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## Appeal Decision

Site visit made on 12 March 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

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**Appeal Ref: APP/P0119/D/25/3360642**

**Lower Over Farm, Badgers Lane, Almondsbury, South Gloucestershire, BS32 4DE**

- 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 and Mrs Smallridge against the decision of South Gloucestershire Council.
  - The application Ref is P24/01546/HH.
  - The development proposed is Erection of side extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Subsequent to the refusal of permission for the proposed development the Government published its revised National Planning Policy Framework (the Framework) in December 2024. Further minor amendments were published on 7 February 2025, containing corrections and a clarification. The wording of the relevant paragraphs of the new Framework are similar to that of the 2023 version. Therefore, having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that considering the development against the revised Framework without seeking further comments from the parties on it would not be prejudicial to their respective case.

### Main Issues

3. The main issues are:
  - whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt; and,
  - if there would be harm by reason of inappropriateness, and any other harm, whether the harm would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

### Reasons

#### *Whether inappropriate development*

4. The appeal site relates to a 2 storey detached house set back from a rural lane in substantial grounds and lies in the Bristol and Bath Green Belt. An existing

extension to the rear covers the full width of the house with a single storey and a 2 storey element. A paved patio wraps around the side and rear of the house.

5. The appellant contends that the proposed side extension would not be inappropriate development as it would fall under the exception set out in paragraph 154 g) of the Framework. However, paragraph 154 g) deals with limited infilling or the redevelopment of previously developed land in the Green Belt, whereas the appeal proposal is for an extension of a building. In my view, the correct approach is to consider it against paragraph 154 c), of the Framework which deals with extensions, rather than infill or redevelopment proposals.
6. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (LP) allows for extensions to buildings in the Green Belt provided they are not disproportionate to the size of the original building. This is consistent with paragraph 154 c) of the Framework. The policy advises that an extension resulting in a volume increase of 50% or more of the original building would likely be considered disproportionate and therefore be inappropriate development.
7. According to the Council, the existing extension increased the volume of the original building by 47% and the appellant accepts that, taken together with the existing extension, the proposed side extension would exceed the policy threshold and be inappropriate development in terms of paragraph 154 c) of the Framework and Policy PSP7 of the LP.

#### *Effect on openness*

8. Badgers Lane is lined on both sides by mature trees and hedges which restrict views of the appeal site and the wider landscape. There are several detached houses close to the appeal site on the same side of Badgers Lane. A few are set back from the road with others fronting on to it. Generally, they have substantial gardens with mature tree and hedge boundaries and are surrounded by small fields, also bounded by mature vegetation. Consequently, views of them are generally restricted to breaks in tree cover along the lane where the houses, or access to them, fronts on to the lane or to longer views from surrounding fields where their roofs and upper stories are visible over the top of intervening hedgerows. As a result, the landscape close to the appeal site appears enclosed rather than open, but with gaps providing glimpses of houses and the patchwork of fields around them.
9. The appeal property is perpendicular to the road and set back to the side of its access. The angle of the house and the position of the proposed side extension, set back from the front building line, is such that it would not be visible from the road. The hedge garden boundary would prevent views of it from elsewhere, including the public footpath that runs along the side of the appeal site. Therefore, notwithstanding that the proposal would be disproportionate in size to the existing dwelling, there would be no impact on the visual openness of the Green Belt. Also, given the relatively small size of the extension in comparison to the host dwelling and other houses and outbuildings nearby, its spatial impact on openness would be negligible. Therefore, there would be no harm to the openness of the Green Belt.

#### *Other considerations*

10. The appellant has provided a statutory declaration stating that they intend to build a side extension under permitted development rights if the appeal proposal is

refused. A lawful development certificate application has been submitted to the council and is awaiting a decision. In the light of the above, and having regard to case law on this matter, I consider that there is a real prospect of a fallback proposal being implemented.

11. It is not for me to consider whether an alternative proposal would be permitted development and thus lawful. However, based on the plans provided to me, the alternative scheme submitted to the Council would be more visually intrusive than the appeal proposal, despite being the same length and width, because the roof would be higher and the front wall level with the front building line of the main house. Consequently, it would be visible from the lane close to the entrance to the site, whereas the appeal proposal would not. Nonetheless, given its size and the restricted views of it, the harm to the openness of the Green Belt from the alternative fall back proposal would be minimal and not significant. The weight I attach to the fallback position is therefore limited.
12. The statutory declaration refers to the extension being required to enable the appellant to attend to the care needs of a relative. Despite a lack of detail on the type of care required, and the facilities necessary to enable it, the need for 24 hour assistance would necessitate in situ accommodation and is therefore a significant factor which I have had regard to. However, in my view, additional accommodation could be provided by altering the existing layout of the house without the need for either the proposed scheme or the alternative fall back proposal and, therefore, does not significantly weigh in favour of the scheme.
13. In addition to the benefits identified by the appellant, there would also be modest benefits from short term employment during the extension's construction. I also note that there are no objections to the proposed extension other than on Green Belt grounds and representations were received in support of the proposal. However, the absence of harm in other respects is not a positive consideration.
14. The appellant has referred to another application for inappropriate development in the Green Belt that the Council allowed, because of the weight it attached to a less harmful fallback scheme. However, no details of that scheme have been provided to me. I am therefore unable to assess any direct comparability with the current appeal proposal and as such attach negligible weight to it. In any case, I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.

## **Conclusion**

15. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed extension would not accord with the development plan and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

*P D Sedgwick*

INSPECTOR