



Appeal Decision

Site visit made on 26 July 2024

by S. Hartley BA (Hons) Dist.TP (Manc), DMS, MRTPI, MRICS

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/P2365/D/24/3341797

4 Cut Lane, Aughton, Lancashire L39 8RD

- 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 Geoff Scott against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/1019/FUL.
 - The development proposed is described as 'a single storey rear extension. The submission is identical to that refused earlier by the Council reference 2023/0432/FUL'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Geoff Scott against West Lancashire Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The appeal property is located within the Green Belt.
4. The main issues are (i) whether the proposed extension is inappropriate development within the Green Belt including the effect upon openness and (ii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify development.

Reasons

Whether inappropriate development

5. Policy GN1 of the West Lancashire Local Plan 2013 (LP) states that development proposals will be assessed against national policy and any relevant local plan policies.
6. Paragraph 152 of the National Planning Policy Framework 2023 (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 154 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions to this is paragraph 154 (c) which permits 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.

7. The Council's Policy GB4 of its Green Belt Supplementary Planning Document 2015 (SPD) states that a proposal for an extension to an existing building within the Green Belt should not have a total volume, together with any previous extensions, alterations and non-original outbuildings, of more than 40% above the volume of the original building. Moreover, it states that '*the applicant must provide clear evidence of what constitutes the original property*' including volume calculations of the existing and proposed development.
8. There are two sizeable outbuildings associated with the site, one of which is proposed for demolition to offset the proposed house extension. However, I have no clear evidence before me, as required by the SPD, to indicate whether they constitute part of the original property. In the absence of such evidence, I have no reason to dispute the LPA's estimate that the net volumetric increase of the proposed development over the original building and outbuildings would amount to 86% and would therefore exceed the percentage in the SPD.
9. Furthermore, the outbuilding proposed for demolition is at some distance from the host property and cannot reasonably be regarded as part of an extension to it. As such, it cannot be said to offset an extension or alteration of a building allowed under paragraph 154c of the Framework.
10. Therefore, I conclude that the volume increase of the proposed development over that of the original buildings is such as to amount to inappropriate development in the Green Belt, contrary to LP policy GN1, the SPD and the Framework.

Effect upon the openness of the Green Belt

11. Paragraph 142 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*'.
12. Openness can have both a volumetric and a visual component. The proposal includes the demolition of a separate building on the site, located at some distance from the host property, leading to a net volumetric reduction, as estimated by the appellant, of 95m³. The volumetric reduction is a factor in favour of the proposed development in terms of openness. However, visually, the proposed extension will be more apparent when viewed from Cut Lane than the building proposed for demolition and where the latter is sited set back some distance from the road and largely hidden from it.
13. Therefore, overall, my judgement is that the proposed development would have a limited adverse impact in terms of openness, despite the volumetric reduction in built form and despite that it would lead to the demolition of a more isolated building.

Other Considerations

14. The appellant states that he is aware of two recent cases where the Council has supported proposals where existing extensions/outbuildings are being removed to be replaced by smaller extensions, thereby improving openness even if the 40% guidance is breached. However, I have no details of such cases before me, but in any event, I have considered the issue of openness with regard to the appeal proposal upon its individual merits.

15. There is no dispute between the parties that the proposed design of the extension is acceptable and that there would be no adverse impact upon the visual or other amenities of the occupiers of the adjoining property and I have no reason to disagree.
16. However, none of the above matters, either individually or together, outweigh my conclusions upon the main issues.

Conclusions

17. The proposal would be inappropriate development within the Green Belt and would also cause limited harm to openness. These matters are not clearly outweighed by other considerations to amount to very special circumstances to justify development. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR