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## Appeal Decision

Site visit made on 8 April 2025

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

an Inspector appointed by the Secretary of State

**Decision date: 09 May 2025**

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**Appeal Ref: APP/P2935/W/24/3353481**

**Nunhill Cottage, A696 East Newham to Nun Hill, Belsay, Northumberland NE20 0DN**

- 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 Christopher Reay against the decision of Northumberland County Council.
  - The application Ref is 24/00927/FUL.
  - The development proposed is construction of extension to existing dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The second reason for refusal as set out on the Council's decision notice relates to ecology. The appellant has submitted an Ecological Impact Assessment and Bat Survey with this appeal. The contents of which do not alter the scheme, and I do not therefore find my acceptance of this to be prejudicial to any interested parties. The Council has also had the opportunity to comment on this. The Assessment concludes that, subject to the mitigation and enhancement measures detailed in the report being implemented, the proposed development would not adversely impact upon species that are protected by law or their habitat. The Council has confirmed in their statement of case that the County Ecologist has no objections subject to an informative condition. On this basis, I do not find it necessary to consider this matter further.
3. An update to the National Planning Policy Framework (the Framework) has been published dated 12 December 2024 but there are no material changes relevant to the substance of the appeal.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to 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, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

## Reasons

### *Whether inappropriate development*

5. The appeal site relates to Nunhill Cottage, a detached two-storey residential property located immediately west of the A696 to the south-east of the village of Belsay within the open countryside and the Green Belt.
6. The proposed development seeks full planning permission for the construction of an extension to form an annexe ancillary to the host dwelling. It would create an L shape and project forward of the front principal elevation of the host dwelling by approx. 9m and would measure approx. 10.4m towards the rear. It would have a width approx. 7.5m and measure 8.7m at its widest to the rear. It would have a height of approx. 6.6m and would have gable features to the east and west elevations.
7. Policy STP 7 of the Northumberland Local Plan 2016-2036 (NLP) relates to the strategic approach to the Green Belt protecting such areas as defined. Policy STP 8 specifically relates to development in the Green Belt and amongst other matters, explains that in assessing development proposals within the Green Belt, development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. It then goes on to state that development, which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported.
8. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the exceptions applies. Amongst others, this includes 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.
9. The NLP does not set out a definition of 'original building' but the glossary at Annex 2 of the Framework does define this as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In relation to buildings constructed after 1 July 1948, the definition of 'original building' in the Glossary to the Framework does not expressly deal with replacements. For the purposes of the Framework, it would be reasonable to conclude that the 'original building' in such a case would be the replacement dwelling itself, as originally built, and that should form the baseline against which subsequent extensions and alterations should be measured.
10. In coming to such findings, I have had due regard to the *Guildford Borough Council v Secretary of State for Levelling Up Housing and Communities & Anor* [2023] EWHC 575 (Admin) HHJ where the Court held that the definition of 'original building' in the Local Plan under Policy P2 shall mean either: i. the building as it existed on 1 July 1948; or ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date. It was therefore this which should have been used as the starting point and not the replacement building that existed at the time of application. The decision was quashed as the Inspector misinterpreted the policy and took the replacement dwelling on the site as the baseline for assessing whether the proposal would be disproportionate. Paragraph 19 of the Judgment explains, '*on one reading of NPPF 149(c), taken on its own, the reference to the original building there may be to the building as existing prior*

*to the proposed extension or addition. However, it is clear from the P2 definition of “original building”, that what must be considered in the evaluation exercise is the original building as it existed on the coming into force of the 1947 Act or the first building as originally built after that date’.*

11. The definition of the phrase ‘original building’ is given in the Local Plan policy in that specific case, which expands somewhat on the definition given in the Framework. The case was therefore decided on the basis of the particular local circumstances rather than setting out a universal approach to this matter.
12. The appeal site has an extensive planning history and planning permission was granted in 2001 under reference CM/00/D/403 for a two storey dwellinghouse replacing present dwelling (as amended by plans received 16 March 2001). The current dwelling is estimated to be around 1,540m<sup>3</sup> with the addition of the subsequent double garage under reference CM/02/D/156 adding a further 259m<sup>3</sup>. The extension as proposed as part of this appeal would add a further 749.25m<sup>3</sup>. Therefore, this extension would increase the volume and bulk of development at the site by just below 50%. However, inclusive of the existing garage, this would take this figure to above 50%. Despite my findings above in terms of the ‘original building’ being the replacement dwelling itself, as originally built, such a significant increase in footprint, volume and massing would clearly constitute a disproportionate addition over and above the size of the original building.
13. 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 153, Framework). For the same reasons, the proposed development would also be contrary to Policy STP 7 and STP 8 of the NLP.
14. I am aware of other local and national policies referred to, but the proposed development would still need to comply with the above Green Belt policies which this scheme does not.

### *Effect on openness*

15. 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.
16. The overall size and scale of the proposed building would result in additional bulk and mass being added to this site extending towards the highway. The area of land in question is currently free from built form and provides for a level of openness/spaciousness to the site which would be reduced as a result of the proposed development. It would appear as a substantial and disproportionate addition to the site. In both spatial and visual terms, the footprint and mass would inevitably result in a loss of openness of the Green Belt. The site is well screened and further screening is proposed as part of the scheme, but even considering this, the development would still be visible from the highway/surrounds and is

viewed in a very open/spacious context which would be altered by the development. This would lead to a fundamental change to the Green Belt.

17. In coming to this conclusion, I have had regard to building lines and the relationship with the garage, step down in ridge and eaves heights and materials. However, this would not alter my findings as the proposed development would still be a disproportionate addition having a detrimental impact upon the character of the existing dwelling and surrounding area.

#### *Other considerations*

18. The proposed development would allow for a live in groundsman and in time for ageing relatives/living in carer and I am aware of policies in relation to housing needs which carries moderate weight. The further screening would also achieve ecological enhancements which again I attribute moderate weight.
19. I appreciate that changes have been made to the scheme from that previously presented as part of pre-application discussions although this is a neutral matter in considering this appeal. Larger extensions being allowed elsewhere with a far greater cumulative increase would not alter my findings as I have limited detail relating to the specifics of such schemes and have determined this appeal based on its own merits and circumstances.

#### **Planning Balance and Conclusion**

20. Paragraph 153 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. '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.
21. 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.
22. 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.
23. In considering this appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, in particular the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. Following careful consideration of the scheme. I am satisfied that the impact of dismissing the appeal is proportionate and necessary.
24. 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.
25. For the reasons given above, the appeal is dismissed.

*N Teasdale*

INSPECTOR