



Appeal Decision

Site visit made on 7 March 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/R1038/D/22/3311758

Top Yard Bungalow, Main Road, Marsh Lane, Sheffield S21 5RL

- 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 & Mrs Peto against the decision of North East Derbyshire District Council.
 - The application Ref 22/00901/FLH, dated 9 September 2022, was refused by notice dated 28 October 2022.
 - The development proposed is rear orangery.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is located within the Green Belt and the Moss Valley Conservation Area. However, the Council have not raised any concerns regarding the impact on the Conservation Area, and I have no reason to dispute that assessment. As a result, I consider the appeal proposal to have a neutral impact on the Conservation Area and will not reference the matter any further in my report.

Main Issues

3. The main issues in this appeal are:-
 - Whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The property subject to the appeal was originally a building associated with Warren House Farm. According to the submitted evidence, it was converted to a single storey dwelling in 2007, extended in 2014, and dormer windows added to allow first floor accommodation in 2019. A garden room/office was approved in 2022.

5. The appeal proposal would see the erection of an orangery to the northern elevation, built off a previous extension, and would occupy most of the area of a stone patio area. It would project approximately 4.1m from the property, be the width of the dwelling and flat roofed in construction with a central lantern to allow additional natural light.
6. As stated previously, the appeal site is located within the Green Belt, and the Government attaches great importance to the protection of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open, as the essential characteristics of Green Belts are their openness and permanence.
7. The Framework establishes what types of development are acceptable within the Green Belt, which includes the extension of an existing building, provided that extension does not result in a disproportionate addition over and above the size of the original building. This is also reflected in policy SS10 of the North East Derbyshire Local Plan (2021) (The LP).
8. No definition is provided as to what constitutes a 'disproportionate addition' in either the Framework, or policy SS10. As a result, this matter is a planning judgement for the decision maker. The Council have not provided any calculations of what constitutes the 'original' dwelling or 'as extended' in support of their judgement in terms of a justification for their findings.
9. Upon inspection, I find the single storey extension and the dormer additions can clearly be identified, as well as the garden room/office. The appellant has stated that the original building was small but feels that the development would not comprise inappropriate development in the Green Belt.
10. I find that whilst the appeal proposal would be subordinate to the main dwelling, the level of extensions and alterations carried out to the original building and the subsequent loss of original scaling, overall I find the overall scale of these works render the addition of this orangery to be a disproportionate addition to the dwelling over and above the size and scale of the original dwelling.
11. I therefore conclude that the proposed development would be inappropriate development. As such, it would be contrary to Paragraph 147 of the Framework and policy SS10 of the LP which state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

12. The essential characteristics of Green Belts are their openness and their permanence, as set out in paragraph 137 of the Framework. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm, which is the case with this proposal.
13. Despite the relatively modest height of the proposal, the spatial intrusion arising from the very presence of an additional structure would have a negative effect on the openness and permanence of the Green Belt, notwithstanding that the proportion of Green Belt affected may be small.

14. Visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. Overall, the proposal would not keep the land permanently open. In doing so, it would fail to safeguard the countryside from encroachment, one of the five purposes of the Green Belt. The proposal therefore conflicts with the Green Belt guidance set out in the Framework.

Other Considerations

15. The Framework states that inappropriate development should not be approved except in very special circumstances, and that 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.
16. In this regard, the appellant has put forward a number of considerations which include the lack of usefulness of the original building and the fact that visibility of the proposal from public vantage points would be minimal. In addition to this, it is forwarded the level of subservience of the proposal and the considerable level of development allowed within the village.
17. Whilst I accept that the proposal would include construction with sympathetic materials to the main dwelling, I have found that the proposal would be disproportionate, when the proposal was added to the previous works to the property, giving an excessive increase in volume and visual bulk. I have therefore attached limited weight to these considerations.

Planning Balance and Overall Conclusion

18. I consider that the development would cause harm to the Green Belt by way of its inappropriateness and harm to its openness, and substantial weight should be given to these harms. The weight attributed to the other considerations in this case do not outweigh the substantial harm I have identified. I conclude therefore there are insufficient very special circumstances to justify the development.
19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Paul Cooper

INSPECTOR