
Appeal Decision

Site visit made on 3 December 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/F0114/D/19/3240749

Broadlands Farm, St Francis Road, Keynsham BS31 2EB

- 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 Terry Cano against the decision of Bath & North East Somerset Council.
 - The application Ref 19/02117/FUL, dated 12 May 2019, was refused by notice dated 21 August 2019.
 - The development proposed is extension of existing rear room together with first floor extension over.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council determined the application on the basis of the plans listed on the decision notice. I have determined the appeal in the same way.

Main Issues

3. The main issues of the appeal are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - 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 necessary to justify the development.

Reasons

Whether Inappropriate Development

4. The appeal site is situated in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the

Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is for 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. No definition of disproportionate is given in the Framework.

5. Policy CP8 of the Core Strategy¹, as well as Policies GB1 and GB3 of the Placemaking Plan² generally conform to the thrust of national Green Belt policy in these respects.
6. Although not referred to in the decision notice, the Council's evidence also refers to their SPD³ which pre-dates the Framework. The supporting text of Policy GB3 of the Core Strategy notes the SPD would need to be revised in light of national policy changes. The SPD itself outlines that whether an extension is disproportionate will be assessed on the basis of the cumulative increase in volume of all extensions, with about a third of the original dwelling said to be more likely to be acceptable, and the character of the dwelling and its surroundings.
7. The Framework and the SPD define the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. I have not been presented with any policy basis that indicates the passage of time redefines the description of original building.
8. The appellant indicates that there has only been one planning application during their occupation of the property and that it was not clear what previous changes had been made at the time of purchase. Nonetheless, from the evidence before me and my observations on site there have been previous permissions and extensions to the property.
9. The appeal proposal would represent an extension in volume of approximately 20% over the existing dwelling. Notwithstanding this, on the basis of the information before me, the cumulative increase in volume, including the previous extensions and that now proposed, would be considerably greater, in the region of 88% of the original building.
10. My attention has been drawn to domestic outbuildings at the site that were said to have formed part of the original building and have been removed. However, while I saw some evidence of former buildings in these locations at the site, there is insufficient information before me to be certain what the size of these buildings were and the nature of their use. As such, I cannot be sure that they should be included when considering whether the proposed extension is now disproportionate.
11. In this instance, the size of the combined extensions would result in additions to the original building that would be disproportionate in the terms of the Framework. For these reasons, therefore, the appeal development would be inappropriate development in the Green Belt and, in this regard, it would conflict with policies GB1 and GB3 of the Placemaking Plan, Policy CP8 of the Core Strategy and the Framework.

¹ Bath and North East Somerset Part 1 of the Local Plan Core Adopted July 2014 Strategy

² Bath and North East Somerset Local Plan 2011-2029 VOLUME: CORE STRATEGY & PLACEMAKING PLAN

³ Existing Dwellings in the Green Belt Supplementary Planning Document

Effect on Openness

12. The Framework indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
13. The proposed development would remove the existing porch at the property. Nonetheless, using the appellant's figures, the scheme would add approximately 149 cubic metres of volume to the dwelling.
14. The majority of the development would be at first floor level and would be largely screened from any nearby public views by the surrounding vegetation and buildings. Nevertheless, while seen against the backcloth of the existing two storey building, there would be glimpsed views of the site through and above the landscape features in long range views.
15. Consequently, in visual terms and spatial terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. Although the harm would be small, this would be contrary to the Framework where it states openness is an essential characteristic of the Green Belt.

Other Considerations

16. The proposal would provide additional space for the appellant's growing family and would better meet their accommodation needs easing future bedroom problems. In particular, it would better suit the medical and health needs of one of the appellant's family. I am understanding of the difficulties posed by the size and configuration of the existing home. Therefore, on the evidence before me, this matter attracts moderate weight in favour of the proposal.
17. The Council have not included refusal reasons in relation to matters such as the character and appearance of the area. Nevertheless, this would be a neutral impact and does not weigh in favour of the scheme.

Other Matters

18. Whether the SPD and the extent of the Green Belt in the area should be revised are not matters for this appeal.

Conclusion

19. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt.
20. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic (in this case disability) and people who do not share it. However, it does not follow though from the PSED that the appeal should succeed.
21. I acknowledge the personal circumstances of the appellant and the accommodation needs of their family. Nevertheless, this and the other considerations in this case, do not clearly outweigh the harm that I have

identified. Consequently, the very special circumstances necessary to justify the development do not exist. Moreover, given that the planning system operates in the wider public interest which has legitimate aims of upholding the purposes of planning policies, the harm I have identified in respect of the main issues outweighs these personal matters and it is a proportionate and justifiable reason to dismiss the appeal.

22. The proposal would be contrary to Policies GB1 and GB3 of the Placemaking Plan and Policy CP8 of the Core Strategy and the Framework.
23. Therefore, for the reasons given, and having taken into consideration all other matters raised, I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR