

Appeal Decision

Site visit made on 3 October 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2024

Appeal Ref: APP/P0119/D/24/3347890

The Cottage, 8 Broad Lane, Westerleigh, South Gloucestershire, BS37 8QX

- 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 Gary Hillard against the decision of South Gloucestershire Council.
 - The application Ref is P24/00410/HH.
 - The development proposed is the demolition of existing single storey rear extension. Erection of two storey rear extension to form additional living accommodation.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since it more accurately and succinctly describes the proposed development, I have utilised the description used in the Council's decision letter rather than that in the application form.
3. The appeal property is located within the Bristol and Bath Green Belt (GB).

Main issue

4. The main issue is whether the proposed extension would be inappropriate development in the GB and, if so, whether other considerations clearly outweigh the harm to the Green Belt so as to amount to very special circumstances.

Reasons

Whether inappropriate development

5. The Framework¹ establishes that the construction of new buildings in the GB should be regarded as inappropriate unless one of the specified exceptions applies. These include 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.
6. Policy CS5 of the South Gloucestershire Local Plan Core Strategy provides that proposals for development in the GB must comply with the provisions of the Framework. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (LP) provides more detailed policy guidance in that it sets out

¹ The National Planning Policy Framework

the level of volume increases likely to be considered as disproportionate or not disproportionate additions.

7. The appeal property is a semi-detached dwelling erected well before July 1948, and is therefore considered by both parties as the original building for the purposes of national and local GB policies. The planning history shows that it has been extended previously and a garage/workshop was also granted permission within the dwelling's curtilage. There is general agreement as to the volumes of the original dwelling and the additions made since.
8. The appellant argues that the front porch should not be considered in the calculations, since it was added as permitted development. However, neither national nor local Green Belt policy makes any reference to excluding that constructed as permitted development from consideration.
9. The main disagreement between the parties relates to the garage/workshop and whether or not it should be treated as an extension to the original building. According to the Council's calculations, the addition of the current proposal, after making due allowance for the demolition of the rear extension, would result in the volume of the original building being cumulatively increased by 57.9%.
10. The appellant disagrees and considers that the garage/workshop should not be treated as an extension, but as a separate building. If that were to be the case, the volume increase would be around 30%.
11. Both parties cite the *Sevenoaks* High Court case² for different reasons. A more recent High Court decision³ on a similar topic is also relevant since it relates to the Framework's more recent GB policies. It was found in that case that the general principles applying in *Sevenoaks* in respect of outbuildings in the GB are also applicable now.
12. The dwelling is sited alongside a country lane, a cul-de-sac leading to a farm and other buildings. Beyond the dwelling, on the other side of a driveway to the north is the garage/workshop, which is a substantial structure with accommodation on the first floor. The appellant says that it appears as a different property since it is located a '*significant distance from the dwelling*' with little relationship to the host property. The appellant says it is sited 11m from the dwelling, whilst the Council suggests that it is less. The appellant further considers that it would not be considered as a '*normal domestic adjunct*'.
13. There is no evidence to suggest that the garage/workshop has no functional relationship with the dwelling, and to my mind it would be rightly considered as a normal domestic adjunct. Having regard to the facts of the *Warwick* case, the garage/workshop is not in my view sited a significant distance from the dwelling and is plainly seen and perceived as being in the same visual plane as the original dwelling when viewed from the highway outside.
14. I therefore consider the Council reasonably treated the garage/workshop as an extension to the original dwelling in its calculations. The appellant's comments as to the interpretation of LP policy PSP7 are noted but the policy provides that

² *Sevenoaks DC v SSE and another* [1997] EWHC 1012 (Admin)

³ *Warwick District Council v Secretary of State for Levelling Up, Housing And Communities* [2022] EWHC 2145 (Admin)

proposals for volume increases of the extent proposed would most likely be considered a disproportionate addition and be refused as inappropriate development. Having regard to the evidence and my observations, I consider that the Council was justified in dealing with the proposal on this basis.

15. The current proposal would therefore be a disproportionate addition and inappropriate development in the GB having regard to national and local policy.

Other considerations

16. Other than on GB grounds there are no objections to the proposed extension. However, the absence of harm in other respects is not a positive consideration, as acceptability in design and amenity terms is to be expected.
17. Reference is made to the provisions of the Council's Supplementary Document on the Green Belt, but this attracts little weight in my considerations since it pre-dates the Framework's GB policies.
18. Reference is made to other development having been allowed in the GB in relatively close proximity to the appeal site. However, not all the relevant details and circumstances applicable in those cases have been provided, and the examples therefore attract very little weight.

Conclusions

19. The proposal would be inappropriate development within the GB. In accordance with the Framework, substantial weight should be given to any harm to the GB. Even taken together, the other considerations put forward provide little support for the scheme. Therefore, they do not outweigh the harm to the GB and very special circumstances do not exist. The proposed extension would not accord with the development plan in respect of GB policy and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

G Powys Jones

INSPECTOR