have had the opportunity to comment, identifies that the original building had a rectangular footprint. This is shown on a historical map dated 1960. It also states that the cottage has been previously extended following a planning approval in 1992² for an additional bedroom above an existing extension.
8. The Framework does not provide a definition of what would constitute a disproportionate addition. Neither does Saved Policy H14 of Part 1 – General Policies of the Selby District Local Plan (SDLP) (2005), albeit that it relates to extensions to dwellings in the countryside rather than in the Green Belt. Consequently, it is an assessment made on a case-by-case basis, taking into account the specific circumstances of the site and the proposal.
9. Both parties agree that the original cottage has been extended. The officer report indicates that it amounts to approximately 59.5% and that the proposal would result in an increase in size of approximately 116%, when taking these previously built extensions and alterations into account. The appellants do not dispute these figures.
10. Compared to the modest and simple rectangular form of the original cottage, and when added to the previous extensions that have already taken place, from my inspection of the plans and my observations on site, the proposal would more than double the size of the original building. Taken together, these factors point to the proposal amounting to a disproportionate addition for the purposes of the Framework.
11. Moreover, the proposal also does not preclude part of the unbuilt permission still being implemented. Even if it were the intention of the appellants to

² Council Ref: CO/1992/102

pursue the alternative form of development indicated by the appeal proposal, it would not impede the construction of the extant two-storey projection to the south elevation. In this regard, I have nothing before me, such as a binding Section 106 Planning Obligation, either bilateral or unilateral, to prevent it being implemented.

12. I therefore conclude that the proposal would represent inappropriate development that is, by definition, harmful to the Green Belt and contrary to national and local planning policies cited above to protect it. This is a matter to which I attach substantial weight.

The effect on the openness of the Green Belt

13. Paragraph 133 of the Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
14. The proposal would wrap around the dwelling's south-facing projecting gable, which is already an extension to the original building. Consequently, the overall footprint of development on the site would be increased and the additional volume created by the proposal would add to the bulk and massing of the original cottage. This would harm the openness of the Green Belt.
15. The scale and form of the two-storey extension would also visibly lengthen the 'L' shape of the property on the west facing elevation. This would be perceptible from Hall Lane. The roof of the single storey extension to the west elevation would also be evident just above the stone boundary wall. It would therefore have a greater impact on the openness of the Green Belt than the existing development.
16. This combination of the spatial and visual effect of the proposal would result in a loss of openness. Given the magnitude and siting of the extension, it would result in a modest loss of openness to the Green Belt, but it would cause harm to openness nonetheless, contrary to national policy to protect it. I attach substantial weight to it as a result.

Character and appearance of the host property and the surrounding area

17. Hill House Cottage is on the western end of Newthorpe, a small village without development limits. Consequently, as defined by Policy SP2A(c) of the SDCSLP (2013) for the purpose of planning policy, it is in open countryside. Saved Policy H14 of the SDLP (2005) relates specifically to house extensions in the countryside. The supporting text clarifies that its intention is broadly to ensure that additions do not erode the attractive, undeveloped nature of these rural areas. I have already found the proposal to be a disproportionate addition over and above the size of the original dwelling.
18. Moreover, the existing cottage is simple in appearance. It is a gable ended 'L' shape that is two-storey with a small single storey addition in the corner, where the long and short sections intersect. However, the two-storey element of the proposal would extend the depth of the gable southwards whilst at ground floor level, the single storey extensions would add to its bulk.
19. On the western elevation, the single storey extension would be a mono-pitch. This roof form would be at odds with the pitched roof profile of the two-storey gable end to which it would be partly attached and viewed against from Hall

- Lane. It would appear complicated and incongruous as a result. Consequently, even if the proposal were constructed in stone and slate, which would relate appropriately to the existing house, its design, size and scale would detract from the modest form of the cottage.
20. Furthermore, the appeal site falls within a Locally Important Landscape Area and from my observations, the surroundings broadly comprise open farmland. Moreover, with the exception of the newer dwellings at the entrance to Hall Lane, the more typical vernacular is of simple rectangular side gabled buildings of modest depth. This is embodied in the form of the original cottage as well as in the configuration of the farmhouse and stone barn at Hill House Farm, to the immediate north-east of the appeal site, on the opposite side of Hall Lane. Within this context, the proposal would undermine the traditionally simple form of the original cottage. It would be visible from Hall Lane in particular, which is also a public footpath, detracting from the area's rural character as a result.
21. I recognise that the total volume of the appeal proposal would be smaller than that of the extant permission. However, it would be of a different design and position on the dwelling and to my mind, the extant scheme would result in less harm to the character and appearance of the host dwelling and the surrounding area. The two-storey gabled projection to the south elevation would reflect the existing gable form whilst the single storey side extension to the west elevation would incorporate a gable end roof profile to reflect the pitch and form of the gable of the original dwelling. It would appear less incongruous as a result.
22. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the host property and the surrounding area. It would conflict with Saved Policies ENV1, ENV15 and H14 of the SDLP (2005) and Policies SP18 and SP19 of the SDCSLP (October 2013). When read together, these policies, amongst other matters, seek to ensure that extensions are proportionate and well designed, appropriate to their setting and that protect and enhance the character and identity of the rural landscape. This is also a matter to which I attach significant weight.

Other Matters

23. I acknowledge that the Council has approved a scheme that permitted a house in the countryside to be doubled in terms of volume. However, it was not within the Green Belt. Consequently, neither Paragraph 145(c) of the Framework nor Policies SP2 and SP3 of the SDCSLP (2013) were applicable to its determination. For this reason, I do not find it to be directly comparable and in any event, I must determine the appeal scheme on its individual merits.
24. In the absence of a legal agreement preventing implementation of the extant permission, I am mindful that its completion would constitute a fallback position. Nonetheless, the appellants have confirmed their intention to pursue a different approach, as indicated by the appeal proposal. Consequently, whilst it is extant, I afford it limited weight. In any event, it does not remove the harm by reason of inappropriate development in the Green Belt and openness that I have identified in respect of the proposal before me.
25. I note the appellant's comments on the manner in which the Council handled the application. However, this is not a matter that affects my assessment,

which is confined to a consideration of the case on its individual planning merits.

Green Belt Balance

26. I have concluded that the proposal would be inappropriate development and that it would also be harmful to openness. It would thereby conflict with national and local policy to protect the Green Belt. These are matters which the Framework requires me to attach substantial weight. I have also found that it would be harmful to the character and appearance of the host dwelling and surrounding area, a matter of significant weight.
27. There are no other considerations in favour of the development that clearly outweigh the presumption against inappropriate development in the Green Belt. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Conclusion

28. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR