The Planning Inspectorate

Appeal Decision

Site visit made on 17 August 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/A4520/D/21/3266339
The Old Cooperage, Boldon Lane, Cleadon, SR6 7RF

- 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 Kevin Smith against the decision of South Tyneside Metropolitan Borough Council.
- The application Ref ST/0483/20/HFUL, dated 6 July 2020, was refused by notice dated 15 October 2020.
- The development proposed is single storey garage extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised subsequent to the submission of this appeal. The main parties have been given the opportunity to draw my attention to any material changes which would impact on their respective cases and the appeal has been determined accordingly.

Main Issues

3. The main issues are:

    - whether or not the appeal proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan;
    - the effect of the appeal proposal on the openness of the Green Belt and its purposes;
    - whether or not there is any other harm that would result;
    - whether or not any other considerations exist and the weight that should be afforded to them; and
    - if inappropriate development, whether or not any harm to the Green Belt by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the appeal proposal.

Reasons

Whether or not inappropriate development

4. The host property is a detached 2 storey dwelling situated on Boldon Lane, a main route through Cleadon. The site sits just beyond the main built-up form of this settlement and is surrounded by a series of fields on 3 sides. It is located within the designated Green Belt.

5. The appeal proposal would represent the further extension of a former commercial use building at ground floor level. Although the proposed positioning, design and materials would match those of the existing dwelling, the Council has advanced that the appeal scheme would represent the disproportionate extension of the original building which would constitute inappropriate development in the Green Belt. Moreover, they maintain that it does not represent any of the exceptions for development in Green Belt set out in paragraphs 149 and 150 of the Framework.

6. The Framework's glossary is clear that it is the original building, as it existed on 1 July 1948 or if constructed after 1 July 1948, as it was built originally, which is the relevant baseline for my assessment. The Council's evidence confirms that to facilitate its conversion well after that date, the original building was extended upwards to create a first floor and also at ground floor level to increase the footprint. This evidence is not disputed by the appellant and I have no cause to find otherwise. Therefore, these additions must be taken into account when assessing whether or not the appeal proposal would represent a disproportionate extension of the original building. Furthermore, in light of Sevenoaks District Council v SSE and Dawe [1997] it is reasonable to include within my assessment the existing garden outbuildings which are situated very close to the dwelling and were constructed after the conversion works.

7. Neither the Framework or the Local Plan provide a specific numerical tipping point for this assessment. However, when taking all of the relevant components into account, I conclude that the totality of the previous and proposed development, whether by increased footprint or volume, would represent a disproportionate addition to the original building.

8. Consequently, the appeal proposal does not represent exception (c) of paragraph 149 of the Framework. Neither do the circumstances of this case mean that it constitutes any of the other exceptions contained in paragraphs 149 and 150 of the Framework. The appeal proposal therefore constitutes inappropriate development in Green Belt. Moreover, paragraph 147 of the Framework clearly states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of Green Belt

9. The appeal site occupies a roadside position and is visible to users of both the bounding highway and the nearby Public Rights of Way route B13. The proposed extension would be well-contained within the host property's residential curtilage which is clearly defined from the surrounding fields by fencing and planting.

10. Where visible, the appeal proposal would be read mainly against the bulk of the existing dwelling. Nonetheless, the Green Belt designation includes the appeal

site. Here the extent of the Green belt is narrow. Regardless of screening, the increased footprint and volume would reduce the openness of the Green Belt both spatially and visually. This would conflict with purpose (b) of Green Belt which seeks to prevent neighbouring towns merging into one another. In view of the positioning, scale and design proposed the effect on openness of the Green Belt would be limited, but nevertheless permanent.

11. In conclusion, I find that such a loss of openness here would cause limited harm to the openness of the Green Belt. However, this harm would be in addition to the harm incurred by reason of inappropriateness and the identified conflict with purpose (b).

12. Policy EA1 of the South Tyneside Local Development Framework Plan Core Strategy (the Core Strategy) states that the openness of the Green Belt will be protected and the special and separate characters of the urban fringe villages which includes Cleadon will be preserved. Given my findings, the appeal proposal conflicts with this policy.

13. The appellant has drawn my attention to the screening which the site enjoys from the existing boundary fencing and vegetation. They have cited a development permitted locally within this Green Belt which is also screened. As no detailed evidence of the circumstances of that case are before me, I cannot draw any comparisons with it. In any event, the level of screening of the appeal proposal which could potentially be achieved does not alter the findings of my assessment.

Other considerations

14. The appellant has advanced that the appeal proposal will enable the parking of vehicles internally and thereby reduce their visual impact. However, the hardstanding within the site currently provides considerable opportunity for external parking and that will continue. A condition requiring internal parking would be both unreasonable and unenforceable in this instance. Therefore, this consideration does not constitute a benefit of the scheme.

15. The fact that the Council has raised no technical objections does not outweigh the identified harm to the Green Belt and is of neutral consequence in the balance. Furthermore, I am satisfied that the Council has applied both national and local Green Belt policy in accordance with its statutory duty.

16. I conclude that the evidence before me does not indicate that there any other considerations which weigh in favour of the appeal proposal.

Whether very special circumstances exist

17. The appeal proposal would cause harm by reason of inappropriateness, loss of openness and conflict with Green Belt purpose (b). In line with the Framework, such harm attracts substantial weight against the appeal proposal. No other harm has been identified. No other considerations have been advanced which would weigh in favour of the appeal proposal. This means that overall, the identified harm to the Green Belt is not, as paragraph 148 of the Framework requires, "clearly" outweighed by other considerations. The Framework is explicit in this regard. This indicates to me that the very special circumstances required to justify this development within the Green Belt have not been demonstrated. Consequently, the appeal proposal conflicts with both national Green Belt policy and Policy EA1 of the Core Strategy.

Planning Balance

18. The very special circumstances required to justify inappropriate development in the Green Belt have not been demonstrated. This appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal proposal conflicts with Policy EA1 of the Core Strategy. This policy is not inconsistent with the Framework and the identified conflict with it carries full weight. There is conflict with the development plan when taken as a whole and I have found no material considerations which outweigh that.

Conclusion

19. For the reasons given, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR