
Appeal Decision

Site visit made on 18 June 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2024

Appeal Ref: APP/B3438/D/23/3335077

The Fox, Beat Lane, Rushton Spencer, Staffordshire SK11 0RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Spurrell against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2023/0437.
 - The development proposed is garage extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. For the avoidance of doubt, where reference is made in this decision to paragraph numbers, they are taken from the latest version of the Framework.

Main Issues

3. The main issues are:
 - Whether the proposal 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 on the openness of the Green Belt; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration so as to amount to the very special circumstances to justify the proposal.

Reasons

Inappropriate development

4. The appeal site contains a two-storey detached dwellinghouse, the Fox, and a detached double garage which is part of a larger building that extends into the adjoining property. The dwelling was created under planning permission reference 04/00431/FUL (the 2004 permission) for the subdivision of an extended and altered 19th century public house to form three separate dwellings.

5. The site is located within the Green Belt. Policy SS10 of the Staffordshire Moorlands Local Plan (LP) seeks to maintain the Green Belt and sets out that strict control will be exercised over inappropriate development, allowing only for exceptions as defined by Government Policy. The Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate unless it falls within the list of exceptions set out in paragraph 154. One of the identified exceptions, paragraph 154(c), is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
6. To ascertain whether the proposal would be a disproportionate addition, it is necessary to understand what constitutes the original building. The Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally. Therefore, extensions which were added to a building before 1 July 1948 should be regarded as part of the 'original building'. Where an extension to a building constructed after 1 July 1948 is proposed, the comparison is between the building as first built and the building as proposed to be extended, together with any existing extensions constructed since the building was first built.
7. Whilst there is no compelling evidence before me that demonstrates that it was part of a building that existed on 1 July 1948, the main parties agree that the dwelling was part of the former public house. Accordingly, the building that became the dwelling, unlike the garage, pre-existed before the 2004 permission was implemented. Consequently, it is reasonable to consider that it was first built prior to the construction of the garage, and not at the same time as suggested by the appellant. I therefore find that the dwelling, on its own, is the original building.
8. The garage is an outbuilding used for purposes incidental to the enjoyment of the occupiers of the existing dwelling sited close to it. As such, having regard to *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)*, it could be deemed to be an existing extension to the original building. If not, then it follows that, in accordance with the definition, it is an original building in its own right.
9. In consideration of the appeal plans, it is evident that the proposed garage extension in combination with the existing garage and a permitted extension to be attached to the dwelling, would represent a substantial increase to it in both floorspace and volume. The resultant additional built form would dominate the scale and massing of the dwelling.
10. Furthermore, the plans show that the proposed extension would almost double the size of the existing garage and would represent close to a 50% increase in the size of the entire building. The proposed extension would not appear subordinate to the garage building.
11. Therefore, whether the existing garage is deemed to be an extension to the original building, or an original building in its own right, I find that the proposal would result in a disproportionate addition. Consequently, it would not meet the exception under paragraph 154(c) of the Framework.
12. The previous officer reports in 2019 and 2023, regarding proposed extensions, neither supports nor contradicts the appellant's assertion that the Council, at that time, must have considered the original building to be the dwelling and

garage combined. It is equally plausible, in the absence of anything within the reports that demonstrates otherwise, that the Council considered the original building to be the dwelling on its own and made its assessment on that basis. As such, there is no substantive evidence before me that the Council has been inconsistent in its decision making. Even if I were to agree with the appellant on this point, that does not alter my findings set out above.

13. I therefore conclude, the appeal proposal is inappropriate development in the Green Belt and would conflict with LP Policy SS10 and the Framework.

Openness

14. The Framework, at paragraph 142, sets out 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 has both spatial and visual aspects.
15. Whilst the proposed extension would not be seen from public vantage points, it would be visible from the adjoining properties. Furthermore, it would increase the scale and massing of the dwelling introducing built form within the site. Consequently, the proposal would result in a visual and spatial loss of openness of the Green Belt.
16. On this issue, I conclude that there would be a loss of openness in the Green Belt which would conflicts with paragraph 142 of the Framework.

Green belt balance

17. Paragraph 152 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
18. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt.
19. No other considerations have been identified that would clearly outweigh the harm to the Green Belt I have found, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

20. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR