



Appeal Decision

Site visit made on 20 October 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023

Appeal Ref: APP/K3415/D/23/3323441

New Fulfen Cottage, Cappers Lane, Lichfield, Staffordshire WS14 9JP

- 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 Tatlow against the decision of Lichfield District Council.
 - The application Ref 22/01259/FUH, dated 17 August 2022, was refused by notice dated 13 March 2023.
 - The development proposed is single and two storey extensions and alterations to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for single and two storey extensions and alterations to front elevation, at New Fulfen Cottage, Cappers Lane, Lichfield, Staffordshire WS14 9JP, in accordance with the terms of the application, Ref 22/01259/FUH, dated 17 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1239_204 Rev A (Existing and Proposed Plans, Elevations, and Block Plans); 1239_205 Rev A (Site Location Plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The site lies within the Green Belt. Therefore, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

3. Paragraph 149 of the National Planning Policy Framework (September 2023) (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development but lists certain forms of development which are not regarded as inappropriate. This includes 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. Policy NR2 of the Lichfield District Local Plan Strategy (February 2015) (the LDLPS) confirms that Green Belt policy will be applied in line with the Framework.
4. Neither the Framework nor Policy NR2 defines a 'disproportionate addition', but the Council indicates it applies a rule of thumb of a 50% increase in footprint and 30% increase in volume over the original building.
5. The appellants accept that the dwelling, originally a modest farmer's dwelling of some 39sqm, has been extended by around 34sqm, an increase of around 87% in footprint. No volume calculations have been put to me. The proposal is indicated to increase the footprint by 53% over the *existing* building, which would equate to an increase of some 186% over the original building. In effect, the dwelling has already doubled in footprint and would be added to with further sizable extensions.
6. The appellant concedes that the cumulative size of extensions would amount to disproportionate additions over and above the original building. By any measure, a nearly trebling in footprint of the original building is significant, and on the evidence before me, I conclude that the proposal would result in disproportionate additions over and above the original building and the proposal would amount to inappropriate development in the Green Belt.

Effect on Openness and Green Belt Purposes

7. 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 in terms of the Green Belt has a spatial aspect and a visual aspect.
8. The dwelling occupies an individual site set well back from the road with large, open agricultural fields to the side and rear, with the lone exception of a cluster of housing and other buildings to the west. Given this layout, the existing site already has a clear physical presence that reduces openness to this part of the Green Belt.
9. However, the dwelling itself, particularly its ground floor and single storey outbuildings, are well screened by mature boundary planting to the side and rear boundaries, and a prominent line of trees along the front drive. This has helped the dwelling to integrate into the landscape.
10. I accept that, in spatial terms, the proposed extensions would result in an increase in massing within the site. However, the ground floor massing would not manifest itself visually beyond the site boundaries, as it would be well screened and not readily observed from any vantage point. The first floor infill at the rear would be glimpsed from Cappers Lane but would be seen at a distance and against the existing massing of the dwelling. The perceived form

and massing of the dwelling would not change significantly and there would be no discernible effect on openness in visual terms.

11. Taking these considerations together, I conclude that the proposal would not have a harmful effect on openness. Moreover, given the proposal would be contained within a clearly defined site, it would not lead in any substantive way to encroachment of development into the countryside and would not impact on this or any other Green Belt purpose.

Other Considerations

12. Although the presence of past extensions is a factor in my finding the proposal would amount to inappropriate development, the original building was particularly modest in scale. The dwelling has become larger through past extensions, notably following a fire in 2000 with its size and form now well established. The rear, two storey wing matches the overall height of the dwelling and does not appear as an extension but has effectively reshaped the principal element of the dwelling. As a result, the rear conservatory and side lean-to extensions appear as proportionate, subservient additions to a main L-shaped dwelling. Moreover, as the dwelling stands by itself, it does not appear disproportionate in scale relative to surrounding development.
13. The proposal would continue this evolution by infilling the L-shape to create a square footprint to the main body of the dwelling, creating a larger principal massing. The single storey extension would be located discreetly at the rear of the dwelling and would be subservient in height and position. It would not have any discernible effect on the outward appearance of the dwelling within the landscape. Indeed, the Council has not opposed the proposal in terms of its effect on the character and appearance of the area and has accepted past development on the site including extensions and outbuildings. There would also be a modest improvement to the front elevation with the introduction of a front facing entrance porch. Therefore, although the scale of extensions would be inappropriate in quantitative terms, I afford weight to the fact that they would result in a well-proportioned dwelling appropriate in design for its site and surroundings that would preserve the character and appearance of the area and the openness of the Green Belt.
14. The appellant refers to potential fall-back options available through the exercising of permitted development (PD) rights. However, these are set out only in terms of achievable footprints, with no substantive evidence, such as detailed drawings or a lawful development certificate to demonstrate that such options are realistic. Their feasibility is complicated by the fact that existing extensions have already been added to the dwelling. These would have to be considered alongside any proposed extension, with the cumulative extent of existing and proposed additions being the relevant consideration as to whether a proposal amounts to PD. On the basis of the limited detail before me, I am doubtful that the potential extensions could be achieved, individually or together, when existing extensions are considered with them. There is also no suggestion from the appellant that they intend to demolish any existing part of the dwelling to facilitate a PD scheme. Therefore, I am not persuaded that there are realistic fall-back positions in terms of development under PD that merit positive weight towards granting the appeal proposal.
15. The appellant further points to ongoing works to construct the HS2 high speed rail infrastructure nearby, with a large works compound a short distance away

and Cappers Lane forming a key access route for works traffic. I appreciate that this is a source of significant disruption for the appellants, and I note their concerns about legal issues being raised by the HS2 process making it difficult to sell the property, resulting in a need to extend the dwelling if the appellants are forced to stay there for the long term. Whilst I empathise with this situation, these are ultimately separate matters which are outside of the planning process, and as such they attract limited weight in my considerations.

16. I do not doubt that the appellants' cultivation of the garden has enhanced biodiversity on the site, but this has separately occurred and would not be directly enhanced by the proposed development. It is not a matter weighing in favour of the proposal.
17. I note the appellants' reference to an application nearby where the Council granted permission in ostensibly similar circumstances. However, I have only limited details of this proposal and therefore cannot be certain it is directly comparable to the present appeal, which I have considered on its own merits.

Whether very special circumstances exist

18. The proposal would cause harm to the Green Belt by way of inappropriateness, to which I afford substantial weight in accordance with the Framework, which adds that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
19. Whilst the size of extensions triggers a finding of inappropriate development in technical terms, the proposal on the ground would be appropriate in its design and appearance. Moreover, there would be no harm to openness and the proposal would not offend any of the five key purposes of the Green Belt.
20. Taken together, I find that these considerations clearly outweigh the harm to the Green Belt by way of inappropriateness. Consequently, I find that the very special circumstances necessary to justify the proposal exist.

Conclusion

21. As I have found above that very special circumstances exist to justify development in the Green Belt, the proposal would accord with national policy set out in the Framework and Policy NR2 of the LDLPS. There are no other material considerations which indicate that a decision should be made other than in accordance with the development plan.
22. Therefore, the appeal should be allowed, subject to a condition requiring development to be carried out in accordance with the approved plans to provide certainty. A condition requiring materials to match those used on the existing dwelling is also necessary in the interests of the character and appearance of the area.

K Savage

INSPECTOR