



Appeal Decision

Site visit made on 3 December 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/P0119/D/25/3374214

Harrows End, Itchington Road, Tytherington, South Gloucestershire, BS35 3TJ

- 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 Richard Mayo against the decision of South Gloucestershire Council.
 - The application Ref is P25/01401/HH.
 - The development proposed is the erection of two storey front and side extension to provide additional living accommodation.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of two storey front and side extension to provide additional living accommodation at Harrows End, Itchington Road, Tytherington, South Gloucestershire, BS35 3TJ in accordance with the terms of the application, Ref 25/01401/HH, subject to the conditions set out in the accompanying Schedule.

Procedural matters

2. The appeal site lies within the Bristol/Bath Green Belt (GB).
3. At application stage the appellant submitted information which he wished to remain confidential. The Council respected the request and redacted documents displayed in the public domain. One of the main aspects of the appeal representations relates to that information. The documents were accepted as part of the appeal, and there is no provision in the relevant Regulations for representations to be treated as confidential. I have received no specific request for the information to remain confidential, and I shall therefore take it into account. I note that the Parish Council supported the proposal.
4. The applicant has made an application for costs against the Council. This is the subject of another decision.

Main Issues

5. The main issues are: (a) whether the development is inappropriate or not inappropriate development in the GB for the purposes of the Framework¹ and development plan policy; (b) the effect on openness; (c) the effect of the proposals on the character and appearance of the host property and its surroundings, and (d)

¹ The National Planning Policy Framework

whether other considerations clearly outweigh the harm to the GB and any other harm so as to amount to very special circumstances.

Reasons

Whether inappropriate or not inappropriate development

6. The Framework establishes that the construction of new buildings in the GB should be regarded as inappropriate unless one of the specified exceptions applies. The exceptions are listed in paragraph 154. They 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' (c), and

'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.' (g)

7. The Council approached the proposal as if it fell within the terms of paragraph 154(c) whilst the appellant considers it falls within the terms of paragraph 154(g). I shall deal with each aspect in turn.
8. Policy CS5 of the South Gloucestershire Local Plan Core Strategy (CS) requires that proposals for development in the GB must comply with the provisions of the Framework. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (LP) provides more detailed policy guidance in that it sets out in empirical terms the level of volume increases to the original building likely to be considered as disproportionate or not disproportionate additions.
9. The term *'original building'* is used in both national and local policy. Judging from the references to the planning history by both parties, the original building, as defined in local and national policy, has been subject to previous extensions and alterations. The appellant has not seriously disputed the Council's view that the original building has been extended substantially in the past, and that the current proposals would increase the volume well above the 50% set in LP policy PSP7 as the volume increase most likely to be considered as a disproportionate addition.
10. The appellant however maintains that the Council did not consider the prospect of the proposal being regarded as a redevelopment or partial redevelopment having regard to the Framework's paragraph 154(g). This proposition, however, was not put forward in the Planning Statement accompanying the original application, but forms part of the grounds of appeal.
11. Having regard to the specific wording of the exception set out in paragraph 154(g), I make the following findings. The proposal does not fall to be considered as infilling or a material change of use, and the appellant does not argue otherwise. The term *'previously developed land'* (PDL) is defined in the Framework, and I share the view that the site, being outside a built-up area, falls within the definition. The land is also in continuing use.
12. The terms *'complete redevelopment'* or *'partial redevelopment'* are not defined in the Framework, and nor for that matter is the term *'redevelopment'*. The appellant does not suggest that the scheme involves a complete redevelopment. However,

on the basis that the scheme involves the demolition of part of the existing dwelling, and two extensions, he considers that the proposal falls to be treated as a redevelopment.

13. The term redevelopment is in common usage in planning circles and may refer to large or small sites. I do not exclude other forms, but the redevelopment of a site in my experience normally relates to the demolition and replacement of derelict or unused buildings or structures, or those in poor condition with new, whilst not excluding their possible refurbishment. Redevelopment normally involves the revitalization or regeneration of a site or area evidently in need of such action.
14. Whilst acknowledging that this proposal involves a very modest level of demolition, the structures did not appear to be in such condition that they needed demolition or replacement. Rather it seems to me that any demolitions were only necessary to facilitate the appellant's quest for the construction of larger additions or extensions to the dwelling.
15. Based on what I saw and the submitted plans it would be inappropriate to describe the proposal as redevelopment, even partial. The dwelling appeared to be in reasonably good condition and did not strike me as needing redevelopment in the commonly applied sense of the term. To my mind, the clear purpose of the scheme is to enlarge and alter the main building. Thus, the proposals fall to be considered under the terms of the Framework's paragraph 154(c) rather than 154(g).
16. I have had regard to the appeal decisions² referred to by both parties in support of their respective stances, but I have based my view on the particular facts and circumstances of this case.
17. I conclude that the level of additions proposed, having regard to the planning history, to be disproportionate amounting to inappropriate development in the GB in terms of national policy, and contrary to the provisions of CS policy CS5 and LP policy PSP7.

Effect on openness

18. The appeal property, a detached dwelling, is in a secluded position in the heart of countryside well divorced from an established settlement. It is reached by a narrow track leading from Itchington Road, which runs roughly parallel to and just to the north of the M5. The track appears to serve one other property.
19. Views of the property from the track are masked by hedges, other vegetation or the several outbuildings sited to the south and south-east of the appeal property. A public footpath runs in woodland to the west of the property and to the north at around 100m distance. Even in winter, following defoliation, the surrounding landscape provides effective screening, so that the proposed development would be barely discernible in the public realm and only then from a distant view from part of a public footpath.
20. Notwithstanding my conclusion on the first main issue, such is the secluded and sheltered position of the dwelling allied to the presence of other buildings in close

² APP/P0119/D/25/3360642, APP/T2350/D/24/3351542 & APP/T0355/W/24/3352921

proximity, that the perceived impact on the visual openness of the GB would be minimal. The spatial impact on openness would also be negligible.

Character and appearance

21. The two-storey side extension would involve the removal of an extant small side extension, and the proposed front extension would elongate an already existing front gabled protrusion.
22. I consider the massing and design of the side extension to be subservient to the host property, acceptably matching its visual characteristics. The alteration to the front elevation would merely accentuate the existing gabled protrusion and would not cause visual offence. I note that the Council justifies its opposition in part to this aspect of the proposals with reference to its SPD³, but the advice contained therein in relation to front extensions appears more relevant to built-up areas than secluded locations such as this, particularly having regard to the use of such terminology as 'street scene' and 'views from the street'.
23. I conclude that the development would fit harmoniously into place, without materially affecting the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those provisions of policies CS1 of the South Gloucestershire Local Plan: Core Strategy (December 2013) and PSP1 & PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) directed to promote and encourage high quality design generally, and specifically in residential extensions.

Other considerations

24. The main other consideration relates to family circumstances. In essence, the appellant and his partner adopted three young children in 2023. In a supporting letter Adoption West⁴ explained that the couple had been asked by one of the local authorities whether they would also adopt a fourth child, the younger sibling of the three already adopted. They had agreed to do so, and the child was placed in their 'temporary' care pending a final decision by the Courts. The final Adoption Order was made following my site visit.
25. The additional accommodation is needed to accommodate the needs of the enlarged family. I saw that a temporary arrangement was currently in being on the ground floor where the lounge had been subdivided to provide a bedroom for the fourth child. One of the parents sleeps nearby to foster a sense of security and comfort. A more permanent arrangement with more regular sleeping arrangements is clearly desirable. It is also understandable, particularly as the children grow older, that more space would be required, particularly bath and bedroom space, to provide a degree of privacy. I do not consider the amount of additional space sought to accommodate a family of this size as excessive.
26. The Council acknowledges that there are sensitive and extenuating circumstances in which the appellant needs to extend the home. However, the Council makes the point that the planning system seeks to act in the public interest and the applicant's personal circumstances cannot be considered a material planning consideration particularly since any permission would run with the land rather than any specific

³ Householder Design Guide: Supplementary Planning Document

⁴ An agency providing dedicated adoption services for several local authorities in the West of England

individual. The development would also be permanent. Due to this, in the Council's view, the personal position of the applicant does not outweigh the harm to the GB by reason of inappropriateness.

27. In circumstances such as these I am reminded of the words of Lord Scarman in delivering the judgment of the House of Lords in the *Great Portland Estates* case⁵. His Lordship said:

'...Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present, of course, indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases...'

28. There have been several notable legal cases since where it was held that personal circumstances may be regarded as a material consideration in the administration of planning control, depending on the details of the case. Given the exceptional details of this case, I consider the personal circumstances of the appellant, of the family and particularly the interests of the children to be material to my considerations.

The planning balance and overall conclusions

29. I have found the proposal to comprise inappropriate development in the GB and this attracts substantial weight against the scheme. However, the effect on one of the essential characteristics of the GB, its openness, in a spatial and visual sense would be minimal and negligible. This attracts considerable weight in favour of the proposals particularly since I am satisfied that none of the purposes of the GB⁶ would be compromised by the development.
30. I have found in the appellant's favour on the effect of the development on local character and appearance, but this attracts no weight in terms of the application of green belt policy since any residential extension is expected to be compliant with other development plan policies.
31. I attach significant weight to the personal circumstances of the appellant and the family since I consider them to be exceptional, special and unique in my experience.
32. Also taking full account of my conclusions on the effect on openness, I consider the other considerations to clearly outweigh the totality of the harm to the GB and, accordingly, very special circumstances exist.
33. The appeal shall therefore be allowed, and I therefore consider conditions.

Conditions

34. In accordance with the Council's suggestions, it is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect

⁵ *Westminster City Council v Great Portland Estates plc* [1985] 1 AC 661

⁶ As set out in the Framework at paragraph 143

is therefore imposed in the interests of certainty. A condition in respect of materials is imposed in the interests of visual amenity.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 543493-25-1 to 543493-25-20 (inclusive).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.