
Appeal Decision

Site visit made on 20 December 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/W3005/D/22/3293714

**The Mews Barn, Felley Mill Lane South, Underwood, Nottinghamshire
NG16 5DQ**

- 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 Steven Lewis against the decision of Ashfield District Council.
 - The application Ref V/2021/0770, dated 18 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is a conservatory & 4 x skylight windows to roof.
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Decisions

1. The appeal is dismissed insofar as it relates to the conservatory.
2. The appeal is allowed and planning permission is granted for 4 x skylight windows to roof at The Mews Barn, Felley Mill Lane South, Underwood, Nottinghamshire NG16 5DQ, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used for the skylight windows to roof hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted, insofar as it relates to the skylight windows to roof hereby permitted only, shall be carried out in accordance with the approved plans.

Preliminary Matters

3. This appeal is one of three relating to the same site. The other two cases, referenced APP/W3005/W/22/3295894 and APP/W3005/W/22/3295897, relate to different proposals and are subject to separate decision letters.
4. The Council, in their officers report, and the appellant, in his appeal statement make reference to the quality of the plans and the supporting information to determine the application. Whilst the information provided is basic, I find that it gives a reasonable appreciation of what is proposed. The Council determined the application on this basis and so shall I.
5. The appellant has provided details of a development permitted by the Council for an 18 x 8 metre two storey dwelling in an adjacent field in the week preceding my site visit. He has asked that I take this matter into consideration when making my decision. The Council has been made aware of this request and provided with an opportunity to comment. As a result, I consider that no parties have been disadvantaged.

Main Issues

6. The main issues in this case are:

- Whether the proposed development would be inappropriate development in the Green Belt;
- The effect of the proposed development on the openness of the Green Belt;
- The effect of the proposed development on the character and appearance of the area; and
- If the proposed development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify it.

Reasons

Whether Inappropriate Development

7. Paragraph 149 of the National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate, subject to a number of exceptions. One of the exceptions set out in paragraph 149 c) of the Framework is the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines 'original building' as meaning the building as existed on 1 July 1948 or, if constructed after that date, as it was built originally.
8. Policy ST4 of the Ashfield Local Plan Review (adopted November 2002) (LP) deals with development outside the main urban areas and named settlements. It identifies that permission will only be given for development appropriate to the Green Belt. Policy EV1 indicates that the limited extension or alteration of existing dwellings is not considered inappropriate so long as it is located and designed so as not to adversely affect the purposes of the Green Belt and its openness. Whilst the development plan was adopted some time ago its aims are nevertheless broadly consistent with the approach in the Framework insofar as relevant to the appeal proposal. No quantitative guidance is provided in local or national policy regarding what might be considered disproportionate.
9. In the absence of substantive evidence as part of the appeal submission, I am unable to identify with any certainty what constituted the original building, nor am I able to quantify the degree to which it might have been extended. That said, given the scale of the proposed development in relation to the size of the host property, and the size of the garden within which it sits, I find that the proposal would not constitute a disproportionate addition.
10. Consequently, I conclude, on this main issue, that the proposed conservatory and skylights would not amount to disproportionate additions over and above the size of the original building, and therefore would not constitute inappropriate development in the Green Belt for the purposes of the Framework.

Openness

11. Unless there is a specific requirement to consider the actual effect on openness, the impact on openness is implicitly taken into account in the exceptions contained within Framework paragraph 149. The exception contained within paragraph 149 c) of the Framework does not say that an assessment of the effect of a proposal on openness is a determinative factor in assessing whether a scheme would fall to be considered as inappropriate development. Accordingly, there is no requirement to assess the impact of the extension and skylights on the openness of the Green Belt.

Character and appearance

12. The appeal site is located within a rural area, a short distance from the settlement of Underwood. The appeal property is set back from the public highway and comprises of a converted barn situated at the end of an unmade track. A hedge runs along its western boundary and a tall native hedge adjacent Felley Mill Lane South limits views from the south, however there is an open aspect in an easterly direction.
13. Whilst the conservatory would be relatively small in scale it would occupy a prominent position on the front of the host property. Moreover, its size, mass and design would not reflect the more traditional qualities of the former agricultural building to which it would be attached. As a result, it would appear as an incongruous feature within its rural setting to the detriment of the character and appearance of the area.
14. The proposed skylights would be of limited scale and would not be readily apparent from the surrounding area. Therefore, whilst noting the Council's concern that the residential use of the property would become more apparent, as a consequence of their provision, I find that this would not cause significant harm to the character and appearance of the area.
15. The appellant has referred to a number of decisions made by the Council permitting the erection of buildings in the locality, including an 18 x 8 metre two storey dwelling in an adjacent field. Insofar as the latter case is concerned, I am informed by the Council that the development related to a dwelling for an agricultural worker, and as a consequence it is not directly comparable with the appeal proposal. Furthermore, in the absence of substantive details of each of the other cases I am unable to assess with any certainty whether they are directly comparable with the case before me. In any case I have dealt with this particular case on its own merits.
16. The two elements of the development are severable, and given my findings above, I consider that there is an opportunity to issue a split decision allowing the proposed skylights and dismissing the conservatory.
17. Consequently, I conclude, on this main issue, that the proposed conservatory would be harmful to the character and appearance of the area contrary to Policy ST1 of the LP, Policy NP3 of the Jacksdale Underwood and Selston Neighbourhood Plan 2017 -2032 and the Framework. That said, I conclude that the proposed skylights would not be harmful to the character and appearance of the area and therefore would not conflict with Policy ST1 of the LP, Policy NP3 of the Jacksdale Underwood and Selston Neighbourhood Plan 2017 -2032 or the Framework. These policies, amongst other matters, seek high quality

design that does not adversely affect the character, quality or amenity of the environment.

Very Special Circumstances

18. Given my conclusion that the proposed conservatory and skylights would not constitute inappropriate development, it is not necessary for me to consider whether very special circumstances exist to justify the proposed development.

Other considerations

19. I acknowledge that the appellant has sought the advice of the Council prior to, and during consideration of the application, however this does not alter the conclusions that I have reached.
20. I have taken into account the appellants desire to provide space for occupants to remove outdoor clothing and footwear prior to entering their home. However, the proposal before me does not represent the only solution that would satisfy this requirement. This benefit does not outweigh the harm that I have identified above.
21. The Council indicate that the proposed development has the potential to have a negative impact on the Friezeland Grassland SSSI which lies adjacent to the site. They do not elaborate on what that impact might be or quantify the effect that would arise from the proposal. In this regard I note that Natural England have raised no objection to the proposal, subject to mitigation measures being secured to minimise the impact on the SSSI in the event that the appeal is allowed. That said, the Council have not refused the application on the basis of its effect on biodiversity or suggested a mechanism by which mitigation could be secured. Given the nature, and limited scale, of the proposal, I consider that it would be unlikely to increase recreational pressure upon the SSSI. Accordingly, the proposal would not have either a direct or indirect effect upon the integrity of the SSSI. No mitigation is therefore necessary in this case.

Conditions

22. With respect to the 4 x skylight windows to roof and in the interests of the appearance of the area and certainty, conditions relating to materials and the relevant drawing have been imposed.

Conclusion

23. For the above reasons, and having regard to all other matters raised, I conclude that a split decision should be issued, dismissing the appeal with respect to the conservatory and allowing the appeal with regards to the 4 x skylight windows to roof.

John Gunn

INSPECTOR