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## Appeal Decision

Site visit made on 4 November 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> November 2025

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**Appeal Ref: APP/P0240/W/25/3370046**

**Rollings Ley, Luton Road, Toddington LU5 6HT**

- 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 P Whitehurst against the decision of Central Bedfordshire Council.
  - The application reference is CB/25/01020/FULL.
  - The development proposed is rear, side and roof increase for annex building.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

### Main Issues

3. The main issues in this appeal are: -
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including any relevant effects on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the site and the surrounding area; 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 required to justify the proposal.

### Reasons

#### *Whether inappropriate development*

4. The appeal site lies on the edge of the settlement of Fancott, and is an elongated plot extending some distance from its frontage on Luton Road. The proposal would extend a modest barn, identified on plans as “the Stable Building”, that has

permission for conversion to a residential annex in association with the main building within the plot, Rollings Ley. The Stable Building lies well away from Luton Road, at the bottom of the long garden to the rear of Rollings Lee.

5. There is no dispute between the parties that the land is within the South Bedfordshire Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) establishes that development in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include 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.
6. In this regard the 'original building' is the building as it existed on 1 July 1948, or, if built later, as it was originally built. I have no evidence before me to demonstrate that the building that is the subject of this appeal has been previously altered.
7. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (2021) (the Local Plan) identifies that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework and the National Planning Practice Guidance.
8. The Central Bedfordshire Design Guide (2023) (the CBDG) advises that, as a guiding principle, to be considered as proportionate the original building should not be added to by more than 60% of footprint, floorspace and volume. It further advises that the impact of the extension in terms of massing and design will also be considered and that, for purposes of applying the 60% rule, extensions to buildings will usually refer to additions that are physically attached to the host building. In this case the building in question is the Stable Building.
9. However, the Framework provides no guidance on what is considered disproportionate, and it is for the decision maker to consider whether, or not, an addition to a building is disproportionate to the host building. The Framework refers to size of the building, thus a wider consideration of effects beyond floor area or volume, is implicit, and I have considered the proposal in the round.
10. The proposal would extend the Stable Building to the side and rear, increasing the footprint by a figure close to, but not exceeding, 60%. This would, nonetheless, be a very sizeable increase. In so doing the proposal would also increase the roof height and alter the roof to extent over the full width of the building. In combination with the increase in footprint this would result in a significant increase of the volume of the building, exceeding the guide figure of 60% advised within the CBDG.
11. The proposal enlarges the building considerably, increasing its bulk and massing and is, in this case, a disproportionate addition to the Stable Building.
12. The Framework identifies the fundamental aim of the Green Belt as "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". The openness of the Green Belt has both a visual and spatial dimension.
13. Whilst well screened from wider views from the public realm by existing planting and topography, there remain views of the Stable Building from Luton Road, nearby residential properties and the surrounding countryside. The proposal increases the roof height and this would increase the conspicuity of the building

from the surrounding area, including in views from Luton Road. Thus, the proposal would be apparent, and therefore obvious, to observers. In visual terms therefore, the increased bulkiness of the enlarged built form of the building would result in a reduction in the visual openness of the Green Belt.

14. It has been suggested that the roof of the Stable Building could be further screened by increased planting and this could be secured through a planning condition. However, I have no detailed proposals of how this would be achieved and, given the increase in roof height this planting would need to be of a considerable height and extent. I have no guarantee that the planting would establish successfully or that effective screening could be achieved.
15. Whilst there is no dispute that the plot could accommodate a building of the scale proposed, the proposed additions would nonetheless increase the bulk of the building. Given that the proposed development would increase the size of the building significantly over the original, both in footprint and volume terms, the development would undoubtedly lead to a loss of openness in spatial terms.
16. Given the degree to which the proposal would be visible from outside and within the site, the level of visual harm to openness would be modest, but , given the degree to which the building would be enlarged over its current, modest form, in terms of its spatial impact the harm to openness would be substantial.
17. The Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
18. Given that the development would be contained within the existing plot boundary I find that it would not encroach further into the countryside and so would not be contrary to the purposes of the Green Belt.
19. Although the proposal would not conflict with the purposes of including land within the Green Belt, it would be a disproportionate extension to the original building that would decrease the openness of the Green Belt. For these reasons, I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt.

#### *Character and appearance*

20. The site lies in an area of settled rurality. Nearby are well-spaced substantial buildings, often with sizeable outbuildings associated with them. The buildings are often fronted by dense, mature planting which limits views into the plots.
21. The proposal would significantly enlarge the existing building, such that its original scale and form would be overwhelmed and indistinguishable.
22. This would be in tension with the guidance provided within the CBDG, at Section 11.21, that the existing building should not be so dominated by the bulk, volume or character of the extension that the character of the existing building could be lost.
23. However, the scale of the outbuilding is not dissimilar to that of other outbuildings in the area and would not, in that respect, appear incongruous in the area. The

proposal is well set back from Luton Road and would be effectively screened from the public realm such that views of the proposal would be limited. The Council have not identified any public vantage points in the wider countryside from which the proposal would be visible. Even from the wider countryside the building would be largely screened from view by existing planting, development and topography.

24. The plot is long and the host dwelling and its annex are separated by a substantial distance of landscaped garden. Thus, the proposed scale of the annex, following development, would not dominate the existing main dwelling and would remain subservient to it.
25. The site lies within domestic curtilage and thus the wider site would maintain its character and appearance. Development would not extend out into the open countryside and existing boundary treatments would be retained. Whilst the building would be altered, this would not be jarring or appear out-of-character within the wider area in the context of nearby development and the existing residential use. Given the limited public views and limited private views of the proposal, it would not result in material harm to the character or appearance of the site and the surrounding area.
26. I therefore conclude that, whilst in tension with the advice provided in the CBDG in regard to extending existing buildings, the proposal would not have a harmful effect on the character and appearance of the area. It would, therefore, accord with the aims of Policies SP7 and HQ1 of the Local Plan in as much as, together, these seek, amongst other things to ensure that developments are of the highest possible quality and respond positively to their context and recognise the intrinsic character and beauty of the countryside .

### **Other Considerations and Green Belt balance**

27. There is no dispute between the parties that the proposal site lies partly within the Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).
28. Whilst the effect of the proposal on protected ecological sites is not cited by the Council as a reason for refusal in its decision notice, the Habitats Regulations require the Competent Authority to consider whether or not the development could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
29. Had I been minded to allow the appeal, it would have been necessary for me to undertake an Appropriate Assessment (AA). The AA is required on a case-by-case basis to determine whether or not the project would adversely affect the integrity of the Protected Site. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further as it would not change the outcome of this appeal and, whilst the issue of the effect of the development on Protected Sites remains unresolved, the outcome could only be, at best, neutral in my considerations.
30. I note that the appellants identify that the Council is unable to currently identify a five-year supply of housing land. However, the proposal would not provide any additional dwellings, being an annex ancillary to an existing dwelling.

31. The proposal would provide accommodation for elderly relatives. However, no details of the needs or number of these relatives have been provided. The proposal would deliver a substantial level of accommodation, with two double bedrooms and a carer's room and I have no evidence before me to demonstrate that the accommodation provided by the annex would be the minimum level of accommodation required to support the needs of the occupiers. There is an extant permission for the conversion of the Stable Building into a modest annex, and this could provide accommodation ancillary to the main dwelling for elderly relatives.
32. The proposal would provide limited benefits to the local economy in terms of short term employment in the construction industry. Taken together, and given the limited scale of the development, these benefits carry limited weight.
33. I have had due regard to the PSED and found that the development could provide the opportunity to advance its aims by meeting the needs of elderly persons. However, set against the well-established and legitimate aim of the protection of the Green Belt dismissing this appeal is a proportionate response in this case.
34. I therefore find that the very special circumstances that are necessary to justify inappropriate development have not been demonstrated. The proposal is, therefore, contrary to the aims of the Framework and, thereby, Policy SP4 of the Local Plan.
35. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I am also mindful that the proposed development would be contrary to the development plan in these respects.
36. Against this there would be limited benefits accruing from the boost to the local economy. I find that the harm that I have identified would, in this case, outweigh the benefits of the proposal.

## **Conclusion**

37. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

*I A Dyer*

INSPECTOR