



Appeal Decision

Site visit made on 6 December 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/B1550/D/22/3298474

New Buildings Farm, Mucking Hall Road, Barling Magna SS3 0NR

- 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 and Mrs J Bacon against the decision of Rochford District Council.
 - The application Ref 21/01321/FUL, dated 13 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is alteration to existing dwelling house to create infill accommodation between existing buildings.
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Decision

1. This appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposal 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

Whether the proposal would be inappropriate development

3. The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
4. Of relevance to this appeal is that 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater

impact on the openness of the Green Belt than the existing development' is listed as an exception at paragraph 149g. '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' is also listed as an exception at paragraph 149c.

Whether the extension would be disproportionate

5. The existing main dwelling has floorspace of 117sqm, which includes extensions from the original building. The proposed extension would be 65sqm.
6. Policy DM17 of the Waverley Borough Local Plan 2002 (LP) states that extensions to dwellings in the Green Belt should result in no more than a 25% increase in internal floorspace of the original dwelling. The main parties agree that the proposed development would not meet this criteria.
7. The extension proposed would result in a considerable increase in the footprint of the original building. Although the proposed roof would be lower in height than the main ridge, it would nevertheless introduce a pitched roof. Consequently, there would be significant additional bulk across both ground floor and roof level compared to the original building.
8. Therefore, the proposed development would result in a disproportionate addition over and above the size of the original building.

Limited infilling

9. The proposed development would be an extension to the dwelling and would be sited between the main dwelling and an outbuilding and carport. I have no reason to find that this development could not be infilling for the purposes of paragraph 149g of the Framework. As such I turn to assess whether it would be limited.
10. I am provided with the dimensions of the existing main dwelling (117sqm). The plot also includes an outbuilding which appears to be around half the size of the main dwelling and an open sided car port which is a similar size to the proposed extension of 65sqm. These face onto an internal courtyard and are linked together by an original 2.5m brick wall.
11. Compared to the existing residential development on site the proposed extension would result in a considerable increase in floorspace and built form. Furthermore, the proposed development would alter the site from its current arrangement with two separate residential structures linked by a wall, to a single larger 'U' shaped mass, albeit the car port would remain open on one side. The extension would be significantly larger and bulkier than the existing wall. As such I find this infilling not to be limited in the context of this site and appeal scheme. Under paragraph 149g I am also required to consider the impact on openness.

Openness

12. Openness has both spatial and visual dimensions. I understand that there was previously a covered cattle feed area on the site where the extension is proposed, and I saw evidence of this. However, it no longer exists.
13. The proposed extension would be enclosed on three sides by the dwelling, a wall, the car port and outbuilding. However, the proposed roof would project

above the existing wall to the same height as the car port. Additionally, from the south there would be a clear difference between a wall with open hardstanding in front, to a domestic extension which would extend into the site. The proposed extension would therefore be perceived from within the site and from the adjoining dwellings. Consequently, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.

14. Furthermore, the proposal would introduce a notable amount of built form where currently there is none, and therefore there would be harm to spatial openness.
15. As such, for the reasons above, the proposed development would have a greater impact on the openness of the Green Belt than existing.
16. Consequently, the appeal scheme would be inappropriate development in the Green Belt in the terms of the Framework and Policy DM17 of the LP. It would also be harmful to the openness of the Green Belt and contrary to the Framework in this regard.

Other Considerations

17. The proposed design would reinstate the original farm courtyard and dimensions. However, the existing layout is not causing harm to the character and appearance of the area. As such, any benefit in this regard would be minimal. There are no objections to the detailed design or materials proposed. Nor are there objections from neighbours or the parish council. However, the lack of harm in these regards is a neutral factor.
18. The proposed development would also include photovoltaic panels, which would make a contribution to low carbon energy. However, given the scale of the installation on an individual property, any benefits in this regard are very minor.

Green Belt Balance

19. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
20. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework, the aims of which are set out above.

Conclusion

21. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles INSPECTOR