



Appeal Decision

Site Visit made on 14 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/D2320/D/21/3278344

Fern Cottage, North Road, Bretherton PR26 9AY

- 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 Adam Rudd against the decision of Chorley Borough Council.
 - The application Ref 20/01333/FULHH, dated 9 December 2020, was refused by notice dated 16 April 2021.
 - The development proposed was originally described as 'two storey rear extension, replacement orangery, single storey rear extension and replacement outbuilding'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises '*erection of front porch, two storey rear extension to west elevation and single storey rear extension to west elevation, single storey orangery extension to south elevation (following demolition of existing conservatory), replacement outbuilding and site entrance gate posts*'. The Council dealt with the proposal on this basis and so shall I
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.

Main Issues

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

Reasons

Inappropriate development

5. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The exception which is set out at paragraph 149(c) of the Framework, is 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. The glossary to the Framework, defines 'original building' as, a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.
7. Policy HS5 of the Chorley Local Plan 2012-2026 Site Allocations and Development Management Policies Development Plan Document, 2015 (LP) grants permission for the extension of dwellings in the Green Belt provided that, the proposed extension should not result in a disproportionate increase in the volume of the original dwelling. Increases of up to 50% (volume) are not considered disproportionate. This position is supported in the Central Lancashire Rural Development Supplementary Planning Document (SPD), 2012. Although, the LP predates the Framework, it conforms to the thrust of Green Belt policy in these respects.
8. The appeal site is a detached brick dwelling within a substantially large plot located on the southern side of North Road and is within the Green Belt. The property is enclosed to the frontage with a hedge and access is taken from an adjoining track/lane. The track leads to the rear of the property and also serves as an access point (gated) to open fields, directly behind the site and further south. Whilst no precise evidence has been provided as to the extent of the original building, it does appear that from observations and the planning history provided by the Council, dating from 1991. The property has been altered / extended previously.
9. The Framework does not define the term 'disproportionate additions' and is a matter of planning judgement. Policy HS5 of the LP sets out increases over 50% volume being disproportionate. I consider this is a reasonable starting approach, given that this figure would lead to a significant increase in the size of the original dwelling. The evidence before me, indicates that the submitted proposed extensions and the garage would increase the volume amount which would exceed that range and result in increases over the 50% volume of the original dwelling.
10. However, assessing proportionality is a primarily an objective test based on size. The proposed two-storey extension would accord with the height of the existing building but would add to the mass of built form already at the property. The volume and floor area would be increased at both ground floor and first floor, particularly due to its width and length along the rear elevation. As such, it would not appear subservient to the original dwelling.

11. To the ground floor, I acknowledge that the conservatory would be demolished, however the single storey extensions would result in a miss-match of additions on each of the elevations, adding to the bulk, overall size, footprint and floor area of the dwelling. Furthermore, the size of the garage would be significantly increased in volume and footprint, particularly due to the height of the roof, its form and the design. As such, in my assessment, the totality of the proposals in comparing the original building to one that would result if the proposals were to go ahead, would result in an appreciable increase in both footprint and bulk. Therefore, amounting to disproportionate additions to the original building.
12. For the reasons given above, the proposed development would result in disproportionate additions over and above the size of the original building. The proposal would not meet the exceptions in paragraph 149 (c) of the Framework, it would form inappropriate development in the Green Belt.

Openness

13. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element. In that, the bulk and mass of the building would be significantly increased by additional built development both at ground floor and first floor, and the proposal would reduce openness noticeably.
14. The proposed garage would be built on garden land to the south of the existing dwelling, it would result in additional built development and the loss of this garden area which would unavoidably result in a reduction of openness of the site. Furthermore, the appeal site to both the north and south is of open character with limited screening to the surrounding countryside, the openness of the Green Belt is clearly evident around the property and the wider area. The proposal would be discernible in those views.
15. Taking into consideration all of the above points, I conclude that the proposed development would have an appreciable impact on the openness of the Green Belt. The scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.

Other Considerations

16. The appellant's evidence relies heavily on the comparisons between the proposed development, permitted development and previous schemes, including planning permission and a certificate of lawfulness, that were granted by the Council¹. The appellant's argument is that the 'fallback position' would result in a greater quantum of development than that which is now proposed.
17. The appellant asserts that the approved two storey extension would be more visually prominent to a public setting due to its siting and that the extensions represent smaller and less visually intrusive designs. Therefore, this indicates that the fallback position advanced would have a greater impact on openness in regard to the extensions. Notwithstanding this, the appellant's statement of case sets out that the proposed garage would be larger in volume than the approved, which would lead me to the conclusion that this part of the proposal has a greater impact on openness.

¹ 20/00480/FULHH, 20/00958/CLPUD

18. However, no substantive evidence has been provided of each of these cases. Including comparative plans, decision notices, alternative schemes or evidence to persuade me that the appellant would genuinely pursue these fallback options if the appeal failed. Alternatively, if the appeal were to be allowed, in the absence of greater detail it might be the case that such permitted development could potentially be built alongside the appeal development. Therefore, the potential cumulative impact of such a development would have a greater adverse effect on the Green Belt.
19. The Planning Practice Guidance² sets out that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. A condition removing permitted development rights would only take effect once the permission is implemented. This could only be prevented by means of a S106 obligation. The appeal is not supported by a draft legal agreement (unilateral undertaking) pursuant to Section 106 of the Town & Country Planning Act 1990. Nevertheless, the lack of an obligation did not form a reason for refusal. Consequently, this matter is determinative, therefore it is not necessary for me to consider it any further, and I attach no weight to this consideration.
20. I have taken into account the appellant's wishes to use the property so that they are able to work from home permanently, desire to be on hand for family and friends in the area and that Covid-19 has had an impact on changes in work life balance. However, these personal circumstances are not sufficient to outweigh the harm that I have identified.

Planning Balance and Conclusion

21. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would lead to an appreciable loss of openness to the Green Belt, which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.
22. Against this, the other considerations that have been advanced and cited in support of the proposal, particularly the extant permissions, are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
23. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
24. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR

² Paragraph: 017 Reference ID: 21a-017-20190723; Revision date: 23 07 2019