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## Appeal Decision

Site visit made on 7 June 2022

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 August 2022**

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**Appeal Ref: APP/K3415/D/22/3295434**

**Green Lane Farm, Green Lane, Burntwood WS7 9HB**

- 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 Mrs Janine Bradbury against the decision of Lichfield District Council.
  - The application Ref 21/01887/FUH, dated 2 November 2021, was refused by notice dated 10 January 2022.
  - The development proposed is the erection of a two-storey rear extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the banner heading is taken from the planning application form. I have omitted the words "retrospective application", as these are not in themselves descriptive of development; nevertheless, the development for which permission is sought has already been substantially completed, and I was able to view it on my site visit.

### Main Issues

3. The appeal site is within the Green Belt. Accordingly, I consider that the main issues are:
  - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposed extension on the character and appearance of the host building and the area; and
  - If the proposal would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

### Reasons

4. The appeal site is a two-storey detached farmhouse dwelling in the countryside a short way north-east of the town of Burntwood, within the West Midlands

Green Belt. There are various agricultural buildings to the north of the dwelling; these are also within the appellant's ownership, along with fields north of the dwelling and to the south on the other side of Green Lane.

5. The development for which permission is sought is the erection of a two-storey rear extension. This has already been substantially constructed, although I understand not totally completed (for example, there are walls of exposed blockwork which the appellant intended to finish with render).

*Whether or not inappropriate development in the Green Belt*

6. The Government attaches great importance to Green Belts. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances, while Paragraph 149 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 149(c), 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". Policy NR2 of the 2015 Lichfield Local Plan ("the LLP") also seeks to protect the Green Belt in line with national policy, and in respect of the construction of new buildings simply refers to the list of exceptions in the Framework.
7. The Framework's glossary explains that "original" in this case means "the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". The oldest part of the dwelling is a linear farmhouse approximately on a north-south alignment. A former barn converted to a self-contained residential annex links the farmhouse to its garage; these are connected to the northern end of the farmhouse, and together give the property as a whole an L-shaped footprint. Old Ordnance Survey maps submitted by both main parties suggest that the farmhouse had essentially taken this form by 1948 and thus it can be taken to represent the "original building" for the purposes of this appeal (notwithstanding that, as the appellant suggests, the garage which is there today may be a more modern rebuild of an older outbuilding).
8. The extension for which permission is now sought has been built off the rear wall of the main dwelling, from which it projects to a depth of around 7.4m. In the Planning Statement submitted with the planning application it was stated that the footprint of the house prior to the extension was 228m<sup>2</sup>, while the footprint incorporating the extension is 328m<sup>2</sup>. The appellant therefore calculates that the footprint has been increased by "just over 40%". The Planning Statement also indicates that the "original" built volume was 567.1m<sup>3</sup>, and the extension has added 244.8m<sup>3</sup>; again, this is described as "an increase of just over 40%".
9. The Council takes issue with the "footprint" figure in particular, stating that it in fact represents the internal floorspace of the building (or the relevant parts of the building) rather than the actual footprint. Despite the Council's concerns about the accuracy of the appellant's figures though, it has not provided its own calculations of the footprints, so there is no alternative measurement before me. However, based on the layout of the building shown on the submitted drawings, it appears likely that the appellant's methodology has, at least slightly, inadvertently underestimated the increase in the building's footprint which has resulted from the scheme.

10. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition, nor have I been referred to any such figures in the Council's development plan policies or Supplementary Planning Documents. Based on my experience elsewhere though, an increase in volume of around 33% to 40% would typically mark the threshold beyond which an extension would be likely to be considered "disproportionate". Even taking the appellant's estimate of a "just over 40%" increase at face value, I consider that the extension has enlarged the original building by a significant amount.
11. The extension has also introduced a large new amount of built mass alongside the original dwelling. The 7.4m or so by which the extension projects beyond the rear elevation is greater than the approximately 5.75m depth of the original building. The bulk and massing of the rear extension has also changed the form of the property, transforming the previously slender long side of the "L" into an almost square building. However it is assessed, the extension represents a substantial alteration to, and expansion of, the original form of the appeal property.
12. I consider that, whether taken in terms of footprint, floorspace or volume, or its visual impact on the scale of the dwelling, the extension represents a substantial and disproportionate addition over and above the original building. Consequently, it does not fall within the exception described in Paragraph 149(c) of the Framework, and is inappropriate development in the Green Belt. By definition, it is therefore harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 148 of the Framework.

#### *Openness of the Green Belt*

13. A fundamental aim of Green Belt policy, set out in Paragraph 137 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In considering the effects of the development, I have had regard to the *Samuel Smith*<sup>1</sup> and *Turner*<sup>2</sup> judgments to which the appellant referred. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what existed at the site before the extension was erected.
14. As I have described above, the extension has significantly increased the amount of built form on the appeal site. It has therefore reduced the spatial openness of the Green Belt. Although the extension has two storeys, it has been built so that the roof ridge is below that of the original dwelling, and so while the side of the extension is visible from the front of the property it does not dominate that aspect. The new west-facing gable can be seen in views from Green Lane to the west of the appeal site, although at the time of my site visit this took the form of glimpses above hedgerows and between trees which were in full leaf. The vegetation provides some visual screening (although I recognise that this could not be guaranteed to persist), but nevertheless there has been a small reduction in the visual openness of the Green Belt.
15. Overall, the extension has resulted in there being a harmful loss of the openness of the Green Belt. While this is small in the context of the Green Belt

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<sup>1</sup> *Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council* [2020] UKSC3

<sup>2</sup> *Turner v. SSCLG* [2016] EWCA (Civ 466)

as a whole, once again the Framework is clear that substantial weight should be given to any harm to the Green Belt. The development also conflicts with Policy NR2 of the LLP, which seeks to ensure that development retains the openness of the Green Belt and which is consistent with the Framework in this regard, and with Core Policy 3 of the LLP which among other things seeks to ensure that development is of a scale and nature appropriate to its locality.

### *Character and appearance*

16. As I have already described, the rear extension has dramatically altered the overall form of the original dwelling, replacing the linear emphasis of its L-shape with a bulkier and squarer form. While the rear gable reflects (in overall form, if not detail) other gables on the farmhouse, the large areas of flat roof on either side reduce its visual impact, and are at odds with the prevailing use of pitched roofs for the original dwelling. Finally, the large areas of timber cladding and red brick clash visually with the rendered finish of the original dwelling. I note the appellant's suggestion that they would be willing to accept the imposition of a condition requiring the rendering or painting of the brickwork, but while that may address one particular aspect of the extension's impact it would not deal with the other harm caused by its bulk and form.
17. I conclude that the extension, because of its size, scale and detailing has unbalanced, overwhelmed and is visually at odds with the original dwelling. As a result, it is harmful to the character and appearance of the host building and the wider area. The proposal therefore conflicts with Core Policy 3 and Policy BE1 of the LLP, and with Policies B5 and B6 of the 2021 Burntwood Neighbourhood Plan. Together, and among other things, these policies seek to deliver high quality development which contributes to the sense of place and reflects local identity and character. It also conflicts with the requirements of Chapter 12 of the Framework which seek to achieve well-designed places which are sympathetic to local character.
18. *Other considerations*
19. The appellant suggested that an extension similar in scale and form to that which has already been built could be erected under permitted development rights. I note from the appellant's statement that a "prior approval" notification was refused by the Council earlier this year<sup>3</sup>. The appellant describes this as having been "refused on a technicality", as prior approval cannot be given for a development that has already been built.
20. There is nothing before me to indicate that permitted development rights have been restricted or removed in respect of the appeal property. It is also self-evident that the appellant has an obvious desire and intention to extend the property if possible. It appears to me therefore that there is a very real prospect of some form of scheme using permitted development rights being implemented in the event of my dismissing this appeal, and this is therefore a legitimate fallback position for the appellant.
21. The appellant suggests that the only significant difference between the extension in this appeal and one which could be built as a fallback scheme is its height, with the "as built" extension being "only an additional 1,515mm" above the 4,000mm limit allowed as permitted development. In my view however,

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<sup>3</sup> LPA Ref: 22/00260/PNH

going 1.5m or so beyond a 4m height limit is a significant, rather than a marginal, difference in scale.

22. Furthermore, the development which has been carried out is (and has consistently been described as) a two-storey extension. There are limitations on the depth of an extension of more than one storey which can be built using permitted development rights. The evidence before me does not clearly demonstrate that an extension possible as permitted development scheme could be as substantial as the appeal scheme. I therefore find that the appeal scheme is larger, and has a significantly greater effect on the openness of the Green Belt (visually and spatially), than an extension which could be built as permitted development. Accordingly I conclude that the fallback position does not carry significant weight in favour of the appeal scheme.
23. I note the additional statement provided by the appellant, indicating that the extension was built as a result of a "basic desperate need" to provide additional family accommodation, including a requirement to support an elderly parent with round-the-clock care needs. I am not unsympathetic in respect of that point, although no further evidence has been offered to support it, and the scheme which has been built appears to go way beyond simply providing the "disabled facilities, ground-floor bedroom and carers facilities" which the appellant describes as "absolutely essential".
24. I also acknowledge the appellant's desire to provide a multi-generational family home. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. The appeal proposal would result in a disproportionate extension in the Green Belt which would be likely to remain in place long after the current personal circumstances have ceased to be relevant.

## **25. Planning Balance and Conclusion**

26. The proposal is inappropriate development in the Green Belt, and harms the openness of the Green Belt, conflicting with Policy NR2 of the LLP which seeks to protect the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 148 of the Framework. In addition, the extension is also harmful to the character and appearance of the host building and surrounding area, and there is further conflict with the development plan in this regard.
27. I have considered and weighed the benefits of the scheme which have been put to me by the appellant. However, for the reasons I have set out above, I consider that the substantial weight to be given to the Green Belt harm arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

*M Cryan*

Inspector