



Appeal Decision

Site visit made on 22 November 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/N3020/D/23/3323874

155 Main Road, Ravenshead, Nottingham NG15 9GS

- 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 Joyce against the decision of Gedling Borough Council.
 - The application Ref 2023/0055, dated 19 January 2023, was refused by notice dated 17 April 2023.
 - The development proposed is a single storey 'garden room' rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) indicates that the construction of new buildings in the Green Belt is inappropriate development, which is by definition harmful. There are however several exceptions set out in Paragraph 149 which are not regarded as inappropriate, one of which relates to the extension or alteration of a building. This applies on the proviso that the development would not result in disproportionate additions over and above the size of the original building.
3. Policy LPD 13 of the Gedling Borough Local Planning Document Part 2 Local Plan 2018 (Local Plan) deals specifically with extensions to buildings in the Green Belt and is broadly consistent with the Framework. Whilst the term 'disproportionate additions' is not defined by the Framework, Policy LPD 13 indicates that such additions are those which would result in an increase of floorspace of more than 50% of the building as originally constructed or as it existed on the 1 July 1948.
4. The resultant floorspace of the building, in combination with a previous extension would exceed 50% of the original building and thus would be a disproportionate addition. The main parties agree that the proposal would amount to inappropriate development on this basis, and having regard to the evidence, I have no reason to disagree.
5. Therefore, the main issues in this appeal are:
 - The effect of the proposal on the openness of the Green Belt;

- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Effect on the openness of the Green Belt

6. The appeal site is occupied by a detached dwelling and is bound to the one side by existing buildings. The character of the site's surroundings is generally rural in nature, with open fields to the north, east and west. The appeal property fronts Main Road beyond which lies residential development.
7. Paragraph 137 of the Framework states that 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 can be perceived both visually and spatially. Paragraph 138 thereafter sets out the five purposes served by Green Belts, one of which relates to the safeguarding of the countryside from encroachment.
8. Despite the modest scale of the proposed extension and the complementary design, it would occupy space that is currently free from built form. Therefore, the appeal development would result in this part of the Green Belt being less open than it is at present. This would be harmful.
9. The proposal would be partly screened by the existing boundary along Main Road, the siting of the extension to the rear of the appeal property and the adjacent buildings. Whilst this would reduce the visual impact on openness, it would not remove it. The proposal would still be visible to an extent from the highway and the surrounding countryside. Therefore, in both spatial and visual terms, the development would fail to preserve the openness of the Green Belt. This adds to the harm caused because of it being inappropriate development.
10. For these reasons, I find that the proposal would harm the openness of the Green Belt and would fail to safeguard the countryside from encroachment. This would be contrary to a purpose of including land within it. Consequently, the proposal conflicts with Policy LPD 13 of the Local Plan and the Framework.

Other considerations

11. The evidence before me sets out that the appellant has debilitating health issues. The proposed extension is intended to mitigate the effects of these health issues by creating ground floor living accommodation which has been designed to maximise natural light. The appellant submits that the proposed development would provide a positive, familiar environment for their ongoing medical treatment whilst the enhanced connection to nature would also be of benefit to their health. Further, the accommodation would enable medical treatment to be given on site which would reduce the stress associated with travel and help to alleviate the appellant's symptoms.
12. Whilst I have had regard to the correspondence from health practitioners, there is a lack of substantive evidence before me which satisfactorily demonstrates that alterations to the existing building could not achieve the same end without causing harm to the Green Belt. Further, I note the Inspector's findings in

relation to the Bury Lane appeal¹. However, given the limited detail before me, I cannot be sure that the circumstances of the case compare. Therefore, this carries limited weight in my decision.

13. The Public Sector Equality Duty contained in section 149 of the Equality Act 2010, sets out the need to foster good relations between people who share a protected characteristic and those who do not. These characteristics include disability, and I am mindful of the appellant's personal circumstances in this regard. I afford these other considerations great weight in my decision.

Green Belt Balance and Conclusion

14. The proposal would result in inappropriate development in the Green Belt, which would be, by definition harmful. The Framework indicates that such harm should be given substantial weight. I also give substantial weight to the adverse impact on the openness of the Green Belt.
15. The proposed development would have positive implications for the appellant who has a protected characteristic. However, the harm caused by the proposal outweighs its benefits. Consequently, the very special circumstances necessary to justify the development do not exist. I therefore conclude that it is proportionate and necessary to dismiss the appeal.

H Wilkinson

INSPECTOR

¹ APP/J1915/W/21/3273500