
Appeal Decision

Site visit made on 5 April 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/D1265/D/21/3288145

Whitmore Cottage, Brook Lane, Woodlands, Wimborne BH21 8LT

- 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 Alex Hilton-Baird & Ms Y Surnina against the decision of Dorset Council.
 - The application Ref 3/21/0981/HOU, dated 12 May 2021, was refused by notice dated 7 October 2021.
 - The development proposed is a single storey rear infill extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The main parties have referred to various development plan policies and I have been provided with copies of a number of policies by the Council. I have therefore had regard to these development plan policies where relevant to the proposal, notwithstanding that they were not referred to in the Council's decision notice.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be 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 it.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings within the Green Belt is inappropriate. There is a closed list of exceptions to this in paragraph 149 of the Framework. One of which relates to 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 (paragraph 149 c)). Policy KS3 of the Christchurch and East Dorset Local Plan: Part 1 - Core Strategy (adopted 2014) (Core Strategy) provides

that, amongst other things, the most important purposes of the Green Belt in the area are to protect the separate physical identity of individual settlements in the area by maintaining wedges and corridors of open land between them, and to maintain an area of open land around the conurbation.

5. Reference has also been made to 'saved' Policy GB3 of the East Dorset Local Plan (adopted 2002) (Local Plan), which provides that, amongst other things, within the Green Belt, extensions to or replacements of existing dwellings will only be allowed where the size and scale of a proposed extension does not dominate the existing dwelling. Although the proposed extension would be a single-storey infill and so would not dominate the existing 2-storey property, Policy GB3 pre-dates the Framework and contains a different list of exceptions, meaning that Policy GB3 must be given limited weight. As such, the Framework is the primary consideration under this main issue.
6. Similarly, the supporting text to Policy GB3 provides that the Council will only use as a general guideline whether the extension is greater than 50% or 140sqm of the gross residential floor area of the dwelling as it existed when the Green Belt was designated on 5th February 1980. Considering that this is a 'general guideline' which pre-dates the Framework it has been given limited weight in guiding my assessment under this main issue.
7. The appellants have referred to the visual impact of the proposal. However, paragraph 149 c) of the Framework specifically refers to 'size', in considering whether any disproportionate additions over-and-above the original building would occur. Accordingly, that is the focus of my assessment under this main issue. The Framework includes a definition of 'original building' as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
8. I have been provided with copies of maps which show the approximate size and shape of the building in 1887, 1888, 1901, and in 1902, i.e. before 1 July 1948. I have also been provided with a copy of a 1955 plotting sheet and a 1963 map which are not identical to each other in terms of the footprint of the building. As such, based on the evidence before me, the exact size of the original building for the purposes of paragraph 149 of the Framework is unclear. However, broadly-speaking, the sizes and shapes shown favour the interpretation of the original building as put forward by the appellants, which includes a rear extension across the entire rear building length and 2 side extensions, and therefore my assessment has been made on this basis.
9. The appeal property was extended in 1987¹. Plans relating to that grant of planning permission have not been provided. However, from my observations on site and the historic maps provided by the parties, it appears that at the very least a substantially-sized 2-storey extension was erected to the west of the property, following that grant of permission. Based on my observations, it appears that this 2-storey extension involved a considerable uplift in both floor area and volume over-and-above the original building.
10. The proposal for a rear infill extension would augment the property still further. Although the proposed extension would be confined to a single-storey it would effectively add an additional large room to the property, which would involve a corresponding increase in the scale, massing, and bulk of the existing property.

¹ 3/87/0970/FUL

11. When considered in conjunction with the substantially-sized 2-storey extension built following the 1987 grant of planning permission, in my view the proposal would result in a disproportionate addition over-and-above the size of the original building, in conflict with paragraph 149 c) of the Framework. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework. Inappropriate development is, by definition, harmful to the Green Belt. It follows from this finding of inappropriateness, that the proposal would conflict with the purpose of the Green Belt in terms of its assistance in safeguarding the countryside from encroachment.

Openness

12. The Framework denotes openness as an essential characteristic of the Green Belt. Considering the advice given in the Planning Practice Guidance², the openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
13. The appeal property is set well-back from Brook Lane and the infill extension would be positioned to the rear of the property. Much of the site is enclosed by shrubbery and trees. As such, views of the proposal from public vantage points would be minimal. Nevertheless, whilst the proposal would have a limited effect on openness in visual terms, it would augment the scale, bulk and massing of the appeal property, which would reduce the openness of the Green Belt in spatial terms. This reduction in openness would be limited and localised but it would result in harm to the Green Belt.

Other Considerations

14. The Framework makes it clear at paragraph 148 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. No concerns have been raised by the Council with respect to the design philosophy of the proposal, the proposed materials, the effect of the proposal on the character and appearance of the area or the surrounding landscape, the living conditions of future occupiers and neighbouring occupiers, access, parking, highway safety, flood risk, drainage, the setting of The Gardens (a Grade II listed building), the neighbouring ancient woodland, protected heathlands, and arboricultural matters. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.
16. Similarly, although the proposal would somewhat improve the appearance of the appeal property this would merely serve to maintain the character and appearance of the area. Hence, this is a neutral factor, which does not weigh in favour of the proposal.
17. The proposal would improve the living accommodation available to the appellants. However, as this would mainly be a private benefit, this has been

² Paragraph 64-001-20190722

given limited weight. The proposal would make an efficient use of land but considering its small scale in the context of the appeal site as a whole I have given this matter limited weight.

18. I have had regard to a fall-back position, which relates to the potential exercise of permitted development rights for a rear extension. On the evidence before me, I consider that there is a real prospect that these rights could be implemented in the event that this appeal is dismissed. I note that such an extension could potentially extend to near the boundary of the site.
19. Nevertheless, as that extension would be situated to the rear of the property its impact on the openness of the Green Belt would be similar to that which would arise via the appeal proposal in visual terms. Furthermore, whilst I have taken account of the appellants' calculations regarding the potential uplift in volume envisaged, there is only a short distance between the existing built form of the appeal property and the rear boundary, meaning that the impact of that extension on the openness of the Green Belt in spatial terms would not likely be significantly greater than that which would arise via the appeal proposal. For these reasons, and considering that a condition could be imposed restricting the use of permitted development rights in the event that this appeal is allowed, the fall-back position has been given no more than moderate weight in favour of the proposal.

Balancing of Considerations

20. The proposal would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters carry substantial weight. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy KS3 of the Core Strategy, or 'saved' Policy GB3 of the Local Plan, or the Framework, and consequently would be unacceptable.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR