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## Appeal Decision

Site visit made on 23 April 2025

**by J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

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**Appeal Ref: APP/P4415/D/24/3356051**

**Wales Court, The Old Coach House, Manor Road, Wales, Rotherham S26 5PB**

- 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 S Fletcher against the decision of Rotherham Metropolitan Borough Council.
  - The application Ref is RB2024/1380.
  - The development proposed is partial demolition and rebuilding of existing swimming pool building to form garage and ancillary residential annex.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The evidence indicates that a change to the description of development from that as stated on the planning application form was agreed. I have therefore used this agreed description in my banner heading above.
3. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). While this includes changes in respect of proposals affecting the Green Belt, the provisions most relevant for determining this appeal were not significantly changed. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. The further amendments made in February 2025 to the Framework do not change its policies and it is therefore not necessary to seek further submissions on those amendments. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the present version.

### Main Issues

4. The appeal site is within the Green Belt. The appellant draws my attention to the wording of the Council's reason for refusal, which clearly refers to inappropriate development in the Green Belt, the effect upon openness and other harm caused. However, it does not identify what such other harm might be. I have therefore considered the full text of the Council's Officer Report (OR) which considered the application, and I am satisfied that no other harm was identified by the Council.
5. Furthermore, the reason for refusal does not expressly refer to Policy SP4 of the Rotherham Local Plan: Sites and Policies 2018 (LP). This policy is clearly relevant to the proposal and was referenced within the OR. I have therefore taken account of this policy in my consideration of the appeal.
6. Therefore, and having regard to all the evidence before me, the main issues are:

- whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
- the effect of the proposal upon the openness of the Green Belt; and
- if the proposed development would be inappropriate, whether the harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether inappropriate development*

7. The Framework sets out that the government attaches great importance to Green Belts; that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open; and the essential characteristics of Green Belts are their openness and their permanence. Development in the Green Belt is inappropriate unless one of certain exceptions apply, including that at paragraph 154 c) of the Framework, which refers to 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. The Framework does not define what might be considered as disproportionate, and the definition of an 'original building' in the Framework is as it existed on 1 July 1948, or if constructed after that date, as it was built originally.
8. Taken together, Policy CS4 of the Rotherham Local Plan Core Strategy 2014 (CS) and LP Policy SP2 set out that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy. LP Policy SP4 sets out that the extension or alteration of an existing building in the Green Belt may be appropriate, provided that it does not result in disproportionate additions over and above the size of the original building; and that the Council considers that an increase in excess of 33% in the external volume of an original building would make the proposals disproportionate. These policies are in conformity with the Framework.
9. Further guidance is provided in the Council's Supplementary Planning Document: Development in the Green Belt 2020 (SPD), which makes clear at paragraph 96 that the onus is on the applicant to submit plans and calculations of the increase in volume with the application. The application and its accompanying information do not demonstrate this.
10. The evidence indicates that both parties have been unable to calculate the size of the original building, due to what is described as a complex planning history of the site and the absence of certain records, including any drawings of the site as it existed in 1948. The appellant's evidence to the appeal includes an extract from a 1972 OS map which demonstrates a footprint at the site of the existing extension, but this does not assist me in understanding the footprint or external volume of the original building as it existed in 1948. No other historic mapping is before me, and the evidence indicates the existing extension proposed for partial demolition was built in 2001.
11. The OR clearly indicates that the appeal property has a further first-floor extension and a recent ground floor extension to the rear, and this is not disputed by the

appellant. In the Council's view, these extensions together with the appeal proposal appear to exceed the 33% threshold of LP Policy SP4. The appellant suggests that if the 33% increase is exceeded, the existing extension is not the cause of such an increase. However, there is no substantive or compelling evidence before me within the submitted application, the appellant's submissions or the OR to set out the volume of the existing building and/or each of its extensions and any relevant calculations to demonstrate this.

12. The evidence indicates that the wider site has a long history dating back to its use as a hospital before its subdivision into separate dwelling units in the 1980s. The appellant suggests that it is arguable that account should be taken of the volume of the whole building complex as it existed prior to its subdivision into separate dwellings in any assessment against the policy threshold. However, no such calculations are before me and the OR indicates that an outbuilding was built within the wider grounds and has subsequently become a dwellinghouse in its own right, with its own extensions and outbuildings.
13. While I appreciate the difficulties each party may have had in calculating a cumulative increase, the fact of the matter is that on the evidence before me, it has not been demonstrated that the proposal would result in a cumulative increase within the policy threshold, and the SPD makes clear that the onus is on an applicant to demonstrate such matters.
14. For the above reasons, and on the evidence before me, I can only conclude that it has not been demonstrated that the proposal would not be inappropriate development in the Green Belt. I must therefore proceed on the basis that the proposal would be inappropriate development in the Green Belt, which is, by definition, harmful. The proposal therefore conflicts with CS Policy CS4; LP Policies SP2 and SP4; and paragraph 154 c) of the Framework.

### *Openness*

15. Given my findings above, the starting point is that the cumulative effect upon openness cannot be reliably assessed. The Old Coach House has an extensive footprint in an L shape and the long end of the L shape is perpendicular to the road near the entrance gate. The building sits within a wider complex of other buildings including taller forms towards the south. Towards the road, it is enclosed by tall boundary walling and gates, but it is sited at a rising level from it.
16. The existing extension is a tall structure sited at the end of the long part of the building towards the road. It is a predominantly glazed addition to include a fully glazed irregular roof form. Due to its siting and sheer scale, its upper part is within view from the road above the existing boundary wall and entrance gates and when travelling along the road. In views from lower lying land towards the east, it appears as part of the wider complex of buildings.
17. The appellant indicates that the proposal would result in a 1% increase to the external volume of the dwelling as it presently exists, and the OR indicates the appeal scheme would result in an increase of 40m<sup>3</sup> in comparison to the existing extension. However, the effect of the proposal would be to create a tiled gable roof of a more regular shape about 1m taller, such that its upper part would extend farther towards the road at the upper level than the existing extension. Consequently, the spatial impact of the proposal would be to introduce further

volume, bulk and mass to the building at the upper level, resulting in a harmful loss of openness, which weighs against the proposal, even if limited.

### *Other Considerations*

18. The appeal site benefits from planning permission Ref: RB2023/0356 for a very similar proposal to the appeal scheme, with the key difference being that the approved scheme retains the shape of the existing extension, such that there would be no change in external volume. This scheme represents a fallback position, with no greater impact on the openness of the Green Belt, as the OR acknowledges. The fallback scheme would therefore be less harmful to the Green Belt than the appeal scheme.
19. The OR draws attention to the erosion of the character of the building by the large expanse of glazing of the existing extension, and that the appeal scheme would blend in with its host. I find no reason to disagree, but this would also apply to the fallback scheme, which includes less extensive glazing. Both the appeal scheme and the fallback scheme would be more sympathetic to the host property in terms of their stone-built appearance and tiled roof, and the proposed roof design of the appeal scheme would be a more satisfactory architectural solution in terms of the relationship with the host building than the fallback scheme.
20. I note that paragraph 21 of the SPD sets out that extensions (within the Green Belt) must be compact and fit in with, rather than take over the original building, and extensions that increase the length of a building on its longest side should be avoided. Clearly, the existing extension was built well before the SPD. However, the appeal scheme would also fail to comply with this guidance, to a greater degree than the fallback scheme.
21. A Grade II listed building: Wales Court comprising The Manor, Wales Place, Wales House and The Mews is located to the south of the appeal property. The list entry indicates it was originally a small country house, now four houses, built in 1629 and the late 18<sup>th</sup> century, with 20<sup>th</sup> century alterations. The Old Coach House building is some distance from it. Mindful of my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is no concern by any party that the proposal would result in harm to the setting of this listed building, nor any features of special architectural or historic interest which it possesses. I find no reason to consider otherwise.

### **Green Belt Balance and Conclusion**

22. On the evidence before me, it has not been demonstrated that the proposal would not be inappropriate development in the Green Belt, and there would be harm to openness, even if limited.
23. Paragraph 153 of the Framework makes clear that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, which 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.
24. The fallback scheme would be less harmful to the openness of the Green Belt than the appeal scheme. Both schemes would be more sympathetic to the character

and appearance of the host property and the street scene. However, the roofscape of the appeal scheme is more sympathetic to the host property than the fallback scheme. The proposal would therefore be an improvement in design terms, compared to the fallback scheme. I therefore attach limited weight in favour of the appeal scheme. No other considerations have been put forward.

25. It is therefore clear that the substantial harm to the Green Belt would not be clearly outweighed by other considerations in this case. Consequently, the very special circumstances required to justify the proposal do not exist. The proposal conflicts with the development plan, read as a whole and the provisions of the Framework. Therefore, for the reasons above, the appeal is dismissed.

*J Moore*

INSPECTOR