

Appeal Decision

Site visit made on 11 July 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W4325/D/22/3296063

Gills Lane Farm, Gills Lane, Barnston, CH61 1AH

- 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 & Mrs Beaver against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/02162, dated 11 November 2021, was refused by notice dated 3 March 2022.
 - The development proposed is demolition of existing conservatory, erection of single storey side extension and two storey rear extension. General interior alterations. Proposed driveway alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. During the determination of the planning application the description of development was amended to remove the proposed driveway alterations. The Council determined the application on that basis and so have I.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - the effect on the openness of the Green Belt.
 - whether any 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 required to justify the proposal.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The Framework establishes that new buildings in the Green Belt are inappropriate, except in certain circumstances including where they involve an

extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 149c. Original building, the Framework explains, is a building as it existed on 1 July 1948 or, if it was constructed after that date, as it was built originally.

6. The Framework does not explain what a disproportionate addition means. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement. Policy GG2 of the Wirral Unitary Development Plan (2000) (LP) seeks to permit extensions provided that the floorspace of the resultant dwelling is no more than 50% larger than that of habitable floorspace of the original dwelling.
7. In this case the dwelling has been previously extended on two occasions with the addition of single storey rear extensions, a conservatory and a two storey rear extension which together have increased the volume of the original building above the 50% guideline. The appeal proposal would demolish the conservatory.
8. There is disagreement between the parties on the size of the original building. In the absence of evidence which would enable me to draw a conclusion on the increase in floorspace from the original building, another way of assessing the matter is to consider the visual impact of the proposal against the appearance of the original building. In this case, when combined with the existing extensions, the bulk and massing particularly of the first floor extension, would appear as a very substantial extension to the dwelling. The increase in ridge height, when combined with the depth of the proposal, would result in an extension that would not be subservient to the existing dwelling. As such it would be a disproportionate addition over and above the size of the original building and inappropriate development in the Green Belt.
9. My attention has been drawn to other appeals. On my reading of the decisions, it is clear that the Inspectors used the evidence before them to and their planning judgement to assess the merits of the cases. In the Solihull case¹ the Inspector concluded that the scheme would have resulted in subservient extension and that there would be no harm to openness, whereas in the Shenley case² the proposal was found to be subordinate. In any event I have determined this appeal on site specific circumstances of this case. Accordingly, these other developments carry only limited weight in support of the proposal.
10. Consequently, on the basis of all I have seen and read, the proposal would constitute a disproportionate addition to the dwelling and would not therefore fall within exception set out in paragraph 149 of the Framework. It would therefore be inappropriate development in the Green Belt.

Effect on openness

11. Openness and permanence are essential characteristics of the Green Belt. Although the scheme would result in a modest increase in the footprint of the dwelling, it would substantially increase the mass and bulk of the building at first floor level. The increases in built form, would result in harm, albeit limited, to the openness of the Green Belt in visual and spatial terms.

¹ APP/Q4625/A/07/2034664

² APP/N1920/D/17/3171638

Other considerations

12. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
13. In order to demonstrate very special circumstances, the appellant has indicated that the property could be extended under permitted development rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. This has not been challenged by the Council and I have no reason to consider that permitted development rights do not exist. There is therefore a possibility that if the appeal were to fail, alternative development in the form of a single storey extension and potential dormers could be constructed. However, the appellant has not applied for a Certificate of Lawfulness for this development and as the accommodation proposed would not necessarily provide the same first floor bedroom accommodation the appellant is seeking, there is no certainty that the alternative development would be carried out.
14. In addition, the degree of weight to be given to the fallback position depends on whether it would be equally or more harmful than the scheme proposed. As set out above, the fallback position differs from the appeal proposal in that the form of the development in that case would be restricted to single storey elements and possible dormers. For this reason, the proposal, although more limited in terms of its increase in footprint and floorspace would, due to the increase in bulk and massing at first floor level, have a greater impact on the Green Belt than the fallback position. Taking all these matters into account, the fallback position carries limited weight in favour of the proposal.
15. I note that the Dorset appeal³ considered the fallback position and concluded that there was a realistic prospect of the fallback position being adopted and that it would have a greater impact on the form of the dwelling and on openness.
16. I also note the appeal proposal would allow the internal reconfiguration of the dwelling to allow modern family living. However, as a personal preference of the appellant, this attracts only limited weight in favour of the proposal.

Green Belt Balance and Conclusion

17. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. In accordance with the paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, there would be limited harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.
18. The other considerations put forward in support of the proposal attract limited weight in favour of the proposal. Consequently, they do not clearly outweigh the substantial harm as set out above. Therefore, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the

³ APP/U1240/D/19/3228676

Framework, and policies GB2 and GB5 of the Wirral Unitary Development Plan which together seek to protect the Green Belt.

Conclusion and Recommendation

19. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

George Baird

INSPECTOR