



Appeal Decision

Site visit made on 15 May 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal Ref: APP/B3438/D/23/3315425

Driftwood, Reacliffe Road, Rudyard, Staffordshire Moorlands ST13 8RS

- 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 P Worth against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0378, dated 8 June 2021, was refused by notice dated 8 November 2022.
 - The development proposed is Single storey extensions to side and rear to form additional built bedroom and kitchen/utility area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has recently been granted by the Council for a rear extension that also forms part of the proposal the subject of this appeal. This is a material consideration that I shall take into account within this appeal.

Main Issues

3. The main issues are:
 - whether the proposed extensions would amount to 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 the openness of the Green Belt,
 - whether the proposed development would preserve or enhance the character and appearance of Rudyard Conservation Area (RCA), and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The site is within a small ribbon development over-washed by the Green Belt. Policy SS10 of the Staffordshire Moorlands Local Plan [2020] (LP) is concerned with 'other rural areas' comprising of the countryside and the Green Belt. This

policy states, at section 1, that it will allow extensions to existing dwellings provided they are appropriate in scale and design. It continues that the Council will assess schemes having regard to the original dwelling, in cases where cumulative change has occurred. Section 6 of the policy also explains that the Council will maintain the Green Belt with strict control applied over inappropriate development allowing only for exceptions as defined by Government policy.

5. Paragraph 137 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 149 establishes that new development would be inappropriate unless it meets a listed exception. Exception (c) allows for "the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building". LP policy SS10 is consistent with the objectives of the Framework and as such afforded full weight.
6. The phrase 'disproportionate' is not defined by the Framework. The Council refers to a 30 percent tolerance with respect to additions to buildings in the Green Belt. However, this numerical measure is not enshrined in policy and in any event would be an over prescriptive approach to matters of proportionality. Accordingly, a conclusion on this matter cannot be arrived at purely on a mathematical calculation as a single factor as the test is primarily an objective one based on size, as referenced by the Framework. This is therefore ultimately a matter for the decision maker, with much depending on the individual circumstances of the proposal.
7. The 'original building' would constitute the building as it existed on the coming into force of the 1947 Act or the first building as originally built after that date. The existing dwelling was granted planning approval¹ in 2000 and appears to have been built over an original boathouse, which was converted to a living area. Therefore, whilst the boathouse was replaced with the existing dwelling, the original boathouse as originally built should be the baseline for any consideration as to the proportionality of further development. The Council has not explained the resultant proportional change in size between the original building and existing dwelling but asserts that the original building was smaller than the existing building. Nonetheless, parties concur that the proposal would extend the floorspace of the existing building by around 61 percent.
8. The proposed rear extension would be relatively modest on its own and this component has since gained planning permission. Nevertheless, the existing additions, the unbuilt approved rear extension and the proposed side extension would result in a sizeable increase to the original building. Although the side extension would be lower than the main building, it would be a wide and tall addition in the context of the existing relatively compact building. The proposed additions would substantially expand the dwelling, demonstrably increasing its size from its original modest proportions as a small boat house. Accordingly, in cumulative terms, the proposed extensions would represent disproportionate additions to the original building.
9. As it has not been demonstrated that the proposal would meet any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

¹ Planning Application Reference: SMD/200/0785

Effect on openness

10. The openness of the Green Belt has both spatial and visual dimensions. It is an open textured concept that requires a range of factors to be taken into account when considering the effect of a proposal on openness.
11. Visual perception is a factor which may reduce the spatial harm from the effect of development on the openness of the Green Belt. The proposed addition would be to the rear and side of the dwelling. Being adjacent to the lake it would be seen in limited public views within a context of surrounding built form. The adjacent buildings provide some containment to the site and would reduce the visual effect of the proposed additions. This context limits and visually contains the site from wider views and would partially integrate the scheme visually within the existing pattern of development. Nonetheless, the development, in total, would have a clear visual presence given its elevated position and relationship to the lake. As a result, the visual effect of the proposal on the openness of the Green Belt would be moderate.
12. In spatial terms, the proposal would increase the footprint and mass of the dwelling, materially increasing its size having a clear and permanent spatial presence. Although the proposed rear extension would have a limited overall effect on openness, the proposed side extension would establish significant additional built form where there is only a small lean to at present. Albeit a small loss, this would reduce the openness of the Green Belt, one of its essential characteristics. Paragraph 134 of the Framework outlines the five purposes of including land within the Green Belt. Whilst limited in size, the proposal would represent a form of encroachment into the countryside thereby causing moderate spatial harm.
13. Accordingly, the proposal would also result in moderate harm to the openness of the Green Belt.

Character and appearance

14. The RCA is focussed on Rudyard Lake, the village of Rudyard and its environs. The lake has several holiday homes and chalets along its western bank, which include the appeal dwelling. Important features of the area, as defined by paragraph 2.2 in the Council's RCA Appraisal², include "its natural beauty, developed as an Edwardian tourist resort, and being located within an exposed and dramatic location". The appraisal describes the area as being an intimate narrow network of rural lanes and scattered ribbon development, hidden from the wider area by the rolling agricultural setting. Accordingly, the significance of the area derives from its combination of cultural, natural, and built components set within a dramatic rolling wooded landscape.
15. The dwelling is located within a secluded location, well below the level of the single width access track. It is screened from all immediate views by tree and hedge screening but is clearly seen from the lake within views of the linear line of lakeside properties, which are of varying styles and scales. It has a simple form with a pitched roof forming a gable end that addresses the lake.
16. The building and its neighbouring built form are not of recognised heritage value and therefore make a neutral contribution to the character and appearance of the area. Although the existing building has some visual

² Rudyard Conservation Area Appraisal (2016)

separation to the neighbouring 'Waters Edge' this gap is already partially filled with a smaller lean-to extension. Furthermore, gaps between buildings are of various sizes without a clear pattern of spacing. As such, I am unconvinced that the existing gap materially contributes to the plot's overall contribution to the significance of the RCA.

17. The proposed rear extension would be subservient whilst the side extension would be a more overt addition of substantial width. Nonetheless, whilst the side extension would be a prominent addition it would be in keeping with the overall design of the dwelling and would complement its existing simple form. As such, the proposed additions would be in keeping with the building and its surroundings. Furthermore, the proposed additions would be well screened, especially the rear component, and would thereby integrate well with the surrounding line of neighbouring development resulting in a neutral impact on the significance of the RCA.
18. Accordingly, the proposal would preserve the character and appearance of the RCA. It would therefore comply with LP policy DC2 and the Framework. These seek, among other matters, for development to conserve heritage assets in a manner appropriate to their significance and to be sympathetic to local character.

Other considerations

19. The proposal would be acceptable, with respect to its impact on the character and appearance of the surrounding area and the RCA, in compliance with LP policies. Nonetheless, an absence of harm in this respect can only be considered as a neutral factor in the planning balance.
20. The approved rear extension could be implemented in isolation of the proposed side extension and would be likely to be built irrespective of the outcome of this appeal. As such, the fallback position presents a significant material consideration. However, it is a small component of the appeal proposal and the harm identified to the Green Belt would be a result of the combination of the previous additions, the approved rear extension and proposed side extension. As a result, the approved development is of limited weight in support of the proposal.
21. An appeal decision³ has been provided in evidence for development on Manor Road. In that case the scheme proposed to extend the dwelling by 79%, a figure which the Inspector found to be a not inconsiderable numerical increase but would be similar to increases approved elsewhere in the district. However, the proposal was within a different Council's jurisdiction and subject to a different policy and planning context. Therefore, whilst acknowledging the Inspector's comments with respect to scale and proportionality, I have afforded only limited weight to this decision with respect to this proposal, which I have considered on its own merits.

Whether there would be Very Special Circumstances

22. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development

³ Planning Appeal Reference: APP/B1930/D/15/3106088

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.

23. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would result in moderate harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
24. On the other hand, the other considerations I have identified, including the effect on the character and appearance of the area, are of limited weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified. Therefore, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

25. The proposal would be inappropriate development, harming the Green Belt and in conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR