



Appeal Decision

Site visit made on 24 July 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Appeal Ref: APP/W0530/D/23/3316058

80 High Street, Little Shelford, Cambridgeshire CB22 5ES

- 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 Ajay Barak against the decision of South Cambridgeshire District Council.
- The application Ref 22/04624/HFUL, dated 19 October 2022, was refused by notice dated 14 December 2022.
- The development proposed is part single storey, part two storey side/rear extension and two storey front extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form indicates that an alternative description of the development proposed was agreed by the main parties. Accordingly, I have also used this description, as it accurately describes the proposal.

Main Issues

3. The main issues are:
 - whether the 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, and;
 - 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 proposals.

Reasons

Whether inappropriate development in the Green Belt

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.
5. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in Paragraph 149. One such exception is 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. In this case, the Framework defines the original building as being as it existed on 1 July 1948 ('the relevant date').

6. This is generally reflected in South Cambridgeshire Local Plan (SCLP) Policy H/13 which states that in the Green Belt, disproportionate additions to the original dwelling will not be supported, and this is consistent with the Framework.
7. The supporting text to this policy states that in assessing schemes for the extension of an existing dwelling, account should be taken of the degree to which the dwelling has previously been extended, or could be further extended, using permitted development rights and the character of the area. My reading of this supporting text is that these issues should be considered in a restrictive, not a permissive way. For instance, any previous extensions should be accounted for when considering the overall scale of the proposed extension to a dwelling, in comparison to the original dwelling. This is consistent with the approach of the Framework, which focuses the assessment of this issue on the building as it originally stood, regardless of any subsequent extensions that have taken place, or indeed theoretical extensions in the future.
8. There is dispute between the parties with regard to the size of the appeal property as it stood at the relevant date, and as it would stand following the implementation of the appeal proposal. However, even if I were to accept the appellant's submission on this issue, the proposed extension would still amount to a 92% increase on the footprint of the original building at the relevant date, so almost a doubling in its size. Objectively, this would represent a significant addition to the appeal property.
9. Footprint alone is not the only metric by which the proportionality of the proposed extension should be judged. The provided aerial photograph, stated to have been taken in 1948, shows a modest rural farmhouse. Even taking account of the evident detached outbuilding, and partially visible single storey rear projection which existed at the property at this time and may have also existed at the relevant date, the addition of the proposal in terms of its height, bulk and massing, would, in comparison to the original building, represent a disproportionate addition. It would not, therefore, meet the exception set out at Paragraph 149(c) of the Framework.
10. My attention has been drawn to several appeal decisions¹, in relation to this issue. Although, where details have been provided, in some cases there are some similarities with the proposal before me, the circumstances of each differ both in terms of the scale and form of appeal property and appeal proposal.
11. Some of the cited cases related to proposals stated to be infill extensions or where the general form of the appeal property would remain largely unchanged. The appeal proposal before me goes beyond the scope of such development. Whilst another cited case related to an extension which was stated as significantly increasing the footprint, mass, bulk and volume of an outbuilding, it is clear that the Inspector in that case considered the size of the proposal in relation to the appeal property as a whole, as opposed to in comparison with the outbuilding, and in that context considered the proposal to be a modest addition.

¹ APP/P5870/D/18/3196834, APP/Y3615/D/21/3284827, APP/B3030/D/19/3241277, APP/Y3615/D/21/3284827 & APP/Y3615/D/21/3287999

12. An additional cited case relates to an appeal site situated outside of the Green Belt, so is of limited relevance in relation to considering the matter of inappropriate development.
13. Accordingly, there is nothing within these decisions that would lead me to reach a different conclusion to my assessment.
14. It has also been put to me that the proposal would not be inappropriate development as it would fall under the exception set out at Paragraph 149(g) of the Framework. This exception makes provision for the limited infilling or the partial or complete redevelopment of previously developed land, where it would not have a greater impact on openness on the Green Belt than the existing development.
15. Openness is an essential characteristic of the Green Belt and has both spatial and visual aspects. The provided plans indicate that although some of the proposal would replace existing extensions to the appeal dwelling, the footprint of the building would be larger than at present. Furthermore, elements of the proposal would introduce two-storey extensions where at present there are none. Two-storey built form would be extended and consolidated across the front elevation, with a more strident gable design, visible from the public realm. Overall, whilst the overall appeal site, including the existing garden would remain largely free from built development, the resultant building would be spatially and visibly larger than that which currently exists.
16. When considered as a whole, and although not extending beyond the existing residential garden of the appeal property, the proposal would therefore lead to visible and spatial encroachment of development into the countryside.
17. Therefore, even if I was to agree with the appellant that the appeal site comprises previously developed land, the proposal would have a greater effect on openness than the existing development and the proposal would not fall within the exception contained with Paragraph 149(g) of the Framework.
18. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which would harm the openness of the Green Belt. It would therefore conflict with the relevant objectives of SCLP Policies H/13 and S/4, and the associated policies of the Framework.

Other considerations

19. I have found that the proposal would be inappropriate development that would harm openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises 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, is clearly outweighed by other considerations.
20. The appeal property has previously been extended in piecemeal manner and currently lacks visual cohesion. The contemporary and comprehensive re-design of the appeal property would be a benefit of the proposal, and one to which I attach moderate weight.
21. The appellant has indicated that an alternative form of development could be achieved at the appeal site through the exercising of permitted development

rights, that such a development would potentially be of a larger scale than the proposal before me, and as such, represents a fallback position.

22. However, there is no substantive evidence before me in the form of a Lawful Development Certificate ('LDC') that would confirm that such extensions would be possible, and it is not within the scope of this appeal for me to determine this fact. Even if such development could be lawful, I have been provided with no details of any alternative scheme beyond outlined dimensions, and I cannot therefore be sure that such development would be less or more suitable. Therefore, I afford this fallback position little weight as a consideration.
23. In reaching this conclusion I have had regard to a further appeal decision² presented to me. However, in that instance the lawfulness of the advanced fallback positions had been established through the granting of planning permission and the issuing of an LDC. Consequently, the circumstances of that case differ from that which is before me now, and it does not lead me to reach a different conclusion.
24. The proposal would allow the modernisation of the existing dwelling, and it is stated that it would also be fully accessible. Whilst these are benefits of the proposal, the appeal property is currently habitable in its existing form. Accordingly, I afford these benefits minor weight in favour of the proposal.
25. It is stated that the proposal would significantly improve the thermal qualities of the property through improved insulation, a more efficient heating system and solar panels would be provided on the property. Having regard to the support within the Framework for mitigating climate change, these measures would be modest benefits of the proposal.
26. The proposal would also be likely to generate economic benefits during construction. However, given the scale of the proposal and the temporary nature of such benefits, they carry only modest weight. The landscaping and biodiversity enhancements that would be delivered on this small site also attract modest weight.
27. Even if I was to agree that the proposal would have no effect upon the living conditions of occupiers of properties on neighbouring plots, this would be a neutral factor that would not weigh in favour of the proposal.

Other Matter

28. The appeal property is situated close to Westfeld, 82 High Street which is a listed building. Due to the distance between the appeal property and the listed building, I have no reason to find that the appeal proposal would harm the special interest of this heritage asset, and as I am dismissing the appeal for other reasons, no harm in this regard could arise from my decision.

Green Belt Balance

29. In summary, the proposal would be inappropriate development in the Green Belt and would result in harmful loss of openness to the Green Belt. The Framework requires me to give substantial weight to any harm to the Green Belt.

² APP/R0660/D/19/3240413

30. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations taken together and, therefore, the very special circumstances required to justify the proposal do not exist.

Conclusion

31. The proposal would conflict with the development plan read as a whole and the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan. Accordingly, the appeal is dismissed.

C Harding

INSPECTOR