



Appeal Decision

Site visit made on 4 July 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/D1265/D/22/3311526

8 Chestnut Grove, Staplehill, Dorset BH21 7NG

- 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 Mrs Lorraine Appleton against the decision of Dorset Council.
 - The application Ref P/HOU/2022/03421, dated 30 May 2022, was refused by notice dated 29 September 2022.
 - The development proposed is the addition of a single storey conservatory to rear elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the decision notice, the Council refer to the National Planning Policy Framework 2021 (the Framework). A new version of the Framework came into effect in September 2023. However, as the Framework's policy content insofar as it relates to the main issues is unchanged, it is not necessary for me to seek views from the appeal parties in this respect.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt; and
 - if the proposed 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

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt

should be regarded as inappropriate, subject to several exceptions as set out in paragraph 149. One such exception is c) 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. Whilst no specific development plan policies are highlighted in the reason for refusal, Saved Policy GB3 of the East Dorset Local Plan (the Local Plan) is referred to within the Householder Application Report. This policy, amongst other provisions, permits extensions to existing dwellings in the Green Belt only where it does not materially change the impact of the dwelling on the openness of the Green Belt. The Framework sets out those exceptions where the effect of a development on openness is expressly stated as a determinative factor in gauging inappropriateness. As the exception defined in paragraph 147c) does not include openness as a determinative factor, Saved Policy GB3 is inconsistent with the Framework. Therefore, I attach limited weight to this policy in my decision.
6. The term original building is defined as a building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally. Based on the evidence before me, the original building comprised a two-bedroom bungalow which has subsequently been extended. These additions comprise a rear extension, garage and the raising of the roof to create an upper floor¹ and two outbuildings. Despite being constructed thirty years ago, in the terms of the Framework, these additions do not form part of the original building and total a larger footprint than the dwelling as it was first constructed. Whilst the upper floor of the bungalow did not result in an enlargement in the building footprint of the original dwelling, as the roof was raised in height, the volume and floorspace was increased.
7. Although the proposed extension is modest in size, in combination with the previous additions, the proposed development would result in a disproportionate addition over and above the size of the original building. Consequently, it would not meet the exception set out at paragraph 147c) and, therefore, would be inappropriate development in the Green Belt and should not be approved except in very special circumstances.

Openness

8. The Framework states that openness is an essential characteristic of the Green Belt. It has a spatial as well as a visual aspect. Given the proposed extension would be located to the rear of the existing dwelling, it would not be visible as part of the principal elevation of the property, nor from any public vantage points or the private road. Furthermore, its single storey height would limit its visibility from neighbouring dwellings. As such, it would not cause harm to the visual aspect of the openness of the Green Belt.
9. However, the proposed development would increase the volume and massing of the existing dwelling. Whilst this increase would be limited given the overall scale of the appeal scheme and would replace the concrete patio in a current state of disrepair, it would provide built form where there currently is none, resulting in a harmful loss of Green Belt in terms of its spatial aspect. As such, it would conflict with the fundamental aim of the Green Belt and its ability to

¹ Planning application ref: 3/92/0219/FUL dated 6 May 1992

serve its purpose of safeguarding the countryside from encroachment, as set out in paragraph 138 of the Framework.

Other considerations

10. My attention has been drawn to the provisions of Class A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and that the proposed development would be within the height and depth allowed under therein. However, I have limited substantive evidence before me demonstrating that there is a real prospect that such development would be constructed for it to be considered a fallback scenario. Therefore, I attach limited weight to this scenario.
11. I have also been referred to the permitted development rights relating to erection of buildings within a residential curtilage. Even if the cumulative footprint of the extensions and additions would be significantly lower than 50% of the dwelling curtilage, it would not alter the fact that the proposed development would be inappropriate development in the Green Belt and cause harm to its openness. Furthermore, as set out in the Framework, land in built up areas, such as residential gardens, are excluded from the definition of previously developed land.
12. Although other bungalows in the Grove have also been extended and no objections have been received from neighbours regarding the appeal scheme, these are not reasons to permit inappropriate development in the Green Belt and, as such, are neutral factors in my decision.

Green Belt Balance

13. The proposed development would be inappropriate development in the Green Belt and would result in a harmful loss to the spatial openness of the Green Belt. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Such circumstances 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. The Framework requires that the harm by reason of inappropriateness and to the openness of the Green Belt be given substantial weight.

Conclusion

14. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

Juliet Rogers

INSPECTOR