



Appeal Decision

Site Visit made on 17 August 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/N3020/D/21/3273026

Spring Lane Farm, 382 Spring Lane, Lambley NG3 5RQ

- 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 Mark Spencer against the decision of Gedling Borough Council.
 - The application Ref 2021/0026, dated 13 January 2021, was refused by notice dated 5 March 2021.
 - The development proposed is described as an “erection of single storey conservatory extension to rear of property”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appellant’s appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. Whilst I have had regard to the revised Framework as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
3. The Council’s decision notice refers to Policy 3 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014. However, this particular Policy relates to the review of Green Belt boundaries and as such, is not relevant to the development before me.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and development plan policy,
 - the effect of the proposal on the openness of the Green Belt, 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 very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

5. The Framework states at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, the essential characteristics of the Green Belt is their openness and permanence. The construction of new buildings should be regarded as inappropriate in the Green Belt, other than in a limited range of specified exceptions, as set out in Paragraphs 149 and 150 of the Framework.
6. Thus, in accordance with paragraph 149 c) of the Framework, as the development proposes the extension of a building, it need not be considered as inappropriate development within the Green Belt provided it does not result in disproportionate additions over and above the size of the original building. The Framework clarifies that original building is that which existed on 1 July 1948, or if constructed after that date, as it was built originally.
7. Although the Framework does not define “disproportionate additions”, Policy LPD 13 of the Gedling Borough Council Local Planning Document 2018 (LPD) states that within the Green Belt permission will be granted for extensions to buildings provided the proposal does not result in the floorspace of the building being over 50% larger than when originally constructed or as it existed on 1 July 1948.
8. In this instance, the Council calculate that the original farmhouse has a floorspace of 241.5 sq. m and has benefitted from five extensions which total 67.67 sq. m. Therefore, the building has already been enlarged by around 28%. The proposed conservatory measures some 76 sq. m and when one considers the previous extensions that have taken place, it would equate to an almost 60% increase in floorspace over and above the size of the original building and in conflict with Policy LPD 13 of the LPD.
9. However, the appellant argues that the structure that exists today on the north-eastern side of the building, in the form of a balcony over a chemical store and a wood store, is a modification of an original structure that previously comprised a staircase and platform to serve an upper grain store, with an under-stair toilet and storage void. This particular part of the building has been modified but none of the works included demolition or rebuild other than the loss of the staircase and accounts for an additional 15.65 sq. m to the original floorspace. Consequently, if one accepts that the side structure formed part of the original farmhouse, its floorspace should be calculated as approximately 257 sq. m and the proposed conservatory and previous additions would amount to an overall increase of 50%, and within the tolerances permitted under Policy LPD 13 of the LPD.
10. I have carefully considered the appellant’s evidence, including the legal advice¹ and Planning Statement² which highlight particular elements of the side structure and a brief history of the building which has been in the ownership of the Spencer family since 1939. However, I find the evidence provided to be lacking in clarity as it does not adequately demonstrate that the side structure formed part of the original building. Although I could view features such as the perished and curved, or “bull nosed” brickwork, along with the additional photographs of the dwelling from the 1970s, I am not persuaded that these sufficiently demonstrate that the side structure was in situ on 1 July 1948 and thus, formed part of the original building.

¹ Eversheds Sutherland (International) LLP dated 31 March 2021

² Planning Statement dated 27 February 2021

11. Therefore, based upon the evidence provided in support of this appeal, I am not persuaded that the side structure was part of the original building which existed on 1 July 1948. Thus, the proposed conservatory would push the enlarged dwelling beyond the 50% maximum increase as advocated by Policy LPD 13. It would represent a disproportionate addition to a building and therefore, inappropriate development within the Green Belt.

Openness

12. Although openness is not defined within the Framework, the Courts have confirmed that it has a spatial as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But equally this does not mean that the openness of the Green Belt has no visual dimension.
13. I note the appellant's additional argument that it is debateable whether the side structure has any additional impact on the openness of the green belt. However, the matter before me is whether the proposed conservatory extension would harm the openness of the Green Belt. Therefore, in my judgement, the size, volume, bulk and floorspace of the appeal proposal, combined with existing extensions, would fail, in spatial terms, to preserve the openness of the Green Belt. As openness is an essential characteristic of Green Belts, the appeal proposal would cause harm in this regard.

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 design of the proposed conservatory is acceptable and that it does not affect any historic significance the building may have, nor adversely affect valuable views into or out of settlements. However, whilst noting the benefits that would result in this respect, I do not consider that either individually or cumulatively they represent the very special circumstances required to outweigh the harm to the Green Belt I have identified.

Planning Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt and openness would not be preserved. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm.
17. Thus, there are no other considerations in this case that would clearly outweigh the harm to the Green Belt. Therefore, the very special circumstances necessary to justify development within the Green Belt do not exist and the development would conflict with the Green Belt protection aims of the Framework and those of Policy LPD 13 of the LPD.
18. Overall, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR