



Appeal Decision

Site visit made on 7 June 2022 by Darren Ellis MPlan

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal Ref: APP/B3030/D/22/3291514

Hillcrest, 7 Hoveringham Road, Caythorpe NG14 7ED

- 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 & Mrs Kellam against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02192/HOUSE, dated 8 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a side extension at Hillcrest, 7 Hoveringham Road, Caythorpe NG14 7ED in accordance with the terms of the application 21/02192/HOUSE, dated 8 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Location Plan Ref: 531/2021; Block Plan Ref: 558/2021; and Proposed Plan and Elevations drawing no. 558_2021_02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those as detailed on the Proposed Plan and Elevations drawing no. 558_2021_02.

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.

Background and Main Issue

3. The appeal site is within the Green Belt and relevant Green Belt policies therefore apply. The National Planning Policy Framework (the Framework) identifies that new buildings within the Green Belt will be inappropriate, save for a number of exceptions, including paragraph 149(c) which relates to the extension or alteration of buildings. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist to justify a proposal.
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4. As such, the main issue is whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework.

Reasons for the Recommendation

5. 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, providing that the extension would not result in a disproportionate addition over and above the size of the original building.
6. Spatial Policy 4B of the Amended Core Strategy (March 2019) (ACS) sets out where new housing development could be acceptable and states that any other development within the Green Belt that is not identified in the policy, such as the proposal before me, shall be judged according to national Green Belt policy.
7. 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.' However, the term 'disproportionate' is not defined. The current dwelling was constructed following the granting of planning permission in 2013 for the demolition of an existing dwelling and the erection of a replacement dwelling¹.
8. The Council state that the current dwelling was considered to be disproportionate compared to the previous dwelling. However, the exception in the Framework for replacement buildings requires for them to not be materially larger than the previous building, whereas the test for disproportionality applies only to extensions and alterations to a building. I understand that the current dwelling is materially larger than the previous dwelling but was deemed acceptable as very special circumstances were demonstrated, including the removal of previous outbuildings.
9. As the previous building has been demolished and no longer exists, and as the current building was constructed after 1 July 1948, the current dwelling constitutes an original building for the purposes of the Framework. Any comparisons to the size of the previous building are therefore not relevant in this case.
10. Due to the substantial costs involved, it is unlikely that this approach would lead to a repeating cycle of one building being demolished to be replaced with a larger building. Moreover, any such replacement building would require planning permission and would need to be found acceptable when assessed against the relevant planning policies.
11. Both parties agree that the proposed side extension would see an approximate increase of 11% in footprint and 5.8% in floorspace. The Council mentions, as a guide, a threshold of a 30%-50% increase from the original building as being disproportionate and asserts that this is supported by case law, although no specific judgements have been referenced. However, given the lack of any such criteria in the development plan, this threshold is a guide only and a judgement is required in any given case. The proposed increases to the footprint and floorspace of the building would fall well below the 30%-50% guide.
12. Size is more than a function of footprint and floorspace and includes volume, bulk, mass, and height. The proposed single-storey extension has been

¹ Planning application ref. 13/01509/FUL

designed to be subservient to the original dwelling and would be well set-back from the front elevation and the ridge set down from the main roof. Overall, I am satisfied, as a matter of judgement, that the addition to the original building would be proportionate to the original property.

13. Neither local nor national policy requires the justification of the future use of an extension, in this case as a home office.
14. Consequently, I conclude that the proposal would meet the exception in the Framework for an extension or alteration to a building and therefore would not be inappropriate development within the Green Belt. For these reasons, the proposal would satisfy Paragraph 149 of the Framework and Policy 4B of the ACS, and would not amount to inappropriate development within the Green Belt.

Openness of the Green Belt

15. Given my conclusion that the proposal would not be inappropriate development in the Green Belt, it is not necessary for me to go onto consider the proposal's effect on the openness of the Green Belt or whether there are any very special circumstances.
16. The Council states that permitted development rights for the current building were removed when the planning permission was granted in order to protect the openness of the Green Belt. However, the removal of permitted development rights means that a planning application needs to be submitted for extensions that would usually constitute permitted development. In such an application, the effect of a proposal on the openness of the Green Belt would only need to be assessed if a proposal was considered to constitute inappropriate development.

Other Considerations

17. The majority of the appeal site is situated in flood zone 2, with the southern end of the driveway being in flood zone 3. As the proposed floor levels would be the same as the existing floor levels, I am satisfied that the proposal would be acceptable in terms of flood risk. I also note that the Council has not objected in this regard.

Conditions

18. I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning.
19. In the interests of the character and appearance of the property and the surrounding area, it would be necessary for a condition requiring the exterior materials to match the details shown on the submitted drawings.

Conclusion and recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed

K Taylor

INSPECTOR