The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/B3438/D/24/3341134
Shepherd's Lodge, Kingsley Road, Cellarhead, Staffordshire ST9 0DJ

- 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 and Mrs David Silk against the decision of Staffordshire Moorlands District Council.
- The application Ref is SMD/2023/0266.
- The development proposed is the erection of a side extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
    - The effect of the proposal on the openness of the Green Belt;
    - Whether any harm by reason of inappropriateness, would be outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

3. Shepherd's Lodge, the appeal property, is a detached property situated within the Green Belt. The Framework states that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within specified exceptions. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The Staffordshire Moorlands Local Plan (adopted 2020)(Local Plan)Policy SS10 reflects the Framework in that any exceptions to inappropriate development within the Green Belt will be as defined by government policy.

4. The Framework requires that an assessment of whether an addition is disproportionate is made with reference to the original building. Shepherd's

Lodge has previously been extended. Permission was granted in 2011[1] for an extension and alteration to the dwelling and the construction of a garage but the Council advise that not all works approved under this permission have been implemented. The appellant's calculations are that the present proposal amounts to an additional 50 square metres and a 26% increase in volume of the current dwelling. However, the correct approach is to consider all cumulative increases over time. Moreover, if permission were to be granted, there would be nothing to prevent those previously permitted works from being carried out and as a consequence the unbuilt floor space permitted in 2011 should be taken into account.

5. On this basis, the Council calculates the resulting dwelling would be around 54% larger than the original. This figure has not been challenged by the appellants. Further, although the proposed extension would be set back, it would widen the house frontage at both ground and first floor level by around 3.6 metres. Accordingly, it would be a sizeable addition to the dwelling. Bearing this in mind I find that overall the proposal would be a disproportionate addition. It would therefore be inappropriate development within the Green Belt, which by definition would be harmful to the Green Belt and to which I attach substantial weight.

Openness

6. The essential characteristics of the Green Belt are their openness and permanence. The proposal would increase the level of built development in this location and would result in a more sizeable building. As such the proposal would have an adverse effect on the openness of the Green Belt. There is also a visual aspect to openness. Shepherd's Lodge is sited within a large plot, distant from the highway and with no other dwellings in close proximity. Views of the proposal would be relatively unobtrusive. As such, whilst the proposal would not be harmful to the visual amenity of the Green Belt it would result in a small loss of openness to the Green Belt, contrary to the national and local policies that protect it.

7. Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness contrary to one of the purposes of including land within the Green Belt. The proposal would also be contrary to Local Plan Policy SS10, details of which I have already given.

Other Considerations

8. Other than on Green Belt grounds, there are no objections to the proposal. However the absence of harm in other respects is not a positive consideration as acceptability in design and amenity terms is to be expected. The future potential for two storey side extensions to be added as permitted development provides minimal support for accepting the proposal.

9. Reference has been made to the circumstances of the appellants in seeking larger family accommodation to meet their extended family's needs. However there is limited information before me as to these personal circumstances. In any event, in general planning is concerned with land use in the public interest

[1] SMD/2011/0652

and personal circumstances seldom outweigh such considerations. I accordingly afford limited weight to this issue.

Green Belt Balance and Conclusion

10. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. Even taken together, the other considerations described above do not clearly outweigh the harm to the Green Belt. Accordingly very special circumstances necessary to outweigh this harm do not exist. The proposal would not accord with the Development Plan and there are no other material considerations to outweigh that finding. Therefore for the reasons given, I dismiss the appeal.

Karen Winnard

INSPECTOR