



Appeal Decision

Site visit made on 22 March 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal Ref: APP/E3715/D/22/3310863

Hillside, Main Street, Frankton, Warwickshire CV23 9PB

- 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 Kate Elliott against the decision of Rugby Borough Council.
 - The application Ref R22/0881, dated 18 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is erection of double storey rear extension to existing dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development 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 proposed development on the openness of the Green Belt;
 - If the development is inappropriate, whether the 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 in the Green Belt:

3. The appeal site is a dwelling located outside the Frankton village boundary and within the Rugby-Coventry Green Belt.
4. The Framework establishes that the construction of new buildings¹ in the Green Belt should be regarded as inappropriate development, subject to exceptions set out in paragraphs 149 and 150. The exception in 149(c) relates to 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.
5. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful. Paragraph 148 requires substantial weight to be given to any harm to the Green Belt, and requires very special circumstances to be

¹ Section 336 of the Town & Country Planning Act 1990 defines 'building' as including any part of a building.

demonstrated to clearly outweigh any harm to the Green Belt by way of inappropriateness, or any other harm.

6. The development consists of the extension of the building. In considering whether or not the development would result in disproportionate additions over and above the size of the original building, the Council state that development resulting in a volumetric increase exceeding 30% of the volume of the original dwelling would be disproportionate. However, with the information before me I have seen no basis in the policies put before me for that measure. Whether the proposed development would result in disproportionate additions is therefore a matter of planning judgement.
7. The Council advise that the original dwelling was built in 1949, that an extension was built in 1982, and an attached garage in 1988 (since incorporated into the dwelling as living space). The cumulative effect of those additions, together with the proposed double storey rear extension must therefore be considered.
8. I have not been provided with volumetric details of the previous extensions to the dwelling. Nevertheless, they were clearly apparent at my site visit, and the plans show the existing dwelling. The existing extensions have substantially extended the dwelling in terms of visual perception, floorspace, footprint and volume. As a result, for the purposes of paragraph 149(c) of the Framework, any further addition would result in disproportionate additions over and above the size of the original building.
9. The proposal is therefore inappropriate development in the Green Belt, which is by definition harmful, and substantial weight must be given to any harm to the Green Belt.

Openness:

10. 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 their permanence.
11. Spatially, the proposed extension would increase the volume of the building at first floor level, thereby reducing the openness of the Green Belt.
12. Visually, the land rises to the rear and one side, which together with an evergreen hedge, provide a significant degree of containment, although there is likely to be some visibility from the rear of a neighbouring garden, and from a field beyond. The proposed development would extend upwards with an additional storey and a new gabled end, but would be within the existing footprint of the building. The proposed development would therefore not materially harm the openness of the Green Belt visually.
13. Overall, the development would therefore not preserve the openness of the Green Belt. Unless very special circumstances are found to justify the development, it therefore conflicts with Rugby Borough Council Local Plan 2011-2031 (2019) (RBCLP) Policy GP2, which only permits new development where national Green Belt planning policy allows it, and Chapter 13 of the Framework, which seeks to protect Green Belt land.

Other considerations

14. The Council have raised no concerns with the design or its effects on the character and appearance of the area, or the living conditions of neighbouring occupiers. The absence of harm weighs neutrally in the planning balance.

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations.
16. The development is inappropriate development in the Green Belt, and harms its openness, to which I must attribute substantial weight against the development. The harm to the Green Belt is not clearly outweighed by other considerations, and the very special circumstances required to justify a grant of planning permission therefore do not exist. The development would therefore conflict with RBCLP Policy GP2 and Chapter 13 of the Framework, which are described above.
17. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that require a decision to be made other than in accordance with the development plan, and the appeal should therefore be dismissed.

Peter White

INSPECTOR