



Appeal Decision

Site visit made on 2 June 2025

by **Colin Cresswell BSc (Hons) MA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/Y3940/D/25/3360203

5 The Tynings, Love Lane, Box Hill, Wiltshire, SN13 8HQ

- 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 Doug Celerier against the decision of Wiltshire Council.
- The application Ref is PL/2024/03119.
- The development proposed is rooflights to front and rear roof plans, single storey wraparound extension (side and rear) and construction of outbuilding.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Changes were made to the proposal during the application process and, in order to reflect this, the description of development in the heading above is taken from the Appeal Form rather than the original Application Form. My decision is based on the revised plans which are dated June 2024.

Main Issues

3. The main issues in this case are:
 - whether the proposal is inappropriate development for the purposes of the Framework¹ and any other relevant development plan policies.
 - the effect on the openness of the Green Belt.
 - the effect on the character and appearance of the area.
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate

4. Paragraph 154 of the Framework makes it clear that new development in the Green Belt should be regarded as 'inappropriate'. However, a number of exceptions to this are listed. This includes the exception in paragraph 154(d) which refers to *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*.

¹ The National Planning Policy Framework, December 2024.

5. The proposed outbuilding would be situated on a similar footprint as a historical building which is shown in old maps and aerial photography. However, while there are some remains on the site, there is no building standing here now. An aerial photograph shows that a building was present in 1946, but there is little to indicate how long it may have existed after that date. Whether the proposed outbuilding could be defined as a 'replacement' is a moot point given that the last firm indication of a building standing here was many decades ago.
6. Besides, paragraph 154(d) also requires replacement buildings to be in the same use and not materially larger. Without more detailed information about the original building, this is difficult to establish. Although the aerial photography and old maps give an indication of the building's footprint, it is not clear what it looked like from ground level, its volume, or what it was used for. As such, it is not possible to make accurate comparisons between the historical building and the proposed outbuilding. Overall, insufficient evidence has been provided to show that the exception in paragraph 154(d) is applicable in this case.
7. Another exception to inappropriate development is listed in paragraph 154(g) of the Framework. This refers to *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt*.
8. While the site of the former historic building has clearly been developed before, the Framework has a specific definition of 'previously developed land' in its glossary that excludes certain categories of site. Among other things, it is stated that previously developed land excludes *land in built-up areas such as residential gardens, parks, recreation grounds and allotments*. On my visit I saw that the former historic building is situated in what is now the garden of the appeal property and this is also how it is described in the appellant's evidence.
9. I also take the view that the property is within a built-up area. While the pattern of development in Box Hill is relatively low density, it nonetheless forms a cluster of buildings that are clearly distinguishable from the open countryside. The streets are residential in nature and there is a public house here. Even though the appeal property is on the edge of the settlement, it is part of a residential terrace that is in close proximity to other residential properties. As the appeal property is part of a built-up area, it follows that the garden (including the site of the former building) is not previously developed land according to the definition in the Framework and so the exception in paragraph 154(g) does not apply.
10. The exception set out in paragraph 154(c) of the Framework 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*. In this case, the Council has questioned whether the proposed outbuilding would be a residential extension and refers to the submitted location plan which shows much of the garden being outside the red line of the site (although other submitted plans show it being within the red line). Notwithstanding this discrepancy in the plans, the outbuilding would be situated in an area that, in practice, forms part of a residential garden. It would be intimately associated with the appeal property and would be part of the residential curtilage. Consequently, it should be treated as an extension.

11. Considered in isolation, the proposed outbuilding would be a relatively small building compared to the main dwelling. However, the proposal also involves other extensions, including additions to the side and rear. In determining whether the development would be disproportionate in the context of paragraph 154(c) it is necessary to take account of the combined effect of all elements of the proposal, plus any extensions that have already been made to the original building.
12. The glossary of the Framework defines 'original building' as *a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*. The property has a front porch and an extended kitchen area which do not appear to be shown on the historical maps provided by the appellant. Nonetheless, the maps were published prior to 1 July 1948 and it is quite possible that these features were already in place by then. In the absence of countervailing evidence, I take the original building to be that as it exists at present.
13. The extension to the upper floor would not increase in the footprint of the house or add much volume to it. However, the combined effect of the proposed outbuilding and the proposed rear and side extensions would result in relatively large increase in the footprint of the building in comparison to what exists at present. Although these would only be single storey extensions, the sense of added bulk would be magnified by their physical arrangement. In particular, the side extension would make the house appear much wider. This leads me to find that the proposal would result in disproportionate additions to the original building. Hence, the exception set out in paragraph 154(c) of the Framework would not apply.
14. I therefore conclude on this issue that the proposal would be inappropriate development which, by definition, is harmful to the Green Belt.

Any other harm

Effect on openness

15. The proposal would inevitably result in some loss of openness as it would increase the volume of built development on the site. Considering the scale of the proposed extensions, this would result in a slight level of harm to openness.

Effect on Character and appearance

16. Box Hill is a rural settlement which contains a prevalence of older style properties mixed with contemporary development. It is mainly characterised by low density housing connected by narrow, leafy lanes.
17. I understand that the terrace in which the appeal property is situated is not formally registered as a non-designated heritage. Nevertheless, its historic and picturesque appearance makes a direct contribution to the quality of the local street scene. Despite various alterations and extensions, the terrace maintains a relatively consistent appearance along its frontage.
18. Although the proposed extensions to the rear would be partly visible from public vantage points, they would not be especially conspicuous from the front of the property. Likewise, the proposed outbuilding would be set relatively deep into the site and would not be a prominent feature from within the street. These aspects of the development would therefore have relatively little impact on how the terrace is appreciated within its local setting.

19. However, the side extension would be more noticeable, especially when approaching the property from the south east. Apart from making the frontage appear wider, it would have the effect of unbalancing the terrace at one end, making it appear visually inconsistent along its length. While the terrace is already slightly unbalanced due to the presence of modern alterations, the proposed side extension would be especially prominent. The overall effect would be to erode the historic character of the terrace, and hence the local street scene.
20. Due to the topography of the area, the appeal property is not easily seen from distance within the wider landscape. Hence, there would be no conflict with the aim of furthering the purposes of the National Landscape.
21. I therefore conclude on this issue that the proposal would cause moderate harm to the character and appearance of the area. For the reasons set out above, the development would not comply with Policy 57 of the Core Strategy² which seeks appropriate standards of design. However, there would be no conflict with Policy 51 of the Core Strategy which seeks to protect landscape character.

Whether very special circumstances exist

22. The Framework indicates that development that is harmful to the Green Belt should not be approved except in very special circumstances. For such circumstances to exist, the harm to the Green Belt and any other harm must be outweighed by other considerations.
23. In this case, I have found that the proposal would be inappropriate development and the Framework establishes that 'substantial weight' should be given to this harm. Added to this is the slight harm arising through loss of openness and a moderate amount of harm to the character and appearance of the area.
24. While there are some benefits associated with enabling a larger and more modern property within the local housing stock, this only attracts limited weight in favour of the development. Therefore, the harm I have identified is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
25. I am mindful that the appellant only wishes to renovate his home it is certainly not my intention to undermine this process. However, the Government places particular emphasis on the protection of Green Belts and so proposals for development within them need to be subject to an appropriate level of scrutiny.

Conclusion

26. For the reasons above, having taken account of the development plan as a whole and other relevant material considerations, including the Framework, I conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR

² Wiltshire Core Strategy Adopted January 2015