The Planning Inspectorate

Appeal Decision

Site visit made on 19 January 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/Y3940/D/22/3302966
Stonehey, Ashley (near Box), Wiltshire SN13 8AQ

- 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 Gary Rhodes against the decision of Wiltshire Council.
- The application Ref PL/2021/09040, dated 17 September 2021, was refused by notice dated 4 July 2022.
- The development proposed is removal of existing house roof, build new replacement roof, addition of first floor to building within new roof space, garage conversion and house refurbishment to ground floor.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Gary Rhodes against Wiltshire Council. This application is the subject of a separate decision.

Main Issues

3. 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);
   - the effect of the proposal on the openness of the Green Belt; and,
   - if there is harm by reason of inappropriateness, and any other harm, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. Stonehey is a bungalow in its own grounds within the small settlement of Ashley, in the Green Belt, and the Cotswolds Area of Outstanding Natural Beauty (the AONB). The bungalow was constructed following permission granted in 1961 under Ref N/61/3061. Its kitchen projects out to the rear.

5. Aside its west flank, Stonehey is served by a detached garage. This outbuilding is absent from a site plan dating from 1979, which accompanied a granted, though seemingly unimplemented, application for a replacement garage at the site (Ref N/79/0693/F). The plan indicates a previous garage situated at a greater distance to the north west, near to the site access from the highway.

6. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One exception potentially applicable to this proposal is that set out in Paragraph 149 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 by the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

7. It is suggested that, when applying Paragraph 149 c), one should consider the 'normal development considerations' of design and the visual and spatial impacts of a proposal against the surrounding context. It is asserted that in this case this should include issues of character and appearance, the effect on the AONB landscape setting, and the extent to which other extensions to dwellings in the wider environs have or have not affected the openness of the Green Belt and the purposes for which the Green Belt is so designated.

8. However, the test of disproportionality is narrowly set against the baseline of the size of the original building as defined by the Framework in singular terms. The aforementioned issues do not come into it. Instead, 'original' when given its ordinary meaning, must connote in this case the first guise of Stonehey as it was built in the 1960s and nothing more. This definition, and the parameters of Paragraph 149 c), cannot practically be widened to apply to a group of discrete buildings built separately at different times across several planning units.

9. The appellant has referred to Tandridge DC v SSCLG & Syrett (2015) EWHC 2503 (Tandridge), which addressed a previous version of the Framework. Tandridge clarified the interpretation of 'building' in relation to the replacement of a building as set out in what is now Paragraph 149 d), and specifically, it turned on the interpretation of the words 'not materially larger'. The subject buildings were all in one planning unit. The judgment did not seek to redefine the definition of 'original building' in the glossary of the Framework.

10. Tandridge should not therefore be taken to imply that words in the singular should always be freely interpreted as also being in the plural. A word should instead be read in the plural where it is appropriate and sensible to do so. For instance, if an outbuilding in the same planning unit is rationally considered to be an adjunct to a building, it can and should potentially be classed as a part of it. Whether an outbuilding would amount to part of an extant or 'original building' is a matter of fact and degree to be assessed on a case-by-case basis.

11. Putting this into practice, the garage addition, given its proximity and obvious functional link across the patio, is to be considered an extension to Stonehey. Conversely, the limited evidence of the previous garage at the site shows it to be much more aloof from Stonehey and thus, even if built at the same time as Stonehey, I do not consider it to have comprised part of the original building.

12. As for the bungalow itself, its rear projection is larger than that permitted in 1961 and the Council considers this increase to amount to an extension. However, at my visit I noted that the projection looked quite seamlessly tied in to the rest of Stonehey and is made in the same materials, which appeared to be equally weathered. This suggests that the rear projection may well be contemporaneous with the original construction of the dwelling. As such, the evidence directs me that the 'original building' comprises Stonehey as it stands, inclusive of its rear projection, but the garage to its side is a later extension. This is the baseline for my assessment pursuant to Paragraph 149 c).

13. Given the foregoing, I calculate the volumetric increase to the building to be in excess of a third, which would be significant. Furthermore, the proposal would physically link the bungalow and the converted garage, formalising their intrinsic relationship. The low and simple roof of Stonehey would be raised and enlarged by a series of dormers to accommodate a first floor across effectively its entire plan. A large dormer would fill and extend across much of the new rear roofslope, either side of the new ridge of the rear projection, which would also be extended upwards to incorporate a bathroom and inset balcony. Thus, the external dimensions of Stonehey would be significantly increased at roof level, with near enough two full height floors of accommodation to the rear.

14. When the breadth of these alterations and extensions to Stonehey is considered within the context of the existing garage extension, it is my planning judgment that the scheme would result in disproportionate additions over and above the size of the original building. Consequently, the proposal would be inappropriate development within the Green Belt in the first instance and would conflict with the Framework in this regard.

Openness

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

16. The proposal would increase the volume and vertical massing of built form at the site, in the open space above Stonehey and the small area of space to its side. These factors would cause harm to the spatial and visual openness of the Green Belt, albeit to a modest extent, given the minor scale of the proposal and the way in which Stonehey visually nestles down amongst greenery in views from the south. I therefore conclude that the proposal would cause a modest loss of openness to the Green Belt in conflict with the Framework.

Other considerations

17. I have found that the proposal would be inappropriate development that would harm openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises 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.

18. The appellant has questioned the consistency of the Council's decisions in relation to dwellings around Stonehey, and examples of large-scale extensions and alterations to neighbouring properties have been shown to me. However, any inconsistency in approach does not disengage my requirement to assess the scheme on its own individual merits against the test set out by Paragraph 149 c), which as I have already stated, focuses solely on the original building, not the ratio of change relating neighbouring buildings within separate planning units beyond the appeal site. As such, this consideration carries limited weight.

19. The appellant has referred to Schedule 2, Part 1, Class A and Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. However, the majority of the development appears contingent or related to the raising of the ridges of Stonehey, and the relevant

Permitted Development Right under Class AA is not applicable within an AONB. As such, this consideration is of limited weight in my assessment of this appeal.

20. I am mindful of my duty to have regard to the statutory purpose of the AONB, which is to conserve and enhance the natural beauty of the area. Given the suburban character of the site environs and the position of Stonehey within the settlement of Ashley and within a row of dwellings, many of which are larger, the scheme would not harm the AONB. I am also mindful of and have taken into account the appellant's personal circumstances, namely the desire to redevelop Stonehey as proposed in order to turn it into a family home.

Green Belt Balance

21. In the balance, these other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

22. Proposals are to be determined against the development plan unless material considerations indicate otherwise. Whilst I have found no conflict with the development plan in this case, the harm to the Green Belt and the provisions of the Framework are compelling material considerations which lead me to conclude that I must make a decision other than in accordance with the development plan.

23. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should therefore be dismissed.

Matthew Jones

INSPECTOR