The Planning Inspectorate

Appeal Decision

Site visit made on 30 August 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/Y3940/D/22/3299918
Westcross Henley Lane, Box, Corsham SN13 8DB

- 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 Kirsten Williams against the decision of Wiltshire Council.
- The application Ref PL/2021/06729, dated 4 July 2021, was refused by notice dated 25 March 2022.
- The development proposed is Erection of a two-storey side extension, replacement of existing windows and over cladding the rear of the existing property.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was noted that the appellant details on the appeal form were different from the applicant details on the application form. Clarification was therefore sought on the matter. The applicant was Mrs Kirsten Williams, the wife of Mr Matthew Williams who is the appellant. There is a clear relationship between the applicant and the appellant. As only the person who made the planning application can make an appeal, the name in the banner heading above is that of the applicant.

3. Since the original application was submitted, the over cladding of the existing property referred to in the description in the banner heading above was removed. Furthermore, the cement board cladding shown on the proposed extension was changed to timber cladding, albeit the plans were not amended to reflect this change in materials. The appellant has confirmed that this change in materials was confirmed in writing. I have therefore determined the appeal on this basis.

4. The Officer's report refers to a first-floor level balcony and a double garage, neither of which are shown on the proposed plan. The appellant has confirmed that neither of these features are proposed as part of the appeal proposal. I have therefore discounted the Council's references to both of these features.

Main Issues

5. The main issues are:

    - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;

    - The effect of the development on the openness of the Green Belt;

- whether the proposed development would conserve or enhance the natural beauty of the landscape within the Cotswolds Area of Outstanding Natural Beauty; and,
- Whether 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 required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

6. The appeal site falls within land defined as Green Belt. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 149 and 150 of the Framework list a number of exceptions to this. One of the exceptions, criterion 'c' of paragraph 149, 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.

7. 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. I note that the Council advised the appellant as part of a pre-application enquiry that 'as a general guide, it is considered that the volume of extensions to dwellings…..should amount to no more than approximately 30% of the volume of the original dwelling'. However, the Council does not have a local green belt policy which states this figure.

8. The appeal proposal would see the existing modest 2 storey cottage extended with a substantial 2 storey side extension. To facilitate the proposal, 2 porches and an existing greenhouse attached to the existing cottage would be removed, as well as a number of existing outbuildings to the side and rear of the main dwelling.

9. The proposed extension would be greater in volume than the existing cottage. Notwithstanding the volume calculations provided by the appellant, including those incorporating the existing outbuildings, the extension would amount to a sizeable addition to the property, and one which I find to be disproportionate over and above the size of the original building.

10. I note that the appeal scheme has been reduced in volume from the scheme that was presented as part of the pre-application enquiry. However, even based on the 30% guide provided by the Council, the proposal would still exceed this figure and would represent a substantial extension to the existing cottage.

11. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with the associated policies of the Framework, as set out in Section 13.

Openness

12. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their

permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

13. The proposal would introduce a 2 storey structure into a space which is only currently partly occupied by a number of detached outbuildings. The existing outbuildings, which may not be of any particular architectural merit, sit relatively unobtrusively in the Green Belt, without causing any harm to visual openness, in part due to their single storey nature and siting along the side boundary of the appeal site. The visual intrusion of the proposal, and its erosion of three-dimensional space arising from its size and bulk, would inevitably lead to a loss of openness. Therefore, the proposal would conflict with paragraph 137 of the Framework which identifies openness as an essential characteristic of Green Belts.

Cotswolds Area of Outstanding Natural Beauty (AONB)

14. Westcross in situated on the southern edge of the hamlet, with ribbon development located along Henley Lane. It is a modest detached cottage, constructed of Bath Stone. There is currently a flat roofed rear extension which runs along the majority of the rear elevation. As noted above, there are a number of existing outbuildings on site, which are constructed of a mixture of stone and timber. The site lies within a relatively rural setting, with open agricultural fields situated to the east, west and south. There is also a small group of agricultural buildings situated to the north west of the appeal site, on the opposite side of Henley Lane. The dominant building material for domestic properties in the hamlet is stone, although I noted on my site visit that rendered stone/blockwork, and tile cladding were also used on nearby dwellings. The existing cottage and its surroundings retains its rural character, and thus contributes positively to the natural beauty of the landscape within the Cotswolds AONB.

15. The scale of the proposed two storey extension would double the size of the existing property, dominating the modest cottage. The design of the extension would have the gable fronting Henley Lane. This would result in an uncomfortable juxtaposition with the more traditional form of the existing dwelling, which has its eaves facing Henley Lane. The use of black timber cladding on the upper half of the extension, rather than making a visual reference to the agricultural building opposite, would in fact further emphasise the proposal's incongruity in the rural area.

16. I note the findings of the Visual Impact Assessment (VIA). However, as I noted on my site visit, views of the site are also possible from Henley Lane further to the north, across the open fields. This viewpoint was not covered by the VIA. From this viewpoint, the proposed extension would be visible, which due to its dark colour and blank side elevation, would appear harsh, in stark contrast with its rural setting.

17. I acknowledge the removal of some of the existing structures which do not particularly contribute positively to the immediate or wider landscape. However, their replacement with a substantial extension that would fail to conserve or enhance the natural beauty of the landscape within the AONB would be unacceptable.

18. I note that the pre-application advice acknowledged that 'the extensions proposed are of high quality design, using high quality materials which would sit well within the rural setting'. I do not have full details of the scheme submitted as part of the pre-application enquiry. Furthermore, ultimately the Council as part of this advice advised that the scheme which was submitted would harm the AONB. Nevertheless, any positive feedback given as part of any pre-application discussions does not warrant allowing the appeal.

19. I note the other examples of nearby modern dwellings, in support of the use of the proposed timber cladding. However apart from the photographs, I have been provided with no information on these other developments. Nevertheless, the fact that similar modern developments exist in the area is not a reason, on its own, to allow unacceptable development in the above context. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.

20. I conclude that the proposal would fail to conserve or enhance the natural beauty of the landscape of the Cotswolds AONB. The proposal would be contrary to Core Policy 51 of the Wiltshire Core Strategy (Core Strategy) (adopted January 2015) which states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, and that great weight will be afforded to conserving and enhancing landscapes and scenic beauty of the special qualities of the AONB. It would conflict with Core Policy 57 of the Core Strategy, which sets out that a high standard of design is required in all developments, including extensions. It also expects development to create a strong sense of place through being complimentary to the locality and relating positively to its landscape setting.

21. The proposal would also conflict with the principles within Chapter 15 of the Framework in regard to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regard to conserving and enhancing landscape and scenic beauty within the AONB.

Other Considerations

22. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and that 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. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, taking in to account the erosion of openness and the conflict with one of the purposes of the Green Belt, so as to provide the very special circumstances required to justify a grant of planning permission.

23. The proposal would include photovoltaics to ensure a highly sustainable design. It has been designed to include measures that would meet the appellant's immediate and long term needs to become a sustainable home for life that can accommodate their growing children and cater for elderly relatives for their additional care requirements. I note the existing outbuildings are currently used as a home office and utility area and that the proposal would include these uses within the main dwelling, meeting the appellant's needs. However, I am not persuaded that the proposal is the only means of incorporating the

above uses into the main dwelling. These benefits have moderate weight in favour of the scheme.

24. The appellant refers to a number of approved planning applications in the Green Belt and challenges the lack of consistency between the planning applications, particularly in regard to the volume increase. I have not been provided with full details of these approvals in order to be able to draw a comparison with the scheme before me. I therefore only attach these other approved applications limited weight in my decision.

Other Matters

25. The appellant argues that the offer of the Council for free pre-application advice, should they have withdrawn the appeal application, was unfair and unethical. However, this is an administrative matter and does not materially affect my consideration of the planning merits of the appeal proposal.

26. I note the lack of objection from the Council in regard to the living conditions of neighbouring occupiers, as well as the lack of objection from the Council's Highway Department. I have no reason to come to a different conclusion on these matters. However, these matters do not alter or outweigh my findings on the main issues set out above.

Conclusion

27. I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework. The proposal has harmful implications for the Green Belt in terms of inappropriate development, as a result of the erosion of the openness of the Green Belt. The scheme, due to its scale, siting, design and materials, would also fail to conserve or enhance the natural beauty of the landscape of the Cotswolds AONB.

28. My analysis above leads me to give moderate weight to the provision of a sustainably designed extension which would result in a dwelling to meet the appellant's immediate and long term needs but only limited weight to the other planning applications cited in support of the proposal. However, 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 development do not exist. As such, the proposal would be contrary to the Framework, which seek to protect the Green Belt from inappropriate development.

29. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR