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# Appeal Decision

Site visit made on 1 November 2023

**by Paul Thompson DipTRP MAUD MRTPI**

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

**Decision date: 20 November 2023**

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**Appeal Ref: APP/X0360/D/23/3320162**

**Milvus House, Remenham Hill, Wokingham RG9 3EG**

- 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 Lee Peart against the decision of Wokingham Borough Council.
  - The application Ref 223374, dated 10 November 2022, was refused by notice dated 24 January 2023.
  - The development proposed is the addition of a 1.5 storey side extension comprising utility, study and WC/Shower.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Decision Notice refers to Core Strategy<sup>1</sup> Policy CS11 and the Borough Design Guide<sup>2</sup>. The former relates to protection of the identity of settlements and maintaining quality of the environment, which are not Green Belt considerations, and the Council did not identify conflict with criterion 2 and 4 quoted in its Officer Report. This also does not refer to conflict with the Design Guide and it does not appear to contain any guidance as to extension of homes in the Green Belt. Accordingly, I have not found in relation to either and only concerned myself with the other policies referred to on the Decision Notice.
3. On 5 September 2023 the Government published a revised National Planning Policy Framework (the Framework), accompanied by a written ministerial statement. As the only substantive revisions to it relate to national policy for onshore wind development in England, I did not engage with the main parties.

## Main Issues

4. The main issues are:
  - whether the proposed development would be inappropriate development in the Green Belt;
  - the effect of the proposed development on the openness of the Green Belt and purposes of including land within the Green Belt; and
  - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

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<sup>1</sup> Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document (January 2010).

<sup>2</sup> Wokingham Borough Council Borough Design Guide Supplementary Planning Document (June 2012).

## Reasons

### *Inappropriate Development*

5. The Framework sets out the Government's planning policies for England and is the most up to date expression of the national policy position on development in the Green Belt. It is therefore an important material consideration in all planning decisions and Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst referring to the now replaced Planning Policy Guidance 2, Core Strategy Policy CP12 advocates a similar approach.
6. Framework Paragraph 149 states the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions, which 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'. Local Plan<sup>3</sup> Policy TB01 refers to exceptions to the presumption against development in the Green Belt, including those outlined in Paragraphs 89 and 90 of the 2012 Framework, that generally reflect those in Paragraphs 149 and 150 of the current Framework.
7. Policy TB01 also provides further clarity on how these should be interpreted locally. Moreover, it states extension of a dwelling in the Green Belt over and above the size of the original building shall be limited in scale. The supporting policy text defines 'limited' as a cumulative increase in volume of generally no more than 35 percent over and above the original dwelling. Accordingly, the extent of the footprint of existing and additional extensions, their relationship to the size of the house plot or their comparative size to other nearby dwellings are not determinative. Moreover, the acceptability of an increase in the size of the original building is only derived from its volume.
8. The original building was enlarged by virtue of a 2010 planning permission<sup>4</sup> for a two-storey side extension, incorporating demolition of an existing garage. While this does not appear to amount to a disproportionate addition over and above the size of the original building, the appellant accepts the appeal scheme would result in a cumulative increase in the volume of the original dwelling of greater than 35 percent. The use of the term 'generally', in the context of 'limited in scale', implies there could be some flexibility, but the Council has calculated that the cumulative volume would be 58 percent. The appellant does not dispute this, and it would be far greater than the permitted maximum.
9. For the above reasons, I conclude that the proposed extension would result in disproportionate additions over and above the size of the original building. Hence, it would constitute inappropriate development in the Green Belt, contrary to the main aims of Green Belt policy at local and national levels, which I have set out above. Having regard to the points raised above in respect of consistency of the policies with the Framework, I afford considerable weight to the conflict of the proposal with the local policies relevant to this main issue.
10. Policy TB01 also states such development will only be permitted where it maintains the openness of, and does not conflict with the purposes of including land in, the Green Belt. I return to these considerations below.

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<sup>3</sup> Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan (February 2014).

<sup>4</sup> Planning Reference: 100248.

### *Openness and the Purposes of Including Land within the Green Belt*

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The openness of the Green Belt has spatial and visual aspects. The Framework states the Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment.
12. The appeal concerns a detached two-storey house set within a relatively large rectangular plot. It is set back behind the front of the properties either side, and there is tree and hedge planting within and adjoining the site. While this partially screens the property from the street, public views can still be obtained through the access into the site. As the proposed extension is for built form over two floors, it would be clearly discernible in those views, as well as from adjacent properties. It would also close the gap between the boundary to the neighbouring house. Notwithstanding other development nearby, the increase in built form and the bulk and physical presence of the proposal would result in a greater and more adverse impact on the Green Belt through loss of openness in both visual and spatial terms. However, the proposal would not encroach further into the countryside, so it would not harm the purposes of including land within the Green Belt.
13. For the above reasons, the proposed development would harm the openness of the Green Belt in both visual and spatial terms, but not its purposes. Hence, the appeal scheme would be contrary to the main aims of Green Belt policy at local and national levels, as set out above. However, due to the extent of the development, the harm to visual and spatial openness would be limited.

### *Other Considerations*

14. I am referred to an outbuilding at the site approved through a Certificate of Lawfulness<sup>5</sup>. This would be sited a nominal distance from the eastern façade of the house, but setback from its front façade and projecting beyond the rear into the garden. It would be arranged over a single storey, with a flat roof, and incorporate a workshop, store, and WC/Shower.
15. The outbuilding would serve different purposes to the extension, but still be associated with the residential use of the site. It would also be sited in a similar location to the proposed extension, but project to around the point of the proposed terrace. The ground floor of the extension would be inset beneath overhangs at the front and rear. Accordingly, there would be a very similar spatial impact on the openness of the Green Belt. However, the outbuilding would be considerably lower in height than the proposed extension, as the latter would incorporate a taller pitched roof with a gabled dormer to the front slope. The appeal scheme would therefore be of greater prominence and have a more harmful impact on the openness of the Green Belt in visual terms. There would therefore not be any benefit that would be achieved by avoiding the approved scheme as a 'fallback position'.
16. Furthermore, I appreciate that the proposal would have similar architectural characteristics to the existing house, but that is a matter relevant to consideration of the character and appearance of the site and its surroundings (see below), not the visual perception of the openness of the Green Belt.

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<sup>5</sup> Planning Reference: 202335.

17. Planning permission<sup>6</sup> was given for replacement of the existing property known as 'Youngs Cottage' in Wargrave, the size of which relied upon a fallback of a Certificate of Lawfulness<sup>7</sup> for extensions to the property. There is no reason for me to doubt its location in the Green Belt, but that scheme is not comparable with the appeal scheme, as the development types fall into different categories in Policy TB01 and the Framework. Furthermore, the outbuilding was granted permission and I am not referred to the proposal as 'permitted development'.
18. The main parties agree there would not be harm caused by the proposal to the countryside, living conditions of neighbouring occupiers, landscape and trees, ecology, or the Public Sector Equality Duty. Although there is no substantive evidence before me to lead me to different conclusions in respect of these matters, the absence of such harms would have a neutral impact that would neither weigh in favour nor against the proposal.
19. I note the Officer Report uses the term relatively modest in scale to describe the proposal, but this is only in relation to consideration of the impact of the proposal on the countryside and living conditions, not the Green Belt. As these are separate matters requiring consideration of different policy requirements, such references do not alter my conclusions regarding the proposal's effect in the context of the main issues. Similarly, although I have engaged further with the fallback position, further reference in the Decision Notice was unnecessary given that the Council concluded on it in its Officer Report.

### **Planning Balance**

20. The appeal proposal is inappropriate development in the Green Belt, which is harmful by definition. The proposal would reduce the Green Belt's openness which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of the policies of the development plan and the Framework, as I have identified them.
21. The Framework states substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Against this, the other considerations that have been advanced are not sufficient to clearly outweigh the harms to the Green Belt. Hence, the very special circumstances necessary to justify the development do not exist.

### **Conclusion**

22. The proposed development would be contrary to the development plan and there are no other material considerations that indicate the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

*Paul Thompson*

INSPECTOR

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<sup>6</sup> Planning Reference: 181864.

<sup>7</sup> Planning Reference: 180889.