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# Appeal Decision

Site visit made on 5 November 2024

**by N Teasdale BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 November 2024**

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**Appeal Ref: APP/X0415/D/24/3341237**

**Bank Cottage, Bank Green, Bellingdon, Buckinghamshire HP5 2UT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
  - The appeal is made by Mr and Mrs G Keenay against the decision of Buckinghamshire Council - East Area (Chiltern).
  - The application Ref is PL/23/3211/FA.
  - The development proposed is single storey side extension.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. 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 of the proposal on the openness of the Green Belt; and
  - Whether any 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

### *Whether inappropriate development*

3. The appeal site relates to a detached property located along Bank Green to the west of Bellingdon. The dwelling has been enlarged in the past including a single storey side extension and a later first floor side extension. An additional single storey side extension and a front porch extension has further enlarged the dwelling.
4. Policy GB2 of the Chiltern District Local Plan, 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (LP) explains that most development in the Green Belt is inappropriate and there is a general presumption against such development. Development which is not inappropriate is set out in this Policy. Planning permission will be refused for inappropriate development in the Green Belt, but may be given for the categories of development set out in clauses (a) to (f). Development under clause c) includes the limited extension, alteration, or replacement of existing dwellings in accordance with Policies GB6, GB7, GB12, GB13 and GB15 in the

LP. Policy GB13 of the LP explains that outside certain areas as defined, the Council will permit extensions to dwellings which; (a) are subordinate to the size and scale of the original dwelling and (b) are not intrusive in the landscape and (c) comply with Policies H13 - H17 inclusive and any other Policies in the LP. It goes on to explain that in cases where there have been one or more previous extensions, the cumulative effect on the size and scale of the original dwelling will be taken into account in accordance with criteria (a), (b) and (c) above. The Policy explains that the term "original" means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built.

5. Paragraph 154 of the Framework relating to proposals affecting the Green Belt explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are a number of exceptions to this including 154 c) 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. The Council explain that planning records show that the original dwelling has been considerably increased in the past and the new extension alongside the previous additions would result in an over 85% increase in the gross floorspace of the original dwelling. Whilst the Framework does not specify a point at which an extension (or cumulative extensions) become 'disproportionate' relative to the original dwelling, such a significant increase in floorspace as set out above would clearly constitute a disproportionate addition over and above the size of the original building.
7. I appreciate that the footprint and volume of the proposed extension is limited on its own and I note the appellants' claims in terms of overall volume and design and appearance matters. However, when taking into account previous additions, the proposed development would increase the overall bulk of the dwelling to an extent which would not be subordinate to the size and scale of the original dwelling and thus would fail to retain its original character and form.
8. Reference has been made to a previous extension at the dwelling whereby it is claimed that the Council concluded that the cumulative scale of extensions to the dwelling had not reached the point of being disproportionate to the size of the original dwelling. This previous extension is claimed to have resulted in the floor area of the original dwelling being increased by the order of 75%. I have limited details in relation to this previous proposal and how it was assessed and thus this would not alter my findings above. Notwithstanding, I have assessed the appeal before me on its own planning merits.
9. For the above reasons, the proposed development would result in a disproportionate addition over and above the size of the original building. It would therefore fail to meet the exception test of paragraph 154 (c) of the Framework. I conclude on this issue that, for the purposes of the Framework, the proposed development would be inappropriate development in the Green Belt which would by definition be harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152, Framework). For the same reasons, the proposed development would also be contrary to Policies GB2 and GB13 of the LP.

### *Effect on openness*

10. Paragraph 142 of the Framework explains 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 of the Green Belt has a spatial aspect as well as a visual aspect and thus both aspects need to be considered.
11. The proposed development would introduce a further extension to the property into an area which is currently undeveloped. In spatial terms, the footprint and mass despite being limited on its own would inevitably have some impact on the openness of the Green Belt. When taking into account previous additions, the proposed development would amount to a significant increase in the size of the original dwelling and alteration of its original character and form even if screened, making the dwelling more prominent in the Green Belt than the original. This would result in a loss of openness in visual terms.

### *Other considerations*

12. I am aware of the planning history associated with the dwelling whereby planning permission was granted for the installation of a solar panel PV array on the roof of the dwelling. The extension proposed is understood to house the batteries storing energy generated by the PV array being no larger than the minimum necessary to accommodate these requirements. The appellant refers to the Framework in this regard whereby it explains that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Whilst I acknowledge the benefits associated with energy generation by renewable means, there is no substantive evidence that this could not be achieved by alternative means or within the existing dwelling and in any case, the measures concerned would relate only to a single dwelling, such that I afford only limited weight to this factor.
13. Reference has been made to permitted development rights for external porches whereby the combined floor area and volume is claimed to be comparable to that of the proposed extension. This is on the basis that two external doorways were to be created which even if this element did not require planning permission, this is a theoretical position only and there is no substantive evidence to suggest that there is any reasonable likelihood for this to occur.
14. There may have been a lack of objections to the scheme although this does not mean that the development would not be harmful and thus would not weigh in favour of the scheme.

### **Planning Balance and Conclusion**

15. Paragraph 152 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

16. Paragraph 153 of the Framework explains that substantial weight should be given to any harm to the Green Belt and 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. Whilst I acknowledge the other considerations put forward by the appellant as set out above, the Framework makes it clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt which I have applied.
17. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
18. In failing to comply with the policies as identified above, the proposal cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations to justify a decision other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

*N Teasdale*

INSPECTOR