



Appeal Decision

Site visit made on 5 April 2022

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2022

Appeal Ref: APP/P2365/D/22/3292878

Rhodes Farm, Wiggins Lane, Holmeswood, L40 1UJ

- 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 Tim Morris against the decision of West Lancashire Borough Council.
 - The application Ref 2021/1168/FUL, dated 1 October 2021, was refused by notice dated 25 November 2021.
 - The development proposed is described as "*demolish existing garage and conservatory to form single storey rear extension and to side and rear with a detached garage*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt; and
 - (c) If the proposal is inappropriate development, 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

Inappropriate development in Green Belt

3. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception 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'.
4. Annex 2 of the Framework defines the 'original building' as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. In this case, it is agreed that previous extensions to the 'original building' have already increased its volume by more than 40%, which is the maximum level specified in part GB4 of the Council's 'Development in the Green Belt' SPD (2015).

5. The appeal proposal comprises a side extension, a rear extension, and a new detached garage. Whilst the proposed side extension would be smaller than the existing structures it would replace, the garage and rear extension would encroach onto land that currently does not contain any buildings. The rear extension would be partly visible from adjoining land, and the garage would be clearly visible in longer views along Wiggins Lane from the south due to its position on the boundary.
6. According to the appellant, the appeal proposal would add a further 137 cubic metres to the volume of the property. In combination with the existing extensions, this would result in substantial volumetric additions to the host property. In this regard, paragraph 149 c) of the Framework refers to "*disproportionate additions over and above the size of the original building*" (my emphasis). Accordingly, I consider the overall increase in built volume to be the most relevant measure in this case. In my view, a cumulative increase of this magnitude would clearly be disproportionate for the purposes of paragraph 149 c).
7. For the above reasons, I conclude that the proposal would be inappropriate development in the Green Belt, which Paragraph 147 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary to Policy GN1 of the West Lancashire Local Plan (2013) and guidance contained in the 'Development in the Green Belt' SPD (2015).

Openness

8. The proposal would introduce additional floorspace and built volume that would be visible in the surrounding area. It would therefore fail to preserve the openness of the Green Belt. In this regard, the Framework advises at Paragraph 137 that openness is an essential characteristic of Green Belts.

Other considerations

9. It is asserted that the existing dwelling could be significantly extended through the use of permitted development rights. However, the construction of a rear extension of more than 4 metres in depth would require prior approval, and there is no certainty that this would be granted. In this regard, it cannot be assumed that neighbours would not object to any revised proposal submitted under that route. Moreover, the construction of a garage building within 2 metres of the boundary, as is proposed here, using permitted rights would be subject to a maximum height restriction of 2.5 metres. In contrast, the proposed garage block would have a height of 4.9 metres. Whilst permitted rights could be used to construct a garage of up to 4 metres in height if it were more than 2 metres from the boundary, such a development would significantly encroach into the garden area and would align poorly with the proposed driveway. It is therefore unclear whether this would meet the appellant's requirements, and I have no indicative scheme before me in this regard. Accordingly, I attach only limited weight to the purported fallback position.
10. The proposal would provide additional living space to the existing property. It would also generate some economic benefits during the construction phase, and through the purchasing of furnishings and fittings. However, these are modest benefits that are common to most developments of this type and size.

Conclusion

11. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policy GN1 in the West Lancashire Local Plan (2013), the 'Development in the Green Belt' SPD (2015), and guidance contained in the Framework relating to Green Belts.
12. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR