



Appeal Decision

Site visit made on 19 December 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/D1265/D/22/3302178

May Cottage, Piccadilly Lane, Shapwick DT11 9JY

- 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 Anne Tillin against the decision of Dorset Council.
 - The application Ref 3/21/1649/HOU, dated 11 August 2021, was refused by notice dated 8 April 2022.
 - The development proposed is described as side and rear extension to existing annexe, addition of rooflight.
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Decision

1. The 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 National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on openness and the purposes of including land within the Green Belt; and
 - 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 inappropriate development

3. May Cottage comprises a detached cottage set within spacious grounds. The locality has a rural character consisting of field enclosures, trees and hedgerow.
4. Paragraph 149 of the Framework indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to certain exceptions, including that listed under exception (c) "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". "Original building" is defined in Annex 2 of the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
5. Saved policy KS3 of the Christchurch and East Dorset Local Plan (adopted April 2014 (the Local Plan) sets out the purposes of the Green Belt and its boundaries but does not otherwise address detailed Green Belt policy in the

same way as the more recent Framework. Therefore, I have had regard to it only insofar as it relates to the purposes described.

6. May Cottage has already been enlarged by the addition of various extensions. A site plan contained in the Council's Officer's Report distinguishes the footprint of the original dwelling from the later additions that have been added to its sides and rear. These include a two-storey side extension, a rear extension and a large, roughly L shaped attached carport, garage and garden store (the 'annexe'). There are no details of the floor area or volume of those additions or the original dwelling. However, from a very basic deduction of the site plan together with my visual inspection of the property, those additions cover a sizeable area that is greater than the original dwelling.
7. The proposal would involve extending the length, width, and height of the annexe to facilitate, amongst other things, a ground floor bathroom and a new first floor containing a bedroom. This would appreciably increase its massing and take its height above the main dwelling's eaves.
8. According to the appellant, the total additional floor area created across the ground and first floor would be 68.4m². This would represent approximately a 30% increase in total floorspace of the dwelling as a whole. The enlarged annexe would result in additional ground coverage of 33m², which represents 1.6% of the curtilage of the dwelling. These calculations, in the appellant's view, represent a modest enlargement of the annexe approved in 2009.
9. However, assessing proportionality is primarily an objective test based on size relative to the original building rather than the existing situation or a specific part of the dwelling. Looking beyond the appellant's floor space and ground area calculations the proposal would occupy garden space at the side and rear of the annexe and create a new first floor across most of its footprint. The combined effect of the existing side, rear and annexe additions and the further enlargements now proposed would be to more than double the width and length of the original building. By any reckoning, the proposal would therefore represent a substantial alteration to, and expansion of, the original form of the appeal property. In my view, it would comprise a disproportionate addition over and above the size of the original building.
10. The appellant states that in approving the previous schemes at the site, the Council did not consider those to be disproportionate. Although that's a reasonable view to take, I do not have full details of the planning policies that were used to assess those previous schemes or details of the Council's assessments. In addition, the presence of the existing additions do not have the effect of "restarting the clock" in terms of assessing whether or not new additions to a building would be disproportionate. In light of the clear definition of "original building" in the Framework it is not an argument I find persuasive.
11. As alluded to earlier assessing proportionality is an objective test based on size relative to the original building. Therefore, if a scheme is found to be disproportionate in the terms of the Framework, it does not necessarily equate to other harm, for example, to local character and appearance.
12. I conclude therefore that the proposed development would be inappropriate development in the Green Belt. Consequently, it would not fall within the exception described in Paragraph 149(c) of the Framework. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford

substantial weight in the planning balance as required by Paragraph 148 of the Framework.

Openness

13. The Framework indicates that openness is an essential characteristic of the Green Belt. The Supreme Court has recently held that a consideration of openness in any given case is a matter for the decision maker and may or may not include a consideration of the visual aspect of openness. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
14. The additional bulk and volume as a result of the development would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt.
15. Notwithstanding the images submitted by the appellant, during my site visit, the annexe and dwelling were clearly discernible between gaps and over boundary vegetation from many viewpoints along Shapwick Lane. In this context, the proposal's increased height and massing would reduce the apparent openness that could be perceived through and beyond the site. Moreover, the proposed first floor would reduce views through the site to the countryside beyond. This would significantly erode the site and surrounding area's visual openness.
16. The appellant's evidence on the purposes of the Green Belt is noted. However, whilst the scheme would be contained within the appeal property's residential curtilage and it may be sympathetic in appearance and materials to the existing dwelling, it would be visible from locations within the open countryside. The scheme's increased mass and height would have greater impact on the open countryside and consequentially have an encroaching presence. Accordingly, it would not accord with the Green Belt purpose of safeguarding the countryside from encroachment.
17. Therefore, the proposed development would have an adverse effect on the openness of the Green Belt, and the conflict with the purposes of including land within it. Given the cumulative effect of the proposal I have judged the harm to openness to be moderate in this case.

Other considerations

18. As stressed by paragraph 148 of the Framework, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The proposal would allow the appellant to reside in the annexe. The dwelling would then be occupied by other members of her family. One of the family members requires supported living for medical reasons. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of The Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

20. Dismissing the appeal would mean that the appellant may have to consider other options for meeting her family's accommodation needs. However, there is no evidence before me to demonstrate that the appeal development is the only means by which such needs may be met. Moreover, whilst I sympathise with the appellant's family circumstances, the proposed additions would be there in perpetuity with occupancy uncontrolled. Therefore, I attach only moderate weight to this matter.
21. There are no objections to the proposed extension in respect of neighbouring living conditions and local character. However, the absence of harm in other respects is not a positive consideration, as acceptability in design and amenity terms is to be expected.
22. There were no objections from the local residents or the Parish Council. However, a lack of objection does not indicate a lack of harm, as I have found in the case of the proposal, therefore, I have given little weight to this.

The Green Belt Balance and Conclusion

23. The Government attaches great importance to Green Belts, and the Framework establishes that substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness to the Green Belt.
24. Balanced against that are the other considerations discussed above. I have had due regard to the PSED and to the evidence regarding the appellant's family circumstances and the reasons for requiring the proposal. Notwithstanding these important considerations, it does not follow from the PSED that the appeal should succeed.
25. For the reasons given, the other considerations in this case, taken cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to the provisions of the Framework, as set out above.
26. Therefore, for the reasons given I conclude that the appeal is dismissed.

RE Jones

INSPECTOR