The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2018

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2018

Appeal Ref: APP/B3438/D/17/3187713
Boathouse Cottage, Reacliffe Road, Rudyard ST13 8RS

- 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 P and Mrs C Dudley against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0520, dated 1 August 2017, was refused by notice dated 13 October 2017.
- The development proposed is the erection of single storey extensions.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:

   - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
   - The effect of the proposal on the openness of the Green Belt; and
   - If the proposal is 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.

Reasons

Whether inappropriate development

3. Policy SS6c of the *Staffordshire Moorlands Core Strategy Development Plan Document (adopted March 2014)* (CS) states that within the Green Belt strict control will be maintained over development in line with government policy. Paragraphs 89 and 90 of the Framework set out the forms of development which are not inappropriate within the Green Belt. These 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.

4. Annex 2 of the Framework states that the 'original building' is a building as it existed on 1 July 1948 or, if constructed after that date, as it was originally built but no further guidance is provided on what represents a disproportionate

addition. The Council has not given any indication that there is a local plan policy on this matter either.

5. The appellants have highlighted that Policy R2 of the CS indicates that extensions to existing dwellings in rural areas are acceptable provided that they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the area. In the absence of any other guidance they suggest that this provides a definition of what is a disproportionate addition.

6. However, this policy provides guidance on the forms of housing development that may be acceptable in rural areas outside the settlement boundaries and infill boundaries of towns and villages. As such, it relates to development both inside and outside the Green Belt, and whilst the criterion highlighted provides guidance against which the proposal would need to be judged, there is nothing within the policy that indicates that its purpose is to provide a definition of what constitutes a disproportionate addition for houses within the Green Belt.

7. The Council have indicated that the footprint of the existing building is around 35 sqm, and that the proposed extension would be 35.3 sqm. As such the proposal would represent a 100% increase in area. This is disputed by the appellants who have stated that the footprint of the proposal is 27 sqm, and the existing building is 42.1 sqm. On the basis of these figures they have calculated the proposal to be a 64% increase.

8. However, in calculating the area of the existing building the appellants have taken account of the existing shed on the site that is adjacent to the main building, and which would be demolished as part of the proposal. Nevertheless, although the evidence indicates that Boathouse Cottage dates from the early twentieth century, there is no substantive evidence to show that the shed existed on 1 July 1948. Even if it did, although it is adjacent to the building it does not actually form part the building that is to be extended even if it contains items such as the electricity meter, washing machine and tumble dryer. As a result, I am not persuaded that it is appropriate to take account of the floor area of the shed in determining whether the proposal would be a disproportionate addition over and above the size of the original dwelling.

9. Given the disputed figures for the floor area of the proposal, I have determined the appeal on the basis of the plans before me, and what I observed on my site visit. The appeal scheme consists of an extension to the rear of the dwelling, attached to it by a narrow glazed link, as well as an extension to the side. The side extension has two elements that both replicate the form and profile of the existing building, but which together have a greater width than the original house.

10. The proposed extensions would result in a very large increase in the size of the appeal property, whichever calculation is adopted. I take the view that an increase in the floor area of the original dwelling of the scale proposed cannot be considered to be anything other than disproportionate.

11. In the light of the above, I therefore conclude that the proposal would be inappropriate development, which according to paragraph 87 of the Framework is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.

Openness

12. Openness is an essential characteristic of Green Belts. It can be considered as the absence of buildings or development. Although the appeal scheme would remove the existing shed, the size and mass of built development on the site would be increased, and so the openness of the Green Belt would be reduced. Whilst I accept there is limited visibility of the building, this does not mean that the proposal would not affect the openness, as a lack of visibility does not in itself mean that there would be loss of openness. Therefore, although in isolation the loss would be minimal, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other Considerations

13. It has been highlighted that the original dwelling is very modest and does not provide an adequate level of accommodation, as apart from a bathroom there is only 1 other room providing both living and sleeping accommodation. I note that on the basis of the appellant's calculations the proposed floor space would be just less than the minimum required for a two bedroom dwelling in the national space standards.

14. However, permission already exists to enlarge the building to create a 1 bedroomed dwelling, and there is no evidence to suggest that previously approved extensions would provide inadequate floor space for a 1 bedroom property. In allowing this previous application, the Council have stated that although the extensions were deemed inappropriate, they considered the need to provide an adequate level of accommodation outweighed the harm to the Green Belt, and so very special circumstances existed.

15. Given that a scheme exists to create a dwelling which would provide satisfactory levels of accommodation, I am not satisfied that there is any need to now increase the size of the extensions to enable 2 bedrooms rather than 1. This matter adds very little weight to the arguments in favour of the proposal.

16. The property lies within Rudyard Conservation Area. As such I have had regard to the special duty placed on decision makers in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), although I recognise that the Council has not raised this as a reason for refusal. Although in residential use, the simple timber clad nature of the existing building retains much of its character as a boathouse, and as a result makes a positive contribution to the historic character and appearance of the area.

17. The design of the appeal scheme is very similar to that which has already been approved on the site. The appellant has argued that the appeal scheme represents only a modest increase in floor area over and above that which has already been approved, and that there would be little visibility of the additional built form from the public realm. In fact, as they disagree with the Council's calculations of the floor space increase for both this and the previous scheme, they consider that the percentage increase in floor area is actually lower than that which the Council calculated previously and considered acceptable.

18. However, the appeal scheme would increase the size of the glazed link between the side extension and the existing house. To the rear this link structure would now extend further than the side extension. Whilst to the front it would still be

set back in relation to the both the extension and the original building, the degree of this set back would be significantly reduced. As a result this link structure would be a much more bulky and prominent part of the structure and would mean that the side element of the proposal would detract from the simple and modest form of the host property.

19. I agree that there would be little visibility of the additional built form from Reacliffe Road, but from the popular recreational route along the eastern shore of the lake it would be noticeable, and it would diminish the positive contribution the building currently makes to the heritage significance of the conservation area. Thus, the proposal would fail to preserve the character and appearance of the Conservation Area. Having regard to paragraph 134 of the Framework, whilst the harm caused would be less than substantial, there are no public benefits that outweigh it.

20. It has been argued that the dwelling could be extended under permitted development rights by way of an extension with a larger footprint than is proposed. It is suggested that this would have a greater impact on the openness of the Green Belt. However, the Council have indicated that the property is within an area where an Article 4 Direction removes permitted development rights for the enlargement, improvement or alterations of dwellings.

21. In support of the appeal my attention has been drawn to the fact that a number of other developments that have taken place to other buildings in the vicinity which have been far larger than that which is proposed here. I do not have the full details of the circumstances that led to these proposals being considered acceptable, or the policies that applied at the time of their consideration as I note that they all pre-date the publication of the Framework and the adoption of the CS. Furthermore, the evidence indicates that many of them were actually replacement dwellings and so are not a direct parallel to the appeal scheme.

22. The site contains a number of mature trees that form part of a Woodland Tree Protection Order. It is agreed by the parties that subject to the use of pile and beam construction methods the proposal would not have a detrimental impact on the protected trees. Nothing I have seen or read leads me to come to a different conclusion on this matter but an absence of harm in this regard is a neutral factor.

23. The appellant has argued that the removal of the shed would result in an enhancement to the character and appearance of the area. The shed is a modest structure and there is limited visibility of it from the public realm. As such, it has a minimal impact on the character and appearance of the area, and in my view, its removal would not lead to any significant visual enhancement. In any case, as its removal would also be achieved by the previously approved scheme on the site, it is not a specific benefit of this proposal.

Conclusion

24. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt. In addition, the scheme would fail to preserve the character and appearance of the

conservation area. Section 72(1) of the Act indicates that the desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight.

25. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy SS6c of the CS. It would also be contrary to Policies R1, R2, SS1 and SS1a of the CS which seek to ensure that development maintains the distinctive character of the borough, does not have a detrimental impact on the rural character and appearance of the area, and protects and enhances the natural and historic environment.

26. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR