



Appeal Decision

Site visit made on 11 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/R1038/D/25/3369308

Rosings, Hundall, Derbyshire S18 4BS

- 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 Johnson against the decision of North East Derbyshire District Council.
 - The application reference is 25/00223/FLH.
 - The development proposed is a two storey front extension with PD Rights A, B, C, D and E removed.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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

3. The proposal is for a two storey extension to this dwelling which lies within the Green Belt. The council advises that the dwelling was built before 1948 and was substantially extended in 1985. That extension represented a 70% increase in size compared to the original building.

Whether inappropriate development within the Green Belt

4. The proposal, together with the existing 1985 extension, would result in an increase in volume, compared to the original building as existed in 1948, of 95%. The two elements together would result in a very substantial increase in the size of the original building. Policy SS10 of the North East Derbyshire Local Plan 2014-2034 (2021)(LP) advises that new buildings should be regarded as inappropriate unless they fall within an exception set out in part 2 of the policy. Part 2(c) accepts 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. This is entirely consistent with the Green Belt policies of the National Planning Policy Framework.
5. The development plan and Framework do not specify a figure as to what represents a disproportionate addition. However, given the scale of the proposed

works, in combination with the existing extension, this further addition would result in disproportionate additions over and above the size of the original building. As a result, the proposal would represent inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. LP policy SS10 part 1 is clear that inappropriate development will not be approved except in very special circumstances.

Any other harm

6. Although attached to the existing dwelling and closely associated with the remainder of the settlement, the greater scale of development would reduce the openness of the Green Belt to a limited extent.

Other considerations

7. The LP and the Framework are clear that inappropriate development 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 is clearly outweighed by other considerations. A number of considerations have been put forward in support of the proposal.
8. The appellants advise that the extension would result in significant personal benefits to them and their extended family, providing essential living and therapy space to meet their very particular family requirements and needs. A supporting Education, Health and Care Plan has been submitted. The details of how the additional space would be utilised has not been made entirely clear. The proposal would increase the size of the master bedroom at first floor level. I am unclear whether this increase in size, which results in a significant increase in volume, would be necessary or essential or how this part of the proposal is associated with the above aspirations. The ground floor changes would result in the garage being turned into a separate living room after being extended. It is unclear whether converting the garage without it being extended would offer similar benefits. As it has not been explained what the additional space requirements are, I am unable to determine whether all of the changes proposed are essential. However, I am particularly mindful that the best interests of the appellants' grandchild must be a primary consideration. I afford substantial weight to the benefits put forward in this regard.
9. The proposed changes would not result in harm to the character or appearance of the area. The detailing would represent good quality design that would be appropriate in this particular location and the materials would continue to reflect those of the property. The proposal would not be contrary to the design requirements of LP policies LC5a or SDC12a and would satisfy the design objectives of the Framework. Whilst good design is expected in all developments, the well thought out consolidation of development and the economic benefits to the area from the construction works, do offer some weight in favour of the proposal.
10. It is noted that the council previously accepted an increase in volume of 70% and that the current proposal results in a 25% greater volume. It is not clear what the council's Green Belt policy was at the time of the previous decision or the circumstances that led to that previous approval. This decision must be considered in the light of the current development plan policies, particularly those of the LP. Consistency in decision making is important and to achieve this, it is essential that the development plan policies and national policies are followed, unless material

considerations indicate otherwise. This is particularly the case with a LP that was adopted as recently as 2021 and has policies that are consistent with the Framework in relation to this matter. However, with regard to the previously dismissed appeal, I am mindful that the scale of the proposal has been reduced and the current personal circumstances of the appellants' family were not previously taken into account.

11. The appellants have provided their statement to committee which advised that the proposal would be much smaller than that previously refused and dismissed at appeal; and that it would be of a better design. It suggests that national policy is to allow 100% increases in scale. National policy has never set out such a figure. The statement makes reference to a number of properties in the village having been extended in excess of a 100%. These submissions are considered further below.
12. Reference has been made to Hundall Farm. The planning report is the only formal document provided but it accepts that the dwelling had previously been extended by 86%. This was to be replaced by a new extension increasing the size by 142%. This increase in scale was found to represent disproportionate additions and represented inappropriate development in the Green Belt. The council found that there were very special circumstances that justified the development which in that case, related to the needs of the applicant's son. I am not able to compare the details of the very special circumstances accepted in that case with those currently put forward, except in very general terms. However, as there appears to be similarities, I afford weight to that decision in support of this proposal.
13. The appellants Formal Letter of Dissatisfaction makes reference to Moor View Cottage and 14 Windmill Lane being extended beyond 100% of their original volume (in one case 142%) over multiple applications. It goes on to advise that the Cottage has been extended 95% larger than the original dwelling. Other examples include 18 and 20 Windmill Lane which have been extended between 100% and 300% larger than the original host dwelling. I have not been provided with the details of these applications or the circumstances that existed at the time of the decisions.
14. The Planning statement for committee identifies Moor View and its extensions and outbuildings but does not provide any detail of the applications or decisions. The same is the case with regard to Hill Top, Prospect Cottage, Moor View Cottage, The Nook and Ulverscroft. Without information as to the original building, the planning permissions that led to the additions and the circumstances that led to these decisions, it is not possible to assume that they are entirely similar. Although it is suggested that they are 'arguably similar', I am not able to compare them and as a result, I cannot assume that the council has acted inconsistently or taken decisions contrary to the policies that were current at the relevant time. Each has to be considered on its own merits, particularly if any very special circumstances were considered at the time, which are likely to differ significantly from one case to another. Whilst these cases do represent considerations that can be weighed in the planning balance, the weight I can afford them is very limited given the information available.
15. The appellants have offered to have future permitted development rights removed. Whilst the reduced risk of further development can be viewed as a benefit, removing such rights would not prevent future applications for developments that would previously not have required formal consent. Such applications would have

to be assessed on their own merits. In any event, the scale of any benefits would depend on the likelihood of development taking place and the scale of any potential harm.

16. In this case, it is suggested that a very large garden room could be constructed; the addition of a large dormer roof structure could be added to the original roof of the house; and a rear extension built. It is not the purpose of this appeal to determine lawfulness. No lawful development certificate has been provided to determine that such a structure would be considered to be within the lawful curtilage or that its proposed use and dimensions would satisfy the permitted development requirements. There is also nothing before me that confirms that a garden room, as shown on the plan, is likely to be built. I am satisfied however that there is the potential for a garden room at the property and removal of permitted development rights to bring this within planning control would offer some benefit.
17. Similarly, there is no indication that the dormer or rear extension would be built. Preventing the roof structure and the rear extension from being built, without a formal application, would offer some benefits although from the figures presented, these in combination, would not differ significantly from the scale of the extension now proposed. I accept however that this proposal may have a better visual impact than the proposed dormer. I afford weight to the potential of bringing under control such additions but in these circumstances, the weight I afford this matter is very limited.

Conclusions

18. I have had regard to the considerations put forward, particularly to the personal circumstances of the appellants and their extended family. I note the support offered locally and the lack of impact on the local area. Despite the references to other properties, I am only able to offer weight to the details relating to Hundall Farm. The offer to have permitted development rights removed provides some limited further weight in favour of the proposal. I also afford weight to the economic benefits that would result from such a development and the social benefits from the provision of accommodation for two households.
19. The proposal would represent inappropriate development in the Green Belt and would reduce openness. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to any harm to the Green Belt, including harm to its openness.
20. In conclusion, when taken together, the considerations put forward, would not clearly outweigh the harm from inappropriateness and the reduction in openness. The considerations do not therefore represent the very special circumstances that are necessary to justify the development. The proposal would be contrary to LP policy SS10 and it would also conflict with 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