



Appeal Decision

Site visit made on 18 January 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/W1525/D/21/3275613

Cockshill Cottage, Swan Lane, Stock, Ingatestone, CM4 9QP

- 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 John Nelson against the decision of Chelmsford City Council.
 - The application Ref 20/02007/FUL, dated 6 January 2021, was refused by notice dated 1 March 2021.
 - The development proposed is rear ground floor infill extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The extension has already been erected and therefore I was able to see it at my visit. Other works have been carried out at the property which are not shown on the submitted plans. However, I have restricted my considerations to the proposals before me.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it; 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 necessary to justify the development.

Reasons

4. The appeal site is situated in the Metropolitan Green Belt where the Chelmsford City Council, Local Plan 2013-2036 (LP) policy S11 sets out that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.

5. Policy DM11 states that planning permission will be granted for extensions or alterations to existing buildings where the building is located within the Green Belt, and the extension would not result in disproportionate additions over and above the size and scale of the original building.
6. These policies reflect the aims of the Framework and therefore I have attributed weight to them. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 149 of the Framework establishes that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions. The extension or alteration of a building is subject to Paragraph 149(c) which states that these are an exception provided that it does not result in disproportionate additions over and above the size of the original building.
8. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
9. In this regard assessing proportionality is primarily an objective test based on size. The proposed rear extension is relatively modest in terms of the increase in footprint over and above that which has previously been approved. However, it would result in an extension which would extend across the entire width of the original dwelling and would not be subservient to the host property.
10. Comparing the scale of the original building to the one that would result if the proposal were to be permitted, I consider that the outcome would be disproportionate when considered against the original dwelling which has already been extended. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
11. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

The effect of the proposal on the openness of the Green Belt

12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Openness can be defined as the absence of built form. In the case before me the bulk of the built form would increase as a result of the proposal and would therefore, in spatial terms, have a harmful impact upon the openness of the Green Belt.
13. The effect of the cumulative increased size of the host dwelling would clearly be experienced both visually and spatially, although due to the extension being located to the rear of the existing dwelling this impact would be localised and limited. However, in this respect even a limited adverse effect on openness would contribute to the overall harm to the Green Belt.

14. For this reason, the proposed development would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries modest weight in this site-specific circumstance.

Other Considerations

15. It has been put to me that the original dwelling was very small and that consideration needs to be given to the modest scale and modern living expectations. However, the existing dwelling has been permitted to extend, most recently in 2018, where approval was given for a two storey side extension and first floor rear extension (18/00954/FUL). The submitted plans indicate that the approved dwelling has two separate reception rooms on the ground floor with an open plan kitchen and dining room. On the first floor the property has 4 bedrooms and a bathroom and therefore I am not persuaded that the existing dwelling is of insufficient size to meet modern living expectations. Therefore I have given this consideration limited weight.
16. I have also taken into account the appellant's willingness to accept a condition which would restrict permitted development on the site, which would enable the Council to have control over future development on the site. However, the Planning Practice Guidance says that permitted development rights should only be withdrawn in exceptional circumstances and there is nothing within the Framework to indicate that these apply to development in the Green Belt. Therefore, I have given this consideration limited weight.
17. I acknowledge that the consequences of the appeal being dismissed may result in disruption to the current occupiers and be detrimental to their living conditions. However, this is of limited benefit and does not extend beyond the appellant's private interests.

Green Belt Balance and Conclusion

18. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in limited harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
20. As explained above I give limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
21. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with policies S11 and DM11 of the LP and the Framework.

22. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR