



Appeal Decision

Site Visit made on 8 December 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/P3040/D/20/3258532

Walnut Tree Farm, Cotgrave Road, Owthorpe, Nottingham NG12 3GE

- 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 Margaret Kenney against the decision of Rushcliffe Borough Council.
 - The application Ref 20/01447/FUL, dated 19 June 2020, was refused by notice dated 12 August 2020.
 - The development proposed is a single storey extension to rear of dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal property is a traditional two-storey detached dwelling with single storey elements to the rear, which is identified as being located within the Green Belt.
4. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a number of listed exceptions. These include 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.

5. Policy 21 of the Rushcliffe Local Plan Part 2 (2019) (LP) does not repeat the Framework exceptions, but identifies that applications for development in the Green Belt will be determined in accordance with the Framework.
6. On its own, the single storey extension would be modest in size comparative to the existing dwelling. However, the evidence indicates that the dwelling has already been extended from its original size. Figures provided by the Council suggest that the appeal scheme, combined with previous extensions, would result in approximately a 170% increase over the size of the original dwelling. The appellant does not dispute this figure.
7. The Framework does not define the term 'disproportionate' and whilst the Council advises of a threshold of 50-60%, I have not been provided with any policy basis for that figure. Nevertheless, on the evidence before me the proposal would, when added to earlier extensions, result in a cumulative significant increase to the original building. Thus, the proposal would be a disproportionate addition over and above the size of the original building.
8. I therefore conclude that the proposal is inappropriate development, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

9. The proposal would add built footprint and volume to the host building, resulting in the presence of a larger building in the Green Belt. This would cause a spatial loss of openness in the Green Belt. That said, the proposal would be single storey in height and located at the rear of the building where the Council accepts it would not be visible from the public realm. These factors would qualify the loss of openness to the point that the impact would be modest.
10. I therefore conclude that the proposal would result in modest harm to the openness of the Green Belt. Paragraph 133 of the Framework advises that openness is an essential characteristic of the Green Belt, the fundamental aim of which is to keep land permanently open. The harmful loss of openness caused by the proposal would be at odds with this fundamental aim.

Other Considerations

11. The appeal was accompanied by information explaining the family-related reasons for seeking the extension, which was not before the Council when it made its decision. I note the concern over the Council's lack of engagement in this respect, but the onus is on the applicant to provide the information. Having regard to the further justification, including my own observations of the internal level changes, the proposal would, together with other internal alterations, provide level-access living accommodation for the benefit of the appellant's elderly mother. However, whilst I have sympathy with this situation, there is no substantive medical evidence before me, and moreover, the development would remain after these personal reasons cease to be material. This therefore adds very limited weight in support of the proposal.
12. The proposal would not have any impact on the street scene, or on the living conditions of neighbouring occupiers. Nevertheless, this lack of harm carries neutral weight in my assessment.

13. I note that planning permission was granted for a dwelling to the north of the appeal site (ref:19/01370/FUL), but from the evidence, the Council determined that it did not represent inappropriate development in the Green Belt. Therefore, it is not of direct relevance to the scheme before me, which I have considered on its own merits.

Green Belt Balance and Conclusion

14. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It would also result in a modest loss of Green Belt openness.
15. Framework paragraph 144 advises that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. I have carefully considered matters put before me in favour of the scheme by the appellant; however, I conclude that these other considerations do not clearly outweigh the Green Belt harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal is contrary to the Framework and the development plan when read as a whole.
17. For these reasons, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR