



Appeal Decision

Site visit made on 7 January 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/T2350/D/24/3347433

99 Mellor Lane, Mellor, Lancashire BB2 7EN

- 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 & Mrs Friend against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2024/0297.
 - The development proposed is single storey rear (infill) extension and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear (infill) extension and alterations at 99 Mellor Lane, Mellor, Lancashire BB2 7EN in accordance with the terms of the application, Ref 3/2024/0297 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan; Plan Ref:A2.1 (Existing and proposed floor plans); Plan Ref: A2.2 (Proposed floor plans); Plan Ref: A3.1 (Existing elevations); Plan Ref: A3.3 (Proposed Elevations); Plan Ref: A5.2 (Proposed 3D visuals)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. An additional plan has been provided by the appellant at the appeal stage. The plan indicates a hatched area denoting the proposed extension. The plan does not alter the proposal and, since it was submitted with the appeal, the Council and third parties have had the opportunity to comment upon it. I am satisfied that no prejudice would occur to any party as a result of my consideration of it and have determined the appeal on that basis.
3. The National Planning Policy Framework (the Framework) was updated in December 2024, and for the purposes of this decision I have referred to the latest version of it. The content of the Framework has not been significantly altered insofar as it relates to this appeal, other than paragraph numbering. Therefore, it has not been necessary to seek further views from the main parties in this instance and I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

4. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
- The effect on the openness of the Green Belt; and
- If the development would be inappropriate development in the Green Belt, 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

5. The Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. The Framework, at paragraph 153, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 154(c) confirms that the extension or alteration of a building is not inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.
6. Key Statement EN1 of the Core Strategy 2008-2028, 'A Local Plan for Ribble Valley', adopted December 2014 (the CS), seeks to, amongst other things, safeguard the countryside from inappropriate encroachment and is broadly consistent with the Framework in this regard.
7. Neither the Framework nor the development plan define disproportionate. This is therefore ultimately a matter for the decision maker, as a matter of planning judgement, with much depending on the individual circumstances of the proposal.
8. The Council's evidence shows that the existing two storey and single storey side extensions and single storey rear extension were added to the property after 1 July 1948. The Council calculates the cumulative increase in the volume of the original dwelling as a result of these extensions to be 95%. The proposed uplift in volume would be very small. The Council calculates it to be a further 5.8% increase and I have no reason to disagree.
9. Whilst small additions can incrementally result in disproportionate additions over and above the size of the original building, an assessment of disproportionate can encompass more than simply a numerical comparison of figures, which would be an over prescriptive approach to matters of proportionality. Thus, a conclusion on this matter cannot be arrived at purely on a mathematical calculation as a single factor, as the test is primarily an objective one based on size, as referenced by the Framework. Moreover, size could reasonably be taken to include such factors as volume, height, external dimensions, visual perception etc.
10. Furthermore, this objective assessment should also not be conflated with other discrete exercises such as evaluating the visual impact of the proposal or effects on the openness of the Green Belt.

11. I saw from my site visit that the previous extensions have added both floor area and volume, but in a way which has not distorted the appearance of the dwelling such that the extensions dominate the building or overwhelm its original form or bulk.
12. The proposal would largely upgrade and slightly reconfigure the existing extensions to the building. It would fill a small gap between the existing extensions at the rear of the property which would be almost imperceptible when viewed from the rear. The associated small rearward extension of the existing side extension would not materially encroach beyond the line established by the host property and those other rear extensions in the row and would not significantly extend the visual impression of built development in this rural Green Belt area.
13. Whilst the existing extensions are cumulatively large, within the context of the site and the reconfiguration of these extensions, the additional size would be difficult to detect. The proposals' single storey form would ensure that it would not challenge the dominance of the original 2-storey building and its small scale would result in the overall single storey extensions to the property remaining notably subservient to the original dwelling.
14. The appeal site is visible from public vantage points along a nearby Public Right of Way. However, in this case, the appeal property is seen in the context of other properties within the row, some of which have been extended. The limited scale of the proposal would not be readily discernible from the existing additions to the property.
15. The Council's assessment of the design merits of the proposal confirms that the proposal would appear appropriate in size and scale for a single storey rear extension in relation to the existing built form of the application property and would not read as an overtly incongruous addition to the building or surrounding area.
16. For the above reasons, as a matter of judgement and based on the specific site circumstances, context and works proposed for this appeal only, I therefore conclude that the proposal would not result in a disproportionate addition over and above the size of the original building. Therefore, it would not be inappropriate development within the Green Belt.
17. Consequently, the proposal would meet the exception in Framework paragraph 154(c). As the scheme would not be inappropriate development in the Green Belt, it would not conflict with Key Statement EN1 of the CS, which seeks to protect the Green Belt from inappropriate development. It would accord with the aims of Section 13 of the Framework concerning Green Belts.
18. As the proposed development would not be inappropriate development, the *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404* judgement confirms it should not be regarded harmful to the openness of the Green Belt and an assessment on openness is not therefore required. Likewise, very special circumstances do not need to be demonstrated in order for the proposal to be considered acceptable.

Conditions

19. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.

20. In addition to the standard implementation condition it is necessary to impose a condition to identify the approved plans in the interest of precision. A condition in respect of materials is necessary in the interest of character and appearance.

Conclusion

21. For the reasons given above, having considered the development plan and all other relevant material considerations, I conclude that the appeal should be allowed.

A Veevers

INSPECTOR