



Appeal Decision

Site visit made on 24 August 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/R1038/D/22/3300460

2 Birdfield Farm, White Lane, Ridgeway, Derbyshire S12 3GB

- 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 James Green against the decision of North East Derbyshire District Council.
 - The application Ref 22/00194/FLH, dated 28 February 2022, was refused by notice dated 5 May 2022.
 - The development proposed is a two storey side extension and single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposed development would preserve or enhance the character or appearance of the Moss Valley Conservation Area; and,
 - 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

Whether inappropriate development

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.
4. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building, providing that the extension would not result in a disproportionate addition over and above the size of the original building.

Policy SS10 of the North East Derbyshire Local Plan (Local Plan) reflects national policy in this regard.

5. There are no definitions provided of 'disproportionate addition' in either this Local Plan policy or in the Framework and what constitutes a disproportionate addition is a matter of planning judgement for the decision-maker. The Council has stated that the proposal would result in an increase in volume by around 50% over the size of the original building and this has not been disputed by the appellant. The two storey part of the extension would be located to the side of the existing dwelling. Although the appellant states that the side extension has features such as a setback at first floor level and a lower ridgeline that ensures it is seen as a subordinate addition to the existing house, it would significantly increase its width, extending across most of the width of the appeal site. Given most of the proposal is two storey, I consider the scale of the proposal would result in it being a disproportionate addition over and above the size of the original building.
6. I therefore conclude that the proposed development would be inappropriate development. As such, it would be contrary to Paragraph 147 of the Framework and Local Plan Policy SS10 which state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

7. The proposed extensions would be seen within an existing group of buildings, but they would nevertheless involve significant additional built form, which would be clearly seen from White Lane. As such, the change from the existing situation would impact on both the spatial and visual aspects of openness.
8. I therefore conclude that the development would fail to preserve the openness of the Green Belt and it would be contrary to Paragraph 137 of the Framework and Local Plan Policy SS10, which seek, amongst other matters, to preserve the openness of the Green Belt.

Conservation Area

9. The appeal property is situated in the Moss Valley Conservation Area (Conservation Area) amongst a small cluster of buildings. The surrounding area is characterised by similar groups of buildings, of varying ages and styles which are surrounded by open land. The differing land levels provide views over surrounding fields which alongside the sporadic nature of development, results in the area having a distinctly rural character.
10. I appreciate the appeal building and the adjacent semi-detached dwelling have a simple form, typical of buildings that can be found in urban settings. Some of the surrounding buildings have been subject to alterations and are in a poor state of repair and I was also able to see modern structures that are present nearby. Despite the site now having a different appearance to the original agricultural buildings that existed on the site previously, the arrangement of buildings on the site currently, still provides for views of the surrounding rural countryside.
11. The proposal would close a gap that exists between the appeal building and the terrace to the west. There is an existing porch structure to the west of the main two storey part of the appeal building, but this is a much smaller single storey

structure than the appeal scheme. The proposed side extension, although reflecting the simple form of an extension on the adjacent property, would be wider than the existing porch structure and the majority of it would extend over two storeys. It would therefore result in an appreciable change from the existing position and the reduction in this visual gap would be detrimental to the rural character of the area.

12. I conclude that the proposed development would not preserve or enhance the character or appearance of the Conservation Area. The harm to the Conservation Area would be less than substantial and therefore in line with paragraph 202 of the Framework this harm should be weighed against any public benefits of the proposal.
13. The appellant has stated that the extension is the minimum size to allow the occupancy of the property as a family dwelling. It currently contains 2 usable bedrooms and that a third bedroom is currently small and below the minimum size requirement of 7.5sqm for a single bedspace. The proposal however doesn't seek to alter the size of this third bedroom and instead seeks to add a fourth bedroom. Whilst the proposal seeks to bring the dwelling up to modern standards, I am not convinced based on the evidence before me, that this is the only means to achieve this and whether a smaller extension could still provide the same benefits, enabling it to be occupied by an agricultural worker and preventing its further deterioration.
14. Consequently, the public benefits that would arise from the proposal do not outweigh the harm that would be caused to the heritage asset. Accordingly, the proposal conflicts with the Framework in terms of its aims to sustain and enhance the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
15. It would conflict with Local Plan Policy SDC5, which seeks, amongst other matters, to ensure that development proposals preserve or enhance the character or appearance of the Conservation Area. It would also conflict with Section 16 of the Framework which states that great weight should be given to an asset's conservation.

Other Considerations

16. The appeal proposal would, as I have set out above, result in an increase in the size of a dwelling, and enable its occupation, in this case by an agricultural worker who currently resides some distance away. It would also prevent the further deterioration of the building. Whilst I accept that bringing an unimproved small home to modern standards may provide a justification for a larger addition, in this instance, for the reasons I have set out earlier in this decision, I have not been presented with evidence that the extensions are of the minimum size to achieve this.
17. The appellant has stated that the proposal is in keeping with the form of the extension on the adjoining property. Whilst it reflects certain aspects of the extension on this neighbouring property, such as its simple appearance, the proposal comprises predominantly of a two storey addition, unlike the single storey extension at the neighbouring property. As such, it would appear significantly larger than that on this neighbouring property. In any event, I am

not aware of the full circumstances of this referenced extension, and I have determined this appeal before me on its own merits.

Conclusion

18. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, in this case, harm to the character and appearance of the Conservation Area, is clearly outweighed by other considerations.
19. I attach limited weight to the proposal bringing the appeal dwelling up to modern standards, to enable it to be occupied and to prevent its further dilapidation.
20. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. Therefore, having regard to footnote 7 of the Framework, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed.
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, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR