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# Appeal Decision

Site visit made on 25 May 2023

**by B Pattison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 July 2023**

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**Appeal Ref: APP/Q3630/D/22/3309854**

**Brookfield, Shrubbs Hill Lane, Sunningdale, Ascot, Windsor and Maidenhead SL5 0LD**

- 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 F Laurence against the decision of Runnymede Borough Council.
  - The application Ref RU.22/1191, dated 25 July 2022, was refused by notice dated 23 September 2022.
  - The development proposed is single storey rear extension following demolition of 3 no. outbuildings
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2021) ("the Framework") and any relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt; and
  - 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 or not inappropriate development in the Green Belt*

3. The site is located within the Green Belt. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, amongst other things, 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. The Framework defines the 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally.
4. Policy EE14 of the Runnymede 2030 Local Plan (2020) (RLP) is consistent with the Framework and sets out a number of considerations to be taken into

- account when assessing whether a proposal is a disproportionate addition over and above the size of the original dwelling. This includes the existing and proposed footprint, spread of development and distances to site boundaries, changes in mass, bulk and the height of buildings including roof form changes.
5. The Council indicate that the extensions permitted under previous planning applications have resulted in a net increase in floor area over and above the original dwelling of approximately 150%. The extension proposed would have a floor area of 18.2 square metres. When taken in combination with the existing extensions to the application property this would constitute a cumulative increase in floor area of approximately 168%.
  6. The appellant does not dispute the Council's calculations, which demonstrate that the cumulative extensions would amount to a significantly disproportionate addition to the original dwelling. Instead, the appellant indicates that three existing outbuildings which are grouped in the rear half of the appeal property's garden would be demolished as part of the proposal, resulting in an offset in the quantum of built form on the site. The outbuildings have a combined floor area of 23.6 square metres and a slightly smaller volume than the proposed rear extension, albeit the railings to the first floor terrace of the proposed rear extension would be significantly taller than any part of the outbuildings.
  7. The appellant refers to the *Warwick*<sup>1</sup> judgment which found that paragraph 149(c) is not confined to physically attached structures. However, I am also mindful of the approach identified in *Sevenoaks District Council v SSE and Dawes [1997]*. This establishes that in considering whether an outbuilding could be an extension, it is reasonable to take into account whether the proposal is a normal domestic adjunct. This is a matter of planning judgement taking into consideration such matters as an outbuilding's use, relationship to the original building and its size.
  8. During my site visit I noted the three outbuildings within the wider property, but from what I saw these are for occasional use with the garden. They are located in the rear half of the garden, a considerable distance from the main house. Given their nature, distance, and relationship to the dwelling, I do not consider them to be normal domestic adjuncts, to be considered as extensions to, or read as part of the dwelling.
  9. On this basis, the floor area of the outbuildings should not be included in an assessment of whether the proposal results in disproportionate additions over and above the size of the original building. This leads me to find that the proposal, which would result in an additional 18.2 square metres floor area, would undoubtedly result in a disproportionate addition to the original building and thus would fail to meet exception 149(c) of the Framework.
  10. The appellant also considers the proposal to be determined against the exception at paragraph 149(g) of the Framework. In so far as it relates to this appeal, this exception concerns the limited infilling of previously developed land (PDL), whether redundant or in continuing use. It is subject to a test of the proposal not having a greater impact on the openness of the Green Belt than the existing development.

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<sup>1</sup> Warwick DC v SSLUHC [2022] EWHC 2145 (Admin)

11. Residential gardens outside 'built-up areas' are not excluded from the general definition of previously developed land in Annex 2 to the Framework as held in *Dartford BC v SSCLG [2017]*. However, 'built-up areas' are not defined by the Framework. In this instance, the appeal site is located at the end of a quiet residential road. Each of the appeal site's garden boundaries are adjoined by neighbouring residential properties. As a result, it is my view that the appeal site is located in a built-up area. It therefore follows that the appeal site cannot be considered PDL. As such, the proposal would not constitute an exception to Green Belt policy under paragraph 149(g).
12. For the reasons outlined above, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149 of the Framework, and Policy EE14 of the RLP which seeks to resist inappropriate development in the Green Belt. I am required to attach substantial weight to the harm caused by virtue of the proposal's inappropriateness.

### *Openness*

13. Paragraph 137 of the Framework identifies 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. Openness has both a visual and spatial dimension.
14. The proposal would introduce a single storey structure into a space where there is currently no development, thereby eroding existing open space. It would be of relatively limited scale and prominence and would be viewed against the backdrop of the dwelling. Nonetheless, there would be a limited reduction to the openness of the Green Belt.
15. On the other hand, the three outbuildings to be removed are permanent three-dimensional structures. As they are spread across the rear part of the garden they have a slightly greater visual impact on openness than the proposed extension which would be in a less prominent position within a recessed terrace, integrated to the rear of the dwelling. As the outbuildings' cumulative floor area and volume is slightly greater than the proposed extension they also have a marginally greater spatial impact on openness.
16. Were the outbuildings to be removed, there would still be development towards the rear of the garden in the form of a swimming pool, hardstanding and retaining wall which are spread within the site. Notwithstanding this, the removal of the outbuildings, due to their solidity and volume would represent a minor increase in openness at the appeal site. Overall, the material reductions in the floor area footprint and volume of buildings on the site would have a minor beneficial impact on the openness of the Green Belt.

### *Other considerations*

17. I am mindful that the additional space provided by the extension is required to accommodate the appellant's growing family. While I have sympathy with their circumstances, the extension would be permanent, and I am not persuaded that this matter overrides the harm I have identified, which would be long term. This factor is therefore given limited weight.
18. The appellant has indicated that a planning condition could be imposed to remove Permitted Development (PD) rights in relation to outbuildings. This

would prevent the erection of new outbuildings without the benefit of planning permission. The appellant indicates that this would preserve the openness of the Green Belt in the future.

19. Schedule 2, Part 1 of the (General Permitted Development) Order (GPDO) sets out the PD rights for development within the curtilage of a dwellinghouse. PD rights apply generally to all dwellinghouses, with specific exceptions for some classes. Rights under Class E which relate to outbuildings, for example, has additional restrictions on land within an area of outstanding natural beauty, a National Park, and a World Heritage Site. However, Class E does not have additional restrictions for land falling within the Green Belt. It can be surmised that the omission of land within the Green Belt from the list was intentional on the Government's part, and as a result, land within the Green Belt is regarded as no different in terms of the application of PD rights as land outside of it. For this reason, the imposition of a condition to prevent future outbuildings, is given limited weight.
20. The proposal would result in an increase in the openness of the Green Belt. However, due to the small reduction in floorspace and volume, the beneficial effect on openness would be limited. For this reason, this factor is given limited weight.
21. The lack of harm in relation to the impact of the proposal on character and appearance, on trees and on living conditions of neighbouring occupiers are neutral factors and do not weigh for or against the proposals.

### **Planning Balance and Conclusion**

22. The proposal would amount to inappropriate development within the Green Belt. It would fail to accord with Policy EE15 of the RLP in this respect. Inappropriate development is, by definition, harmful to the Green Belt and I am required to give substantial weight to any harm to the Green Belt, in line with paragraph 148 of the Framework. Furthermore, paragraph 148 is explicit that the very special circumstances needed to justify the proposal will not exist unless that harm is clearly outweighed by other considerations.
23. The other considerations are given limited weight. When drawing this together, even when taking these matters individually and cumulatively, the other considerations do not clearly outweigh the substantial weight I am required to give to the harm to the Green Belt. Consequently, the very special circumstances needed to justify the inappropriate development do not exist.
24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

*B Pattison*

INSPECTOR