



Appeal Decision

Hearing held on 26 April 2022

Site visit made on 26 April 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/J1915/W/21/3273500

Land at Twyford Bury Lane, Twyford Bury, Bishops Stortford, CM22 7QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Brookhouse against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1374/FUL, dated 13 July 2020, was refused by notice dated 21 October 2020.
 - The development proposed is removal of stables and change in land levels to allow for the erection of 1 dwelling submerged into ground with associated access, parking and landscaping works to include the creation of water features and landscaped terrace.
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Decision

1. The appeal is allowed and planning permission is granted for removal of stables and change in land levels to allow for the erection of 1 dwelling submerged into ground with associated access, parking and landscaping works to include the creation of water features and landscaped terrace at land at Twyford Bury Lane, Twyford Bury, Bishops Stortford, CM22 7QA in accordance with the terms of the application, Ref 3/20/1374/FUL, dated 13 July 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A revised proposed landscaping scheme was submitted with the appeal and discussed during the hearing. I am satisfied that interested parties are not prejudiced by my considering these revised details in my determination of this appeal.

Main Issues

3. The appeal site is in the Green Belt outside of Bishops Stortford. The main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, including any effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, 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 National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt, and that the essential characteristics of Green Belts are their openness and permanence. The Framework further states that the construction of new buildings in the Green Belt should be regarded as inappropriate save for certain exceptions. Paragraph 149(g) of the Framework states that one of these exceptions is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Policy GBR1 of the East Herts District Plan 2018 (the DP) states, among other considerations, that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
5. The appeal site is a field next to a small cluster of development around the junction between Pig Lane and Twyford Bury Lane. There are three stables and a small trailer body sited in the field, but most of the site has not been built on.
6. The relevant exception at paragraph 149(g) comprises two strands, requiring that the site be previously developed land, and that the proposal not have a greater impact on openness than the existing development. If a proposal fails either strand, it would be inappropriate development.
7. The size of the proposed house and extent of associated development would be much greater than the existing built form on site. While the impact on visual openness would mainly be limited to certain views, the scale of development is such that it would have a far greater spatial impact. This would be apparent within the site, from the site entrance and from viewpoints in the surrounding area. As the permanence of the Green Belt is an essential characteristic, this spatial impact must be accorded due weight.
8. As the proposal would have a greater impact on openness than the existing development, it is not therefore necessary for me to consider whether the appeal site is previously developed land.
9. The proposed development would constitute inappropriate development in the Green Belt. It therefore conflicts with the identified requirements of the Framework and with Policy GBR1 of the DP.

Character and appearance

10. Policy DES2 of the DP requires, amongst other considerations, that development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. It also states that appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping.
11. The area in the immediate vicinity of the appeal site is characterised by open land to the east and immediately to the west. Twyford Bury House and Twyford Bury Farmhouse lie to the south, leading to the junction with Pig Lane and the cluster of development around the junction. Overall, there is a generally rural character to the site and its surroundings, especially as seen from the public

footpath that runs along its eastern boundary, although the proximity to Bishops Stortford with commercial buildings visible beyond the railway line means that there is an element of urban fringe visible nearby.

12. The site lies within the Thorley Uplands Landscape Character Area and is immediately adjacent to the River Stort Character Area to the east. It shares characteristics of both Character Areas, with longer views restricted by the established vegetation around the site and in the wider area, while the relationship to the open land to the east which slopes down to the river is of particular importance due to the public footpath crossing this land.
13. Boundary planting to the site is well established, but there are views into the site from the road and footpath at various points. These views demonstrate the overall relatively undeveloped character of the site and its immediate surroundings, which comprise countryside sensitive to change. While the boundary planting could be reinforced as part of the development, the new planting would take time to become established, and the submitted Landscape and Visual Impact Assessment makes clear that much of the existing boundary planting is deciduous and therefore provides limited screening during certain times of the year.
14. The proposed development would therefore be somewhat visible from the surrounding area, although its prominence would be limited due to its submergence. The building would have a unique design in this area, the justification for which I shall address further below, and would be finished in tiles fired from clay extracted from the site by the proposed excavations. While the building would not be prominent, its unusual form and appearance would attract the focus of passers-by, particularly those using the adjacent footpath. The appeal proposal would extend the existing cluster of buildings further into the countryside with a significantly greater presence and harmful visual impact than the existing stables.
15. Overall, therefore, the proposal would fail to conserve the character and distinctive features of the district's landscape in this sensitive countryside location. It would therefore be harmful to the character and appearance of the area, and conflict with Policy DES2 of the DP.

Other Matters

16. The neighbouring property to the south of the site, Twyford Bury House, is a Grade II listed building. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
17. No harm to the listed building has been identified as arising from the proposed development. I am satisfied that the proposed house would be sufficiently distant from the listed building that the appeal proposal would not be harmful to its setting.
18. Policy GIP2 of the emerging Bishops Stortford Town Council Neighbourhood Plan for All Saints, Central, South and Part of Thorley Parish 1st Revision proposes that the open land to the east of the site be designated as Local Green Space. Amongst other considerations, this policy would require that development which adjoins a designated Local Green Space must preserve and

enhance wildlife corridors to a width to allow sufficient biodiversity and habitat conservation. Given the extent of landscape works proposed as part of the development, which would include creating ponds and planting to attract wildlife and insects, I am satisfied that the proposed development would not conflict with this policy.

Other considerations

19. The appeal proposal would be inappropriate development. In addition, it would cause harm to the character and appearance of the area. In accordance with the Framework, this cumulative harm attracts substantial weight in my determination of this appeal.
20. My attention has been drawn to the 2021 dismissal of an appeal at the nearby Twyford Orchard site. Given the proximity of the two sites I have had regard to this decision, which also involved a proposal for housing that the Inspector found to be inappropriate development in the Green Belt. However, this previous proposal was in outline with uncertain green credentials and no other considerations in its favour beyond what the Inspector judged to be the very modest contribution of two new dwellings. This decision therefore only carries moderate weight in the determination of this appeal, given the significant differences between the proposals.
21. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. These are the personal health circumstances of a family member who would live in the proposed house, and the quality of design of the proposed house and development which would address the family member's medical condition.
22. The personal circumstances of an appellant are capable of being a material planning consideration. It is a matter for the decision maker how much weight they carry in determining an appeal.
23. The family member is a young adult who has multiple debilitating health issues which have a significant detrimental impact on their overall quality of life. The proposed development is intended to mitigate the effects of these issues, with a biophilic design including providing access to water and significant natural light as well as incorporating measures such as a decompression vacuum at the house entrance, dirt repelling paint and other measures to provide as clean an environment as possible. The rural location of the appeal site would enhance the connection to nature, which is recognised by doctors as a health benefit in this case, as well as it being an area with which the family member is personally acquainted, providing a familiar environment for them. The house would be centred around an open courtyard and would provide a wellness centre to aid with the family member's ongoing treatment. The design of the house is specifically tailored to account for the body's circadian rhythms and provide opportunities for medical treatment on site which would assist with reducing the stress associated with travel and alleviating their symptoms. The design of the house overall is of exceptional quality and together with its siting in this specific location would greatly improve the living conditions of the family member. These are material considerations to which I attach great weight in the overall balance.
24. The site is close to a railway line, and the noise from passing trains and from aircraft flying near the site is clearly audible with several instances of both

occurring during my site visit. However, this is transient noise and not so frequent nor so loud that it would be intrusive within the proposed house, which has been designed to provide a tranquil and calming environment for occupiers who are, in any case, familiar with the local environment having previously lived in the area.

25. In this instance the medical needs of the appellant's family member mean that the benefits of the proposed development attract such great weight that they would clearly outweigh the identified harm. Very special circumstances do therefore exist in this instance.

Conditions

26. I have considered the conditions agreed between the appellant and Council, as well as those discussed during the hearing. Where appropriate, I have amended the wording in the interests of conciseness and in accordance with national Planning Practice Guidance.
27. I have imposed the standard condition relating to the time limit for commencement of development (1) and specifying the approved plans for the sake of certainty (2).
28. A condition requiring approval of details for the re-use of excavated materials and management of waste (3) is appropriate and necessary given the extent of excavations proposed at the site.
29. Given the sensitivity of the site and surroundings, a condition requiring approval of the external materials of construction of the proposed development (4) is required to ensure that its final appearance is acceptable in this location.
30. Given the sensitivity of the site and its countryside setting I have imposed a condition addressing various landscape matters including boundary planting, hard surfacing, the layout of vehicle parking and details of external lighting (5).
31. Concerns were raised by the Council during the hearing regarding the potential for visibility splays at the site entrance to impact on the extent of screening of the proposed development. A condition requiring approval and implementation of appropriate splays (6) is therefore relevant to planning and the development permission and reasonable in this instance.
32. A condition requiring that the on-site vehicle manoeuvring spaces be completed prior to first occupation of the dwelling (7) is reasonable and necessary in the interests of highway safety and traffic flow.
33. I have imposed a condition requiring submission and approval of a construction traffic management plan (8) given the ongoing construction works nearby and the relatively narrow width of Twyford Bury Lane.
34. A condition restricting domestic Class E Permitted Development rights (9) is reasonable in this instance given the significantly greater scale of built form proposed in comparison to the existing buildings on site, the resulting change in the character of the site and the sensitivity of the wider countryside setting to further change.
35. I am mindful that the appeal proposal is for a permanent new dwelling and substantial excavations and alterations to the site. It would therefore not be

appropriate to restrict this development by way of a condition limiting occupation of the dwelling to the appellant and their family.

Conclusion

36. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Appearances

FOR THE APPELLANT

Chris Brookhouse	Appellant
Katherine Brookhouse	Appellant
Graeme Thorpe	PWA Planning
Caroline Osbourn	DEP Landscape Architecture
Katie Lewis-Pierpoint	SDA Architecture
Rachael Leather	PWA Planning

FOR THE COUNCIL

Fiona Dunning	Principal Planning Officer
Paul Stevens	Landscape Officer

INTERESTED PARTIES

Colin Arnott	Resident
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Schedule of conditions for appeal ref: APP/J1915/W/21/3273500
Land at Twyford Bury Lane, Twyford Bury, Bishops Stortford, CM22 7QA

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby approved shall be carried out in accordance with the plans submitted. The plans include:
 - Site Location Plan as Existing and Proposed, Ref. 269 (S)2-01-PP Rev C
 - Site Plans as Existing and Proposed, Ref. 269 (S)2-02-PP Rev C
 - Elevations, as Proposed, Ref. 269 (E)5-01-PP Rev B
 - Elevations, as Proposed, Ref. 269 (E)5-02-PP Rev A
 - Ground Floor Plans & Elevations, as Existing, Ref. 269 (GA)3-01-PP Rev A
 - Site Sections & Plans, as Existing & Proposed, Ref: 269 (GA)3-02-PP Rev A
 - Ground Floor Plan, as Proposed, Ref: 269 (P)4-01-PP Rev B
 - Concept Landscape Layout, Ref: 4450 01
 - Constraints and Opportunities Plan, Ref: P.1046.18.04
3. Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken in the design, demolition and excavation of the development to re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content and thereafter the development should be implemented in accordance with the approved details.
4. Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
5. Prior to any above ground construction works being commenced details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - boundary treatments, including any replacement planting;
 - hard surfacing materials;
 - vehicle parking layouts;
 - external lighting; and,
 - an implementation programme.

The landscaping works shall thereafter be carried out in accordance with the approved details and the agreed implementation programme.
6. Prior to any above ground construction works being commenced details of visibility splays to the site entrance onto Twyford Bury Lane shall be submitted to and approved in writing by the local planning authority. The splays shall thereafter be provided on site in accordance with the approved details before first occupation of the approved dwelling, and retained thereafter.

7. The dwelling hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plan have been constructed. These shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
8. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:
 - phasing for the development of the site, including all highway works;
 - methods for accessing the site, including construction vehicle numbers and routing;
 - location and details of wheel washing facilities;
 - associated parking areas and storage of materials clear of the public highway.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, no works or development as described in Schedule 2, Part 1, Class E of the Order shall be undertaken without the prior written permission of the Local Planning Authority.

End of schedule of conditions



Appeal Decision

Site visit made on 26 April 2022

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/J1915/X/21/3278904

The Cottage, Cherry Park Farm, Road from Blind Lane to Ardeley Village by the Old Bell, Ardeley, Stevenage SG2 7AH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr & Mrs Ian and Virginia Neale against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0632/CLXU, dated 11 March 2021, was refused by notice dated 02 July 2021.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is: Use of building as Class E (formerly B1) office use.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The purpose of an application made under s191(1)(a) of the Town and Country Planning Act is to establish whether the use of land or buildings was lawful on the date the application was made. For the avoidance of doubt I make clear that the planning merits of the use are not relevant to the determination of the appeal which must be based upon the facts of the case and any relevant judicial authority.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

Reasons

4. The Planning Practice Guidance (PPG) makes clear that an applicant is responsible for providing sufficient information to support an application for a certificate of lawful use. Further, in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

5. Section 191(2) of the Town and Country Planning Act 1990 (the Act) states that uses and operations will be lawful at any time if:
 - a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
6. Subsection (a) relates to the terms of s171B of the Act which specifies the timescales within which enforcement action must be taken. The appellant does not assert that the use of the building as an office did not require planning permission or that it did not involve development. Thus, the application appears to be made on the basis that the use is lawful on the basis that the time period for taking enforcement action has expired. The requisite period for a material change of use of a building to an office use is ten years, beginning with the date of the breach.
7. For an LDC to be awarded it is necessary to establish when, or if, any breach of planning control occurred and work forwards to understand whether the building had been used as an office for a continuous period of ten years following any breach, with no intervening uses or significant gaps in use, such that any unauthorised use was immune from enforcement action at the time the application was made.
8. The appellant maintains that the company commenced using the building as an office for Igloos Ltd in 2006. The statutory declaration from Mr Luke Neale confirms that the company has used the building as an office since that time and that is supported by letters from a Director and employee of the company. I have no reason to doubt those accounts and the Council has provided nothing to the contrary.
9. However, in order to identify when, or if, a material change of use occurred, it is necessary to understand what the former use of the building was and whether its subsequent use as an office was materially different, such that it would have amounted to a breach of planning control. It is not uncommon for people to run a business out of a residential property or outbuilding and such use can remain ancillary to the primary residential use, depending on the scale of operations and the effect on the residential character.
10. Very little information has been provided as to how the building was used prior to 2006. The appellants' statement describes it as an 'outbuilding used in association with Cherry Park Farm'. Whether that involved ancillary residential accommodation, storage or some other use is not clear. Nor is it clear if Cherry Park Farm, or Ardeley Place as it has also been referred, is a working farm or a purely residential property.
11. The appellant has identified that the main dwelling was occupied by the late mother of one of the appellants and there is clearly a family link between the appeal site and the main dwelling. The wider site including Cherry Park Farm is within the appellants' ownership and Mr Luke Neale, their son, set up Igloos Ltd with his business partner. It is not clear if he was residing at Cherry Park Farm at the time. The two buildings share the same vehicular access and at the time

- of my visit there was no signage to indicate that the office was separate from the remainder of the property. Moreover, none of the submitted bills or invoices refers to 'The Cottage' by name; the address for the company given refers to Cherry Park Farm.
12. Given those matters it seems likely that 'the Cottage' was part of the same planning unit as Cherry Park Farm until at least 2006. Whether its use afterwards as an office amounted to a material change of use would be a matter of fact and degree depending on the nature of the use and whether it was ancillary to the use of the main property.
 13. Whilst letters have been provided from those involved in the company the accounts do not testify to the intensity or nature of the use. Factors such as how many people were employed at different periods, their relationship with those living in the adjacent dwelling, how many people used the building at different times, the extent of deliveries or visits to the property would all have a bearing on whether the use was ancillary to the established use of the wider planning unit. Consideration would also need to be given to whether the business had grown in scale over time or fluctuated in scale. This is by no means an exhaustive list but is an indication of matters that would need to be considered in order to determine whether a material change of use had occurred or whether the use had remained ancillary in nature to the primary use of the land over the relevant period.
 14. The statutory declaration does indicate that the office has space for 5 employees plus a meeting room but it is not clear whether 5 people are employed, or what levels of employment have been throughout the period of occupation since 2006. Given the absence of information in respect of the previous use, the relationship with Cherry Park Farm, and how the business has operated there is ambiguity as to whether the building was, or is, occupied independently as an office within Class E(g)(i) (formerly Class B1) or whether the use was, or is, ancillary to the primary use of Cherry Park Farm.
 15. Given the uncertainty over whether the building was occupied as a separate planning unit throughout the period since 2006, it is difficult to conclude, on the balance of probability, that the use was lawful due to the passage of time at the time the application was made. If the use was ancillary to the primary use of the land during that period there would have been no material change of use or breach of control. Without a breach of control, the clock would not start ticking in terms of the time period for enforcement action within s171B.
 16. That matter alone would be sufficient to dismiss the appeal. However, even if a material change of use had been demonstrated, the supporting documents would be insufficient to demonstrate satisfactorily that the breach had continued for a period of ten years such that it was lawful at the time of the application. The business rate bills from the Council's Revenue Services cover the eight-year period from April 2013 to January 2021. The single invoice provided relates to a date in 2020. The four phone bills submitted date from 2008, 2011, 2012 and 2018. The 2011 bill is dated 23 May, less than ten years from the date of the application. Whilst it may be that some of the calls and expenses were incurred prior to that date, the bill is not itemised so it is difficult to tell.
 17. There are no supporting bills or documents from 2006 or 2007 and the only supporting documents that date from more than ten years prior to the

application are the phone bill from 2008 and the Certificate of Incorporation from Companies House dating from 1998. However, the latter does not shed any light of itself as to when the business moved to the present accommodation. Consequently, there are significant gaps in evidence and the supporting documents and bills do not, of themselves, provide clear evidence of continuous use for a period of ten years between 2006, when the appellant contends that the use began, up to the point at which the application was made. Nor does the evidence shed detailed light on exactly how the business operated for the reasons set out previously.

18. Therefore, whilst I have no reason to doubt the veracity of the statements provided by those involved in the business, there is a lack of evidence relating to the former use of the building and its relationship with Cherry Park Farm. In addition, the supporting evidence is insufficient to demonstrate the full nature and intensity of the use over the relevant period. Accordingly, based on the information provided I cannot conclude, on the balance of probabilities, that the use of the building as an office within Class E(g)(i) was lawful at the time the application was made.

19. It follows that the appeal must be dismissed.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 12 April 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/J1915/D/21/3282188

20 Desborough Drive, Tewin Wood, Tewin AL6 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Herriott against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0762/HH, dated 18 March 2021, was refused by notice dated 19 August 2021.
 - The development proposed is the demolition of front porch and construction of two storey front extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development on the planning application form was for a 'first floor front extension.' However, as stated in the appellant's statement and shown on the submitted drawings, the existing porch would be demolished and the replaced with a slightly narrower front extension. I have therefore used the description of development as shown on the decision notice and appeal form, which more accurately describes the proposal.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, 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 it.
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Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. 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.'
6. Policy GBR1 of the East Herts District Plan (October 2018) (DP) seeks to protect the Green Belt and requires development proposals in the Green Belt to be considered in line with the provisions of the Framework. Neither the DP nor the Framework define 'disproportionate'.
7. The appeal property is a two-storey detached dwelling set in a generous plot. It is evident that it has been previously extended, most recently with a single storey extension replacing the garage. A two-storey rear extension, which was allowed on appeal at the same time¹, has also been constructed since the application was decided.
8. The Council in its officer report asserted that the existing and proposed extensions would increase the floorspace of the original property by 132%, although at the time of the Council's decision the two-storey rear extension had not been built. The Council states that increase in floorspace of the property would be 173.6% including the rear extension, which the appellant does not dispute. I acknowledge that the proposal would be on a slightly smaller footprint than the existing porch, but as a two-storey extension it would increase the floorspace of the dwelling by approximately a further 10sqm compared to the existing situation.
9. Size can be more than a function of floorspace and footprint and can include bulk, mass, and height. In this case, the scale and mass of the building has already been substantially increased through the existing additions. Although relatively modest in itself, the proposed front extension would further increase the massing of the dwelling and would add to the visual bulk as well as the volumetric impact of previous extensions.
10. Consequently, the proposed front extension would, together with the existing extensions, cumulatively amount to a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
11. The appellant states that the adjacent property at No 18 has been significantly altered in size and design and that the Council has been inconsistent in the application of Green Belt policy. However, no details of any planning permissions for extensions or alterations at No 18 have been provided and therefore I am unable to compare the approach of the Council in these instances. Moreover, the appeal property has also been significantly extended. This does not therefore alter my conclusion on this main issue.

¹ Appeal ref. APP/J1915/D/19/3221452

Openness

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.²
13. The front extension would increase the visual bulk and massing of the dwelling and would therefore result in a reduction in the openness of the Green Belt in both visual and spatial terms. However, given the modest size of the extension and the backdrop of the existing dwelling, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

Other Considerations

14. I note that the Council considers the effect of the appeal proposal on the character and appearance of the existing dwelling to be satisfactory and, based on the evidence before me, I have no reason to disagree. However, while the overall design of the proposal, including roof form and materials, would be sympathetic to the existing dwelling, that is also true of the existing porch. Given the off-centre position of the proposal it would not improve the symmetry of the building beyond the existing situation. Therefore, I find the impact on the character and appearance of the dwelling to be neutral.

Whether very special circumstances exist

15. The proposed front extension would cause harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight.
16. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the front extension do not exist.

Conclusion and Recommendation

17. Accordingly, the proposal would conflict with DP policy GBR1 and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed

Darren Ellis

APPEAL PLANNING OFFICER

² Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

L McKay

INSPECTOR