The Planning Inspectorate

Appeal Decision

Site visit made on 9 November 2020

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/P3420/D/20/3258785
Wellbank Cottage, Old Road, Wrinehill, Newcastle Under Lyme CW3 9BW

- 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 & Mrs Beeston against the decision of Newcastle Under Lyme Borough Council.
- The application Ref 20/00481/FUL, dated 22 June 2020, was refused by notice dated 6 August 2020.
- The development proposed is single storey rear extension and porch.

Decision

1. The appeal is dismissed.

Main Issues

2. These are whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies 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 required to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. National policy on development in the Green Belt is set out in the National Planning Policy Framework ('the Framework'), which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. Most new development should be regarded as inappropriate, but for certain defined exceptions.

4. Paragraph 145 of the Framework lists exceptions to inappropriate development within the Green Belt and in doing so states that any extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' within the Framework. Annex 2 of the Framework defines an "original building" as a building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.

5. The Council's approach to extensions to dwellings within the Green Belt is set out in policy S3 of the Local Plan (adopted October 2003). Paragraph 213 of the Framework provides that policies in the Local Plan should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. As it stands, policy S3 is consistent with the aims of the Framework, that of ensuring that the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building. I therefore attach weight to this policy. The emerging development plan is not at an advanced stage and so any implications this may have for Green Belt policy carries no weight in my decision.

6. The original building has been extended noticeably. Therefore, the appeal proposal, in combination with previous additions, would result in disproportionate additions over and above the size of the original building. Irrespective of how the appeal proposal compares with the size of previous extensions, the proposed development proposal would be disproportionate for the reasons given.

7. Consequently, the proposal would not meet the exception within Paragraph 145 of the Framework and as a result would be inappropriate development in the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on openness of the Green Belt

8. The Framework states that "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." It has been established that openness has both a spatial and visual aspect.

9. From a visual perspective, due to the enclosed nature of the site, there would be limited visibility of the proposal from the public highway. However, from a spatial perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing additional built elements at the site. The extensions combined would be a notable extension of the property and so I conclude that the harm to the Green Belt arising from loss of openness would be moderate.

Other considerations and very special circumstances

10. 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 resulting from the proposal, is clearly outweighed by other considerations.

11. It is not uncommon for rural dwellings to be extended to accommodate the changing needs of occupiers. However, the appeal site is within the Green Belt which, in light of the policy considerations discussed, offers a different set of circumstances to rural dwellings more generally. This matter carries no weight.

12. I have been presented with evidence of development in Wrinehill which has received planning permission. These examples comprise new dwellings which present different policy considerations to the appeal proposal which comprises extensions to an existing property. This matter carries no weight.

13. The development would help to regularise the floor layout of the existing property and improve living conditions. 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 occupants outweigh this interest. I therefore attach limited weight to this matter.

14. It is not within the remit of this appeal for me to comment on the circumstances that led the Council to allow previous extensions to the property. I have decided the appeal it on its own merits and according to the facts and circumstances pertaining to the case at the time of my decision. This is a neutral factor.

15. I have concluded that the development would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the openness of the Green Belt. Substantial weight must be given to these harms.

16. The 'other considerations' in this case carry limited weight in favour of the proposal and therefore do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the proposal does not accord with policy S3 of the Local Plan and Green Belt policies as outlined in the Framework.

Conclusion

17. For the reasons given above, I conclude that the appeal is dismissed.

R Walmsley

INSPECTOR