



Appeal Decision

Site visit made on 20 August 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/L3245/W/19/3230392

Cherry Orchard Farmhouse, Hall Junction with A458 to Church Cottage Junction, Tuckhill, Six Ashes WV15 6EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Dennis Hodgetts against Shropshire Council.
 - The application Ref 19/01482/FUL is dated 27 March 2019.
 - The development proposed is erection of a predominantly glazed room with external patio and steps following demolition of conservatory.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development I have used above is taken from the appeal form. This description has changed from that stated on the application form but has been agreed by the appellant and the Council. I have accordingly dealt with the appeal on the basis of this revised description.
3. The application was not determined by the Council within the relevant time period. Following the lodging of the appeal, the Council indicated that, had it been in a position to do so, it would have refused the application for the following reason:
 - The property has already been significantly extended in the past and the proposed additional extension is deemed disproportionate to the original dwelling and therefore inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been advanced which outweigh the harm to the openness of the Green Belt.
4. I have taken the Council's above putative reason for refusal into account in reaching my decision.

Main Issues

5. The appeal site is located within the West Midlands Green Belt. Accordingly, from the evidence I have before me, the main issues are:
 - whether the appeal development is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal upon the character and appearance of the host property and surrounding area; and
- if the appeal development is 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

Inappropriate Development

6. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. One of the exceptions cited is the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'. Annex 2 of the Framework defines the term 'original building' as '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*'.
7. Both the appellant's and Council's statement refer to a colour aerial photo of the site. The exact date the aerial photo was taken is not clear, however, both the appellant and Council indicate the photo was taken at some point in the 1970's. The appellant states that the original dwelling had a volume of 615 cubic metres and that the house in its present form has a volume of 1,089 cubic metres. According to the appellant's statement, the existing conservatory to be demolished has a volume of 86 cubic metres and the volume of the proposed garden room is 195 cubic metres. Using the appellant's stated measurements, this represents an increase of 109 cubic metres and would result in a dwelling measuring 1198 cubic metres in volume (not including the existing detached garage).
8. I note that a number of large agricultural buildings have been demolished since the time of the referred aerial photo. These buildings do not appear to form part of the 'original building' and are not, therefore, relevant in the assessment of whether the proposal would represent a disproportionate addition to the original building.
9. On my site visit, I noted that significant extensions to the original building had clearly occurred since the time of the referred aerial photo. Taken together with these existing extensions, the proposal would amount to a disproportionate addition to the original building.
10. For these reasons, the appeal scheme would be inappropriate development in the Green Belt.

Openness and Green Belt Purposes

11. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt.

12. Whilst the proposal is largely shielded from public views by the high roadside boundary wall, given the proposal would increase the footprint and mass of the dwelling, openness would be reduced. This would increase the built-up element of the appeal site. Whilst the reduction in openness would be limited and localised, it would nonetheless result in harm to the Green Belt.

Character and appearance

13. Whilst the proposal would represent a notable extension, its overall design, materials and single storey scale would be subordinate and complementary to the character and appearance of the existing dwelling. I note the Council's view that the existing extension is not of any architectural merit and I have no reason to take an alternative view. As such, the development would have a positive impact on the character and appearance of the appeal dwelling and the surrounding area, in accordance with the design, character and appearance aims of Policy CS6 of the Shropshire Council Local Development Framework: Adopted Core Strategy 2011 (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev). These policies require, amongst other things, high quality design that is appropriate in scale, density and design, taking into account the local context and character.

Other considerations

14. The Framework makes it clear 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.
15. I acknowledge that the extension would be thermally efficient and that the proposal would make a positive contribution in terms of design quality. I also note that the proposal is largely shielded from public views.
16. The proposal would not result in adverse impacts to the occupants of any residential properties or raise any highway safety issues.
17. However, these other considerations, do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development. As such, the proposal would conflict with CS Policy CS5, SAMDev Policy MD6 and the Framework.

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that appeals be determined in accordance with the provisions of the development plan unless material considerations (including the Framework) indicate otherwise.
19. I have found the proposal to conflict with the development plan, when taken as a whole, and the Framework. As such, for the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR