



Appeal Decision

Site visit made on 22 May 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2023

Appeal Ref: APP/P2365/D/23/3316819

Plum Tree Villa, Butchers Lane, Lancashire, Aughton L39 6SY

- 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 and Mrs Andrew and Stacey Ford against the decision of West Lancashire Borough Council.
 - The application Ref 2022/1257/FUL, dated 23 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is 2 storey side and single storey rear infill extension.
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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 the openness of the Green Belt.
 - 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. Plum Tree Villa is a two-storey dwelling which is set back from the highway behind a large driveway and is located within the Green Belt. Policy GN1 of the West Lancashire Local Plan 2012-2027: Development Plan Document (2013) (LP) states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
4. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section c) of that paragraph an extension to a building will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
5. The Framework does not specify what might be considered a disproportionate addition over and above the size of the original building. However, Policy GB4

of the Council's Development in the Green Belt Supplementary Planning Document (2015) (SPD) provides guidance for extensions to a building within the Green Belt. It states extensions should satisfy the specified criteria which includes that the total volume of the proposal, together with any previous extensions, should not result in an increase of more than 40% above the volume of the original building. The SPD recognises that the 40% figure is a guide only and, in some cases an extension less than 40% of the original property might not be acceptable, and on the other hand an extension marginally more than 40% of the original property could be acceptable.

6. The Framework and SPD set out that original building is defined as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The planning records are incomplete for Plum Tree Villa. Nonetheless, the submitted plans and relevant planning history indicate that the property has previously been extended. The appellants set out that prior to the previous single storey rear extension there was a drying room, W.C and store to the rear of the property. They assert that these were original features and should be included in the volume calculations and would reduce the percentage increase to below the 40% guideline. However, no robust evidence has been submitted to support this assertion and this contradicts the volume calculations set out on the submitted plans.
7. The two-storey side extension would be set back from the principal elevation. The appellants state that it would project less than 30% of the width of the original property and in non-Green Belt areas a projection up to 50% of the property's width is normally acceptable. Nonetheless, the side extension would introduce built development in an area currently free from development, and in my view, it cannot reasonably be described as a small outward addition given its height, scale and massing. The proposed rear addition would be adjacent to the existing extension, but it would have a significant depth and would also increase the level of built development to the rear of the property.
8. Although the garage is proposed to be demolished, the scale and massing of the proposal, along with the existing extensions, would result in a significant increase in the scale and massing of the building compared to the original building. Based on the evidence presented, having regard to the increase in volume, siting of the scheme and apparent scale, the proposed development would result in disproportionate additions over and above the size of the original building. Even if the drying room, W.C and store to the rear of the property did form part of the original building, having regard to the proposed extension's form, projection, position in relation to the property (particularly the two-storey element) and information presented, the scheme would result in disproportionate additions over and above the size of the original building.
9. The appellants have drawn my attention to other planning applications including an appeal decision¹. Little information has been submitted with regards to those extensions and I am unable to directly compare them to the proposal before me. Nonetheless, based on the evidence submitted, the siting, scale and massing of those extensions as well as the volume increase differs to that before me. In any event, I have determined the appeal proposal on its own merits and the highlighted decisions do not alter my findings above.

¹ 2022/1066/FUL, 2022/1067/FUL, 2022/0500/FUL and 2022/0033/01

10. Consequently, for the reasons given above, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt having regard to Policy GN1 of the LP, the SPD and the Framework.

Openness

11. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The SPD also sets out that extensions should not materially harm the openness of the Green Belt through excessive scale or bulk, or by virtue of its location.
12. The extension would have a spatial impact because of the increase in built development, and would add to the cumulative bulk, scale and massing of the dwelling. The existing solid gates adjacent to the dwelling and nearby vegetation would to a degree screen the development. Furthermore, the two-storey element would be set back from the principal elevation of the dwelling and the single-storey element would be to the rear. Nonetheless, given the height, scale, massing and siting of the proposal, it would be visible from public vantage points along Butchers Lane and would have a visual impact on the openness of the Green Belt.
13. The existing garage outbuilding proposed to be removed has little impact on the openness of the Green Belt as it is single storey and well screened by the solid gates and existing vegetation. Particularly the proposed two-storey element would have a greater impact on the openness of the Green Belt than the garage outbuilding due to its height, scale and massing.
14. Consequently, the development would, visually and spatially, not preserve the openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open and would also conflict with the SPD.

Other considerations

15. The appellants set out that the housing crisis and increase in mortgage rates places constraints on families wanting more space. Furthermore, the rise in property prices paired with their lack of availability means that some families are restricted to increasing the size of their current home and for families living in the Green Belt this is proving increasingly restrictive. The appellants have a growing family, and the 3-bedroom property is no longer suitable for their needs. The proposal seeks to add a fourth bedroom and an extension to the rear to improve living space. They consider that given the scale of the plot and the size of the property, one would expect the property to have 4 bedrooms. Furthermore, the property is set within a large plot along an affluent road, where houses typically have at least 4 bedrooms. In addition, the rear extension roof could be a low flat roof, which would decrease the volume calculations, however this would detract from the appearance.
16. Planning Practice Guidance sets out that planning permission usually runs with the land. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of

who would benefit from the permission². Personal circumstances rarely outweigh general planning considerations as the occupants of a dwelling can change whereas an extension would be permanent. Having regard to the information submitted, I do not consider that the appellants circumstances amount to an exceptional occasion. I give limited weight to the other considerations highlighted by the appellants.

Whether very special circumstances exist

17. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The proposal would not preserve the openness of the Green Belt. Paragraph 148 of the Framework is clear 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 resulting from the proposal, is clearly outweighed by other considerations.
18. The other considerations are given limited weight. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the scheme would conflict with Policy GN1 of the LP, the SPD and chapter 13 of the Framework, which seek to protect the Green Belt, and the proposed development would amount to inappropriate development in the Green Belt.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR

² Paragraph: 015 Reference ID: 21a-015-20140306