



Appeal Decision

Site visit made on 23 September 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/A1910/D/24/3347160

Lower Farm End, Luton Road, Markyate, St Albans, Hertfordshire AL3 8PZ

- 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 T Wright against the decision of Dacorum Borough Council.
 - The application Ref is 24/00684/FHA.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt;
 - ii) The effect of the proposal on the openness of the Green Belt; and
 - iii) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. Lower Farm End is a bungalow set back from the road within a large plot in the designated Green Belt and countryside, outside of any village. Near to the bungalow is a 1.5 storey detached garage building which I understand was granted planning permission in 2015, with another later permission allowing for extension and conversion of the loft space. Further away, but still within the site, is a range of stables and storage buildings. Some works were taking place to the roof of the bungalow at the time of my site visit, but I could not see the nature or extent of those works due to protective sheeting.
4. The appeal proposal is to build a single storey rear extension to the bungalow. This follows on from a previously proposed roof extension, which was refused by the Council and then dismissed on appeal last year¹.

¹ APP/A1910/D/22/3313973

5. Paragraph 154 of the National Planning Policy Framework (the Framework) explains that construction of new buildings should be regarded as inappropriate in the Green Belt, apart from listed exceptions. One of these exceptions is for extensions and alterations to buildings provided that these do not result in disproportionate additions over and above the size of the original building.
6. Policy CS5 *Green Belt* of the Council's Core Strategy 2006-2031 (CS) states that the Council will apply national Green Belt policy. Given this clear statement of alignment with national policy, I refer to the 2023 Framework's wording concerning extensions in the Green Belt, in preference to the older wording in policy CS5 that allows for 'limited extensions to existing buildings'.
7. The Framework does not provide any guidance on interpretation of the phrase 'disproportionate additions'. Although the previous appeal decision refers to a guideline of a 30% increase in floorspace set out in Policy 22 of the Dacorum Borough Local Plan, the Council has not referenced that policy in this appeal or provided a copy. I therefore do not apply that guideline here. The Oxford English Dictionary definition of 'disproportionate' is simply "*something which is too large or small in comparison with something else*".
8. The 'original building' I take to be the bungalow as shown on the submitted plans. As the bungalow itself has not been extended, the key to the assessment in this case is the nearby garage. The Council argues that the garage should be considered as being a domestic adjunct, equivalent to an extension to the house, so that it would count as an increase in the size of the original building. The appellant argues that the garage is more than 11m from the bungalow and is visually separate, so that it should not be considered as an extension. Although this particular issue was also raised in the previous appeal, that Inspector did not need to come to any conclusion on the matter.
9. I find myself in agreement with the Council here. The list of exceptions to Green Belt restraint in Framework paragraph 154 does not allow for domestic outbuildings, which are therefore normally considered to be inappropriate development. This was also the case in previous versions of the Framework in effect when the garage and the garage loft conversion were permitted. The Council's submission that the garage was considered at the time to be a domestic adjunct therefore makes sense because the garage would likely have constituted inappropriate development otherwise. The garage is a domestic structure and is, even at 11m away, close enough to be used as part of the normal residential use of the bungalow. It remains reasonable, and apparently consistent with previous decisions, to consider the garage as equivalent to an extension. I therefore count it as an enlargement of the original building for the purposes of Green Belt policy.
10. The Council says that the garage has a floorspace of 72 sqm, which is already a considerable addition to the bungalow's 81 sqm. The appellant does not dispute these figures. In terms of its volume as well, the garage represents a sizeable increase to the built form of this small bungalow. The currently proposed rear extension would be a relatively small addition in itself, adding only about 24 sqm of floorspace. Nevertheless, when taken together with the garage the overall floorspace would be more than doubled. This would amount to a substantial and, I find, disproportionate addition over and above the size of the original building.

11. I find that none of the Framework's listed exceptions to Green Belt restraint applies. The proposal therefore constitutes inappropriate development in the Green Belt.

Openness

12. The openness of the Green Belt has both visual and spatial aspects. The site is well screened from public views by fencing and trees, some of which are protected by a Tree Preservation Order. The proposed extension would be sited to the rear of the bungalow, out of public view. Its impact on openness would therefore arise only from the cumulative spatial increase in development on site. The proposed extension in itself would be of modest proportions. I find that the proposal would cause only very limited harm to the openness of the Green Belt.

Whether very special circumstances exist

13. Framework paragraph 152 advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that 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
14. The proposal would neither harm nor enhance the character and appearance of the local countryside. This is a neutral factor in the overall balance.
15. The appellant refers to two other cases as considerations in favour of this proposal. Firstly, a sizeable extension has been allowed next door at Sunlea. The Council's report for that application makes it clear that the extension was inappropriate in the Green Belt, but was allowed due to the potential for alternative extensions and outbuildings to be constructed under permitted development rights², forming a fall-back position. This was considered to amount to very special circumstances. I note that such permitted development rights are restricted at Lower Farm End and that the overall percentage increase in floorspace in the current case is greater than at Sunlea. The circumstances of the two cases are therefore significantly different.
16. Secondly, the appellant refers to an extension being confirmed as permitted development at Lower Farm, also next door. Again, these permitted development rights do not apply at Lower Farm End so this is not a similar situation. I have assessed this current proposal on its own merits.
17. The appellant also refers to the Council having allowed the stables and other buildings at the far end of the site. I do not have full details of the consideration of those buildings. They are not domestic buildings and are set well away from the bungalow, so have no direct relevance to this current proposal.
18. The proposal would be inappropriate development within the Green Belt and is harmful to the Green Belt by definition. I give this harm substantial weight in determining this appeal, in accordance with paragraphs 152 and 153 of the Framework. There would also be a very limited negative impact on openness. The other considerations put forward provide little support for the scheme.

² Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

They therefore do not outweigh the harm to the Green Belt and the very special circumstances required to justify inappropriate development in the Green Belt do not exist. The proposed extension therefore conflicts with CS policy CS5 and the Framework.

Conclusion

19. There are no other material considerations which would outweigh this conflict with the development plan and national policy. For the reasons set out above, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR