
Appeal Decision

Site visit made on 25 September 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2020

Appeal Ref: APP/X3405/D/20/3254900

Bracken Ridge, Slitting Mill Road, Slitting Mill, Rugeley WS15 2UU

- 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 Steve Ruston against the decision of Cannock Chase District Council.
 - The application Ref CH/20/051, dated 27 January 2020, was refused by notice dated 21 May 2020.
 - The development proposed is a rear extension to existing garage.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. It is proposed to extend an existing double domestic attached garage. The extension to it would measure about 5.7 metres wide by 6.6 metres in length and would have a flat roof to a height of approximately 2.7 metres.
3. The appeal site falls within the Cannock Chase Area of Outstanding Natural Beauty (AONB). There is no dispute between the main parties that the proposal would conserve the landscape and scenic beauty of the AONB. Given the position, scale and appearance of the extension, I do not disagree with this finding. In this regard, the proposal would not conflict with paragraph 172 of the National Planning Policy Framework (the Framework) or with Policy CP14 of the Cannock Chase Local plan 2014 (LP).
4. The appeal site also falls within the West Midlands Green Belt. In the context of a neutral finding in respect of the effect of the development on the AONB, the main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal upon the openness of the Green Belt; and
 - if the proposal is inappropriate development in the Green Belt, 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 development.

Reasons

Whether inappropriate development

5. The Government attaches great importance to Green Belts. 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. Paragraph 145 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, one exception to this relates to *'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. The Framework does not define what is disproportionate. The appellant contends that the definition is contained within Policy CP14 of Cannock Chase Local Plan (Part One) 2014 (LP) which states that *'development proposals for extensions to and replacement of existing buildings with the Green Belt will be expected to demonstrate sympathy with their location through size, appearance and landscape impact mitigation. The ground floor area of any proposed extension or replacement building should not normally exceed that of the original property by more than 50%'*.
7. There is nothing in the above policy which indicates that the reference to ground floor area equates to an assessment of whether an extension or alteration would amount to a disproportionate addition. In this respect, it is of note that Policy CP1 of the LP states that where there are no policies that are specifically relevant to an application or relevant policies are out of date, decisions should be made against the policies in the Framework taken as whole.
8. Whilst the evidence indicates that cumulatively the proposal would not exceed the ground floor area of the original building by more than 50% (according to the appellant it would be a cumulative increase in the ground floor area of 35%), and hence the proposal would accord with Policy CP14 of the LP, paragraph 145 of the Framework refers to the *'size'* of the original building. In addition, the essential characteristics of the Green Belts are their openness. I consider that in considering *'size'* and hence whether or not the proposal would cumulatively represent a disproportionate addition over and above the size of the original building, it is necessary that I consider volume.
9. In this context, and even I were to consider the proposal against the appellant's volume calculation (i.e. an overall 65% volume increase), which is less than the Council's volume calculation, I consider that the development would result in disproportionate additions over and above the size of the original building. Indeed, I was able to appreciate the existing overall increase in volume over and above the size of the original dwellinghouse, coupled with the proposed extension, as part of my site visit observations. I therefore conclude that the development would amount to inappropriate development in the Green Belt. This is a matter to which I afford substantial weight in the overall planning balance.
10. Whilst the proposal would accord with Policy CP14 of the LP, this does not alter my conclusion that the proposal would be inappropriate development in the

Green Belt and that there would therefore be conflict with the Framework and Policy CP1 of the LP.

11. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I deal with this matter later on in the decision.

Openness

12. I have already concluded that in volume terms the proposal would be disproportionate relative to the size of the original building. In spatial terms, the proposal would have a moderately adverse impact on openness. There is of course a visual dimension to openness and I accept that the extension would be to the rear of the property and hence would not be visible from the main road. Nevertheless, on my site visit I observed that the existing garage was visible from the walking/cycling trails in the woods to the rear and which extend from the nearby bridleway. From this area, there would be glimpses of the proposed extension, but any such visual impact would be negligible given the number of trees and the existing boundary fencing. Overall, I find that there would be some moderate harm to the openness of the Green Belt.

Other Considerations

13. The appellant claims that it would be possible to erect a similarly sized, albeit detached, garage in a similar location utilising permitted development rights. It is suggested that if planning permission is not approved it is '*probable*' that the appellant would erect such a building given his requirement for storage and additional secure parking.
14. I cannot be certain if full permitted development rights exist in respect of the appeal property. A section 78 appeal is not the mechanism by which I can consider whether proposed development would be lawful. Furthermore, this appeal proposal is for an extension to an existing building and the evidence is such that I do not have any compelling evidence before me to demonstrate that there is a reasonable likelihood of the appellant erecting a detached building on the site. The appellant's reference to '*probable*' is far from persuasive. For these reasons, I therefore afford this consideration only limited weight in the overall planning balance.

Planning balance and conclusion

15. The proposal would amount to inappropriate development in the Green Belt which is a matter which carries substantial weight. In addition, there would be some moderate harm caused to the openness of the Green Belt. I conclude that the collective weight to be given to the Green Belt harm arising from the proposal would not be clearly outweighed by the identified other considerations sufficient to demonstrate very special circumstances. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR