
Appeal Decision

Site visit made on 6 July 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/R1038/D/20/3250460

Bluebell Woods Cottage, Barlow Lees Lane, Barlow S18 7SW

- 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 Ms Amanda Strong against the decision of North East Derbyshire District Council.
 - The application Ref 20/00009/FLH, dated 05 January 2020, was refused by notice dated 18 February 2020.
 - The development is described as 2 storey side extension to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the existing dwelling, former barn and the area, and
 - if the proposed development is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. The site comprises a two-storey dwelling that forms part of what is now a 'T' shaped building originally used for agricultural purposes and converted to residential accommodation.
4. The Framework directs decision-makers to regard new buildings in the Green Belt as constituting inappropriate development. Exceptions to this include the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the 'original building'.

5. Saved Policy GS2 of the North East Derbyshire Local Plan-2005 (LP), states that planning permission will not be granted for new buildings in the Green Belt unless there are very special circumstances, other than for certain exceptions, one of which is the extension or alteration of existing dwellings which does not result in disproportionate additions over and above the size of the 'original dwelling'. Hence, Policy GS2 refers to 'original dwelling' rather than 'original building'. Although the policy differs to the Framework in this regard, the appeal does relate to a dwelling; and as the general aim of the policy is to protect the Green Belt, I consider it to accord with the aims of Green Belt policy in the Framework. As such, I give full weight to the policy in respect of this appeal.
6. Neither the Council's policies nor the Framework define disproportionate in the context of development within the Green Belt. Additionally, the parties refer only to volume in respect of the size of the proposal. However, I do not consider volume to be the only, or primary, means by which an increase in size should be calculated. I consider that factors such as footprint, floor area, height, width, depth and mass should also be considered.
7. The term 'original building' is defined in the Glossary to the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. I am not aware of any judicial authority regarding what constitutes the 'original building' in the context of Green Belt policy outlined in the Framework in the circumstances of converted buildings. I have not been provided with any substantive evidence regarding what constitutes the 'original building' in this case. The 2 main options seem to be either the dwelling to which the appeal relates, as it existed following conversion, or the two-storey section of the existing 'T' shaped building.
8. In the absence of any judicial authority regarding the matter, I have taken the building within the site edged red, which has not been extended since the conversion, to be the original building. As such, the extent of increase resulting from the proposal in terms of footprint, floor area and volume would be around a third of the existing; the width would be over half, the depth would be at least half and the ridge height would be the same as the existing. Bearing all these factors in mind, I consider that the proposal would be a disproportionate addition and would therefore be inappropriate development in the Green Belt. The appellant suggests that many other Local Plans have policies and/or guidance that include a figure of 30%. However, that is not the case here.
9. Even if the 'original building' was deemed to be the two-storey section of the existing 'T' shaped building, I also conclude that the proposal would result in disproportionate additions, rather than an 11.7% increase in volume as suggested by the appellant. This is because the existing extensions on the eastern facing elevation are extensions that also need to be included in calculating the extent of increase. Consequently, in this scenario I conclude that adding the proposed extension to those that already exist would result in disproportionate additions to the 'original building' and would therefore constitute inappropriate development in the Green Belt.

Openness

10. Paragraph 133 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. Within this context openness can refer to both spatial and visual aspects. Although the proposal would

introduce built form where there is currently none onto the western facing elevation of the dwelling, I note that there are small domestic outbuildings in the garden located in front of the property's western facing elevation. In this context I consider that the proposal would only moderately reduce the spatial openness of the Green Belt. Due to the siting, size and gable design of the proposed extension I consider that it would also only reduce the visual openness of the Green Belt to a moderate degree.

11. Overall, I therefore conclude that the proposal would have a moderate degree of harm on the openness of the Green Belt.

Effect on the character and appearance of the existing dwelling, former barn and the area

12. The two-storey section of the existing 'T' shaped building is oriented at a right-angle to the road, running broadly south-north, and the appeal dwelling is located at the northern end of the building. To my mind this building was originally a regular oblong shaped two-storey agricultural barn with a dual-pitched roof and gable ends, constructed of local stone under a slate roof. It has been sympathetically converted, primarily utilising the original openings. All existing extensions are sited on the eastern facing elevation of the building.
13. The scattered farmsteads are a feature that positively contribute to the character and appearance of the Special Landscape Area (SLA). Many of the associated agricultural buildings have been converted to residential use; and where such works have been carried out sympathetically the character and appearance of the SLA is maintained.
14. Although the appeal dwelling is at the end of the former barn furthest from the road, the proposed extension would be clearly visible, particularly when viewed from Barlow Lees Lane looking along the western elevation of the converted barn. Given its siting, I consider it would damage the simple, clean, uninterrupted line of this elevation of the former barn, rather than act as a natural return and complimentary bookend, as suggested by the appellant. Furthermore, it would also remove several small openings that form part of the barn's original detailing.
15. In addition, although large, original openings in the building have been utilised for relatively large areas of glazing when converted, the triangular design of the upper sections of proposed glazing on the western facing elevation of the proposal are not in keeping with the barn's original features. Furthermore, I consider this proposed glazing to be extensive and to dominate the appearance of both the host dwelling and the former barn.
16. For these reasons I conclude that the proposal would have a detrimental effect on the existing dwelling and the former barn, which I consider would be harmful to the character and appearance of the area. As such, the proposal does not accord with saved Policy NE2 of the LP or paragraph 127 of the Framework which, collectively and among other things, seek to ensure new development is of a size, scale and design that does not detract from the surrounding landscape and is sympathetic to local character and history.
17. I have not assessed the proposal against Policy GS7 of the LP as this relates to change of use and is therefore not relevant to the current proposal.

Other considerations & very special circumstances

18. When determining applications, the Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.
19. The appellant contends that the property has limited space and that the proposed extension is important to meet the needs of the family. Additionally, the appellant suggests that the size of the dwelling, with regard to total floor area and bedroom sizes, does not meet the Nationally Described Space Standards (NDSS) outlined in the Department for Communities and Local Government Technical Housing Standards document (2015). The appellant also points out that the proposed external materials would match the existing building.
20. However, the planning system operates in the public interest and I do not consider in this case that the individual needs or aspirations of the family outweigh this interest. I therefore attach limited weight to this matter. The building was converted around 2007, prior to the publication of the NDSS and therefore these standards did not apply at the time. I have not been provided with evidence which leads me to conclude that the existing living conditions of the current occupants are not of a satisfactory standard. I therefore attribute little weight to this matter. As regards using materials to match the existing building, this would be a requirement of any planning approval, I therefore consider this to be a neutral factor.
21. I have concluded that the proposal would result in disproportionate additions to the original building and therefore constitutes inappropriate development in the Green Belt. I have also concluded that it would moderately reduce spatial and visual openness. In accordance with the Framework, substantial weight is given to any harm to the Green Belt. I have concluded that the proposal would also harm the character and appearance of the area. I consider that there are no other considerations that clearly outweigh the harm identified. As such, there are no very special circumstances that justify the development. Consequently, the proposal does not accord with policies GS2 and NE2 of the LP or design and Green Belt policies as outlined in the Framework.

Conclusion

22. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR