



Appeal Decision

Site visit made on 21 July 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/P4415/D/25/3366937

6 St James View, Ravenfield, Rotherham S65 4NL

- 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 Mrs Louise Smith against the decision of Rotherham Metropolitan Borough Council.
 - The application reference is RB2025/0100.
 - The development proposed is partial demolition of existing dwelling and erection of two storey front and first floor extensions.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Louise Smith against Rotherham Metropolitan Borough Council and this is the subject of a separate decision.

Main Issues

3. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and 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

4. The proposal would result in the existing house being extended. It was previously altered and extended following permission in 2011.

Whether inappropriate

5. Based on the council's report, the previous 2011 extensions resulted in an increase in volume of the original building by approximately 55%. Adding the currently proposed increase in volume would result in a cumulative increase of 75% over and above the size of the original building. Policy SP 4 of the Rotherham Local Plan 2018 (LP) accepts extensions provided that they would not result in disproportionate additions over and above the size of the original building. It sets out that anything in excess of 33% would make it disproportionate. This proposal would therefore result in a disproportionate increase in size of the original building.

The council's Supplementary Planning Document No.3: Development in the Green Belt 2020 (SPD) includes the same figure.

6. The increase in scale would also result in harm to the openness of the Green Belt although this harm has to be considered in the context of the dwelling being in an existing settlement with other residential development to all sides and the additions being closely related to the form of the original building.
7. The council's policy, in setting out a figure with regard to what scale of increase in size would be considered inappropriate, differs from the National Planning Policy Framework as it does not set out such a figure. However, the LP and SPD figures represent appropriate additional local information that does not result in the policies being at odds with national policy requirements. The policies can therefore be afforded full weight. With regard to national policy, I am similarly satisfied that the proposal, taken with previous extensions, results in disproportionate additions over and above the size of the original building and therefore falls outside the exception within the Framework with regard to Green Belt extensions. The proposal should therefore only be accepted if very special circumstances exist that would justify it. Otherwise, it would be contrary to both the development plan and the Framework.
8. The proposal results in harm from inappropriateness and further harm from a reduction in openness.

Other considerations

9. A previous appeal was dismissed relating to a similar proposal to that now being considered, to further extend the dwelling, although it also including a garden room. The design and impacts on the conservation area were considered acceptable but with regard to the increased scale, no very special circumstances were found to justify inappropriateness and the loss of openness. A proposal, involving demolition and complete re-building, utilising the same design, was then accepted by the council in December 2024.
10. The main difference between the previous appeal decision and the current appeal is that the council has now granted the permission to demolish the dwelling and to re-build it in accordance with the same plans. This appeal relates to the re-modelling and extension of the dwelling whereas the approval relates to its demolition and re-building, both to the same specification. Consistency in decision making is important but the council has not been inconsistent as the two developments differ to the extent that they should be judged on the basis of different policies, despite the near identical finished outcome.
11. The re-building approval was considered under the LP, SPD and the Framework policies with regard to replacement buildings. The council's policies set out that a replacement building should not exceed more than 10% of the volume of the existing building. As the calculations were applied to the current building rather than the original building, the increase in volume fell within the policy requirements. The Framework similarly does not refer to the original building when assessing replacement buildings. This has led to the situation whereby the same completed building would be inappropriate development if achieved by extension but not inappropriate if achieved by replacement and re-building. The previous inspector was made aware of the replacement proposal, which was at the time a pending application. As it had not been determined, it was not considered as part of the assessment.

12. The appellant argues that that approval represents a fall-back position, not considered by the previous inspector, whereby the development proposed could be achieved, albeit as a re-build rather than as an extension. The legal precedents put forward are clear that fall-back positions are worthy of being material considerations and that the weight assigned to them should be relative to the prospects of them being implemented. The fact that the appellant has pursued a second extension application and is pursuing this appeal, indicates a reluctance to implement it; or at least a preference to extend rather than re-build. The council suggest that the existing permission should not be considered as a true fall-back position as they consider that the carrying out of the works to demolish and re-build would be financially unviable. This is a relevant argument particularly as the permission relates to the land rather than the current owner.
13. In this case, there is more than a theoretical prospect that the previous permission would be implemented should this appeal fail. Whilst the council's viability argument is relevant, I am satisfied that the appellant would be likely to carry out the works based on the information provided. However, the fall-back position does not change the situation with regard to the current proposal being inappropriate development in the Green Belt. Furthermore, for a fall-back position to offer weight in favour of a proposal, it must offer benefits over the proposal being considered. As it would result in the same physical impact on openness and would have the same design, these matters are not benefits.
14. With regard to openness, whilst the council accepted the proposed re-building, it does not follow that they previously accepted the reduction in openness. As they found the re-building not to be inappropriate, neither the development plan, the Framework, nor case law, seeks further assessment with regard to openness. This is not the case with regard to development that is inappropriate as is the case with this proposal. The physical equivalence between the proposals does not offer a benefit for the proposed scheme over the permitted development in this respect. Whilst it suggests that there would be no greater harm in terms of openness this does not prevent there still being Green Belt harm from a reduction in openness which must be considered in the planning balance.
15. It is suggested that there would be a range of benefits to extending rather than re-building. Limited information has been provided with regard to a likely building schedule and timeframe; waste generation and potential re-use of materials; embodied carbon and other carbon costs. It does seem likely however, that the re-modelling and extension of the dwelling would be less impactful on neighbouring residents and would offer a number of benefits compared to a demolish and re-build approach. There may however also be some benefits to a re-build with regard to full compliance with building regulations and it may also be possible to re-use materials, including foundations. None of these matters have been quantified, particularly over the lifetime of the proposed developments. The scale of the benefits are therefore not entirely clear but I am satisfied that overall, the benefits of conversion outweigh those of a re-build.

Conclusions

16. The proposal would exceed the clear expectations of the LP, the SPD and the Framework with regard to the increase in scale of the original building and therefore it represents inappropriate development. The proposal would also result in a reduction in openness. Whilst there would be harm to openness, the scale of this

would be relatively limited given the context of the position of this property within the built-up area and the scale of the building overall. The Green Belt harm from the proposal would therefore be the harm from inappropriateness and the limited reduction in openness. The Framework is clear that substantial weight must be given to any harm to the Green Belt.

17. The re-build approval is a material consideration as there is a real prospect that it would be carried out should this appeal fail. I have accepted the appellant's suggestion that there would be benefits with regard to the process of extending and re-modelling compared to redevelopment. The scale of these benefits over the lifetime of the respective developments have not been clearly set out but I accept that there would be significant environmental benefits. There would also be benefits to neighbouring residents from the likely quicker timeframe and the lesser overall scale of works with regard to noise, vehicle movements and general disruption. I am mindful also that conditions could be imposed that would result in landscaping and biodiversity enhancements. Future extensions and outbuildings could also be brought under planning controls. I have also had regard to the support offered locally.
18. When taken together, the considerations put forward result in considerable weight in favour of the development, particularly the environmental benefits. However, I must afford substantial weight to the Green Belt harm from inappropriateness and the reduction in openness. Despite the fall-back position, the balance with regard to openness weighs against the proposal but even if I were to set the harm from openness aside, I would conclude that the harm to the Green Belt by reason of inappropriateness would not be clearly outweighed by the other considerations set out. The considerations in favour of the proposal do not therefore represent the very special circumstances that are necessary to justify the development. It would therefore conflict with the LP, the SPD and the specific policies of the Framework, relating to the Green Belt, that indicate that the development should not be approved. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR