



Appeal Decision

Site visit made on 15 December 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/R1038/D/21/3283149

Ouzlebank Farm, Highgate Lane, Dronfield S18 1UB

- 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 and Mrs Hough against the decision of North East Derbyshire District Council.
 - The application Ref 21/00388/FLH, dated 22 March 2021, was refused by notice dated 10 August 2021.
 - The development proposed is a single storey extension to detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The North East Derbyshire Local Plan 2014-2034 (LP) was adopted on 29th November 2021 and the parties have been given the opportunity to make comment on this in relation to the appeal.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - (ii) The effect on the openness of the Green Belt;
 - (iii) The effect on the character and appearance of the host dwelling and the area;
 - (iv) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Policy SS10 of the recently adopted LP and paragraph 149 of the National Planning Policy Framework 2021 (The Framework) state that the construction of new buildings is inappropriate in the Green Belt but they set out a number of exceptions. This includes 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. The appeal dwelling was extended following the granting of planning permission in 2013¹. The Council states that this resulted in an increase in the volume of the original dwelling by 47%, and that the appeal proposal would result in a total increase in volume of 67% over and above that of the original dwelling. The appellant puts different figures on the 2013 extensions, at a 60% volume increase above the size of the original dwelling, with the appeal proposals adding a further 60.1m³.
6. There is no definition in either local or national planning policy as to what represents a disproportionate addition over and above the size of the original building. Whilst I have been referred to two previous appeal decisions, I do not have the full details of these before me but in any event each case requires consideration on its own merits.
7. The previous extensions included two storey development and the volume and footprint increases that arose were substantial in relation to that of what was a modestly sized original building. By reason of their scale, volume and visual relationship to the original dwelling, they furthermore do not appear as subservient additions to it. The addition of the extensions subject to this appeal would further compound the increase in size of the dwelling that has already taken place and cumulatively would represent disproportionate additions over and above the size of the original building.
8. Consequently, the proposal would not fall into any of the exceptions listed in Policy SS10 of the LP or paragraph 149 of The Framework, and it would be inappropriate development in the Green Belt.

Openness

9. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
10. The proposal would result in a reduction in visual openness, in particular when considered cumulatively with the substantial extensions that have already taken place. In the same respect it would also contribute to a physical encroachment by reason of an increase in footprint.
11. For these reasons and on consideration of the scale of the development, I conclude that there would be moderate harm to Green Belt openness. The proposal would therefore be contrary to the specific guidance within The Framework in this regard.

Character and appearance

12. The extensions that have taken place are sympathetic to the character and appearance of the original dwelling, incorporating gables and appropriate roof pitches. In contrast the proposed roofs of the ground floor extensions would have much more shallow pitches, which would appear visually incongruous in comparison to the main roof pitches.

¹ 13/00829/FLH

13. Whilst there are some mitigating factors such as the topography of the appeal site and the presence of established vegetation adjacent to it, these considerations would not overcome the visual harm that would arise from the proposed roof structures.
14. In conclusion, the proposal would cause moderate harm to the character and appearance of the dwelling and the surrounding area. Consequently, it would fail to accord with Policies SS9 and LC5 of the LP, where they seek to protect character and appearance. There would also be a conflict with The Framework where it seeks to achieve well-designed places.
15. Policies SS10 and SDC3 of the LP are referred to in the reason for refusal, however these relate to Green Belt matters and to landscape character. They are therefore not directly relevant to the consideration of the impact that the proposal would have on the character and appearance of the host dwelling and the surrounding area.

Other Considerations

16. I acknowledge that the appellant wishes to provide a utility room in light of their associated smallholding and to provide an area to carry out the administration of it away from family activities. However, no substantive evidence has been provided in relation to these requirements and the floorplans submitted suggest both that the scope of the proposals may extend beyond what is required in relation to the smallholding use and that a study area is currently present and would be retained. These considerations therefore carry only limited weight in support of the proposal.
17. It is also stated that the house is only marginally above the minimum size for a modern 4-bedroom house and that a large internal plant area reduces useable floor area. The proposal would provide additional living space in that context and it would be built using modern building methods to ensure it is energy efficient. Whilst I am sympathetic to the desire for additional floorspace, such considerations can also carry only limited weight in favour of the proposal.
18. The appellant refers to the fact that a number of buildings were demolished following the granting of a separate planning permission in 2013². It is contended that this has meant that there has been an overall reduction in built volume on the land which is under their ownership. Whilst that may be the case, this would not be a benefit that would be achieved by the appeal proposal. Accordingly, it does not offset the impacts that would result from the proposed development and carries only neutral weight.
19. Reference is made to permitted development rights that are available to extend dwellings, but also that these have been removed as part of the planning permission that was granted to extend the dwelling in 2013. It would therefore appear that the appellant could not achieve either the extensions proposed or alternative extensions as a fallback under permitted development rights. This consideration too therefore carries neutral weight.

Conclusion

20. The Framework at Paragraphs 147 and 148 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate

² 13/00830/FL

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

21. The proposal would be inappropriate development in the Green Belt and would result in moderate harm to its openness. It would also result in moderate harm to the character and appearance of the host dwelling and to the surrounding area. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the reasons given above, I conclude that the proposal conflicts with Policy SS10 of the LP and the objectives of The Framework where they seek to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR