



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: 14 September 2023

Appeal Ref: APP/D1265/D/22/3311975

Bankside, Holt Wood Horseshoes to Billberies Farm Lane Pond Head Road, Holt, Dorset BH21 7DX

- 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 Mark Cook against the decision of Dorset Council.
 - The application Ref P/HOU/2022/00656, dated 31 January 2022, was refused by notice dated 8 September 2022.
 - The development proposed is side infill extension, creation of new upper floor and new garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council are in the process of preparing a new Local Plan. However, based on the evidence before me it is at a very early stage of preparation. Therefore, the emerging Local Plan is accorded very limited weight in this decision.
3. During my site visit, I observed that a garage structure with accommodation in the roof had been constructed on the appeal site. Although the application form indicates that, at the time of submission, the development had not commenced, the Householder Application Report refers to the retention of the new garage as part of the scheme. As I cannot be certain that the structure already constructed reflects the appeal scheme, I have based my assessment of the development as proposed on the submitted plans.

Main Issues

4. The main issues are:
 - whether the proposed development 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 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

5. 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.
6. 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.
7. 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. Although the main parties do not agree on the overall footprint of the original bungalow, based on the evidence before me, the proposed development would nevertheless increase the depth, ridge and eaves height, floor area and volume of the dwelling in comparison to the original building. Concerning the ridge and eaves height, floor area and volume, these increases would be significant, even if there is a reduction in the building footprint between the original and proposed dwelling. Furthermore, the new garage, comprising a two-storey detached structure, would provide additional floor space and volume to the original building.
8. I have been referred to the preamble of the Saved Policy GB8 of the Local Plan which provides a percentage and area definition of the size of an extension in the Green Belt that might be considered proportionate. Despite the proposed development falling within the parameters specified, the preamble is also clear that such figures will only be used as a general guideline. The text of the policy itself reiterates the provisions of Saved Policy GB3 in that extensions will only be permitted where it would not materially change the impact of the dwelling on the openness of the Green Belt. As I have already found that Saved Policy GB3 is inconsistent with the Framework, this also applies to Saved Policy GB8, and I therefore attach limited weight to this policy.
9. 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 in paragraph 147c) and, therefore, would be inappropriate development in the Green Belt and should not be approved except in very special circumstances.

Openness

10. The Framework states that openness is an essential characteristic of the Green Belt. It has a spatial as well as a visual aspect. Currently, the existing dwelling is largely hidden from views from the lane by the substantial mature hedgerow on the site frontage. The proposed development comprises the raising of the roof of the original building to create an upper floor and the addition of an infill extension plus a new detached garage.
11. Concerning the upper floor of the extended dwelling, this would be evident above the hedgerow on the site frontage, introducing built form into a view otherwise largely devoid of development. In respect of the new garage, given its proximity to the boundary close to the existing access drive on the bend in the lane and its offset siting from the extended dwelling, it would block views towards the open countryside beyond whilst creating a depth of built form in an otherwise open part of the site. Views of the other elements of the proposed development would be possible from the lane through the existing, and to a lesser extent the proposed, driveway accesses, thereby causing harm to the visual openness of the Green Belt. Additionally, the increase in volume, height and floor area of the extended dwelling and the detached garage would provide built form where there is currently none. This would cause harm to the spatial openness of the Green Belt.
12. Therefore, in comparison to the original building, the significant increase in the ridge and eaves height, floor area and volume of the proposed development would result in a harmful loss of the visual and spatial openness of the Green Belt. As such, it would conflict with the fundamental aim of the Green Belt and its ability to serve its purpose of safeguarding the countryside from encroachment, as set out in paragraph 138 of the Framework.

Other considerations

13. My attention has been drawn to various planning applications relating to the appeal site, including planning permission for a replacement dwelling both parties agree to be extant¹. Additionally, sketch plans have been provided as part of the appeal demonstrating the type of development which could be completed under permitted development rights. On this basis, there is more than a theoretical possibility that either the approved replacement dwelling could be constructed or the existing bungalow be extended under permitted development rights.
14. Comprising a two-storey dwelling plus a single-storey side extension and detached garage, the front of the approved replacement dwelling would be wider than the original dwelling. However, the replacement dwelling and detached garage would comprise smaller floor areas and volumes than the proposed development. It would also be lower in height to the eaves and ridgeline than the appeal scheme, and the gap between the dwelling and the garage would permit views towards the open countryside beyond. Therefore, even though the proposed development would have a more consolidated form, it would cause greater harm to the visual and spatial openness of the Green Belt than the approved replacement dwelling. I therefore attach moderate weight to this fallback scenario.

¹ Council refs: 03/15/0057/FUL and 03/18/2756/FUL

15. The potential extensions that could be possible under permitted development rights have been indicated on the sketch plans submitted with the appeal. Within this scenario, the extended dwelling would be taller than the proposed development and although reference has been made to this scenario comprising a larger footprint and volume compared to the appeal scheme, no figures have been provided. Notwithstanding this, as the scenario does not include a detached garage, the openness of the site when viewed from the existing access drive would be preserved. As a result, I conclude that the proposed development would cause greater harm to the visual and spatial openness of the Green Belt than this scenario. Whilst taking the same approach to the consideration of a fallback situation as another Inspector on a different appeal², I give this scenario moderate weight.
16. I note the age of the Local Plan and have highlighted the inconsistencies between the policies most important for determining the application and the Framework. However, as set out in paragraph 11(d) of the Framework, such policies are considered to be out-of-date and applications should be granted unless the protection of areas of particular importance provides a clear reason for refusing the development. Such assets include land designated as Green Belt. In light of this, as I have found that the proposed development would be inappropriate development in the Green Belt, for the reasons set out above, I consider the application of the Framework's Green Belt policies provides a clear reason for refusing the appeal scheme.
17. While my attention has been drawn to paragraph 14 of the Framework, as this relates to development which conflicts with a neighbourhood plan it is not determinative in my decision as, based on the evidence before me, the appeal site is not located within an area covered by a made neighbourhood plan.
18. The certainty surrounding the standard of design and character of the proposed development, in comparison with the extended dwelling which could be constructed under permitted development rights, weighs in favour of the grant of planning permission. However, based on the evidence before me, I am unable to conclude with certainty that the standard of design incorporated in the appeal scheme would be significantly higher than that of the approved planning applications. As such, I afford any benefits from the design of the proposed development moderate weight. The fact that it would cause no harm to the pleasant rural character of the local area is a neutral factor.

Green Belt Balance

19. The proposed development would be inappropriate development in the Green Belt and would result in a harmful loss of openness to the Green Belt, in both visual and spatial terms. 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.

² Appeal ref: APP/R0660/D/19/3240413

Conclusion

20. 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