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PLANNING SUPPORT STATEMENT

PROPOSED TWO STOREY SIDE EXTENSION TO THE EXISTING DWELLING TOGETHER WITH EXTENSION AND ALTERATION OF EXISTING DETACHED GARAGE TO CREATE ADDITIONAL ACCOMMODATION INCLUDING RAISING ROOF HEIGHT (VARIATION TO APPROVAL 2014/1488)

THE GRANARY, LOW FARM,
CEMETERY ROAD, HEMMINGFIELD,
BARNSLEY, S73 0QJ

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1.0 INTRODUCTION

The proposal which forms the subject of this application for detailed planning permission relates to a property known as The Granary, Low Farm, Hemmingfield. This proposal seeks planning permission for the extension of the existing dwelling house and extension to a garage/outbuilding (as a variation to the previously approved scheme).

This application follows the grant of permission by the Council for a Lawful Development Certificate on the 30th June 2017, described as follows:-
"2No rear extensions, 1no two storey rear extension and rear roof extension." (Application ref 2017/0511).

It also follows the grant of planning permission on the 3rd June 2016 for:-
"Extension and alterations to existing detached garage to create additional accommodation including raising roof height." (Application no 2014/1488),

It should be noted that both approvals can currently be carried out by the applicant and they remain extant.

The following supporting documents/information is also submitted with the application:-

1. Full plans showing details of the proposed layout of the site and dwelling – Stephen A Welcer.
2. Planning Support Statement – Townsend Planning Consultants.
3. An appeal decision on the "fallback" position (Appendix 1 of this Planning Statement).
4. Copies of the planning permission and Certificate.

This statement now proceeds to give details of the background to the site. The

details of the proposal are then set out. Relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF are then examined in detail. The issues that the proposal raises are also examined. In particular, it will be demonstrated that "very special circumstances" arise in this instance by reference to the "fallback" position to justify the development.

Finally, the conclusion is reached that planning permission should be granted for the proposal to proceed. Nevertheless, the applicant remains willing to discuss all aspects of this proposal with the Council.

2.0 THE SITE AND THE PROPOSAL

The subject site constitutes an existing detached dwelling, together with outbuildings located within large grounds accessed off a private driveway.

As outlined, a Certificate of Proposed Lawful Development has been granted for significant extension to the dwelling house. Furthermore, an extant planning permission is also in place for extension and alteration to the existing garage/outbuilding.

The subject proposal seeks to:-

(i) Extend the dwelling house with a two storey side extension; together with

(ii) Amendments to the extant outbuilding permission to include the infilling of the void below the roof structure.

It is considered that in terms of volume and footprint, the proposal put forward as part of this application is significantly less than that granted permission in the Certificate. The relevant volume calculations are as follows:-

Volume of Existing Dwelling

Volume = 1114 cubic metres

Volume of Certificate Approval

Volume = 310 cubic metres.

Proposed Volume of Extension Scheme

(a) To Dwelling

Volume = 164 cubic metres.

(b) To Outbuilding

Volume = 184 cubic metres

Total Proposed Volume = 348 cubic metres.

It is considered that whilst the Council may consider the proposal to be "inappropriate" development in a green belt, there are demonstrable "very special circumstances" in terms of the "fallback" position, as will be demonstrated in this submission.

Whilst it is considered that in the context of the development plan and all material considerations that the proposal is acceptable and that "very special circumstances" are demonstrated to justify the development, nevertheless the applicant remains willing to discuss all aspects of the proposal with the Council.

3.0 PLANNING POLICY

By virtue of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the planning application in accordance with the statutory development plan (insofar as it is material to the application), unless material considerations indicate otherwise. The NPPF also advises of a presumption in favour of development which accords with the development plan. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and government guidance.

3.1 Central Government Policy Advice – The NPPF

At para 87 the advice with regard to green belt states:-

"As with previous green belt policy, inappropriate development by definition, harmful to the green belt and should not be approved except in very special circumstances."

Para 88 goes on to identify:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Para 89 goes on to set out the form of development which is not considered inappropriate and states:

- ***"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."***

It is contended that this supersedes the Council's policy in relation to extensions in the green belt. However, in any event, it is considered that given this "fallback" position "very special circumstances" arise in this instance to justify the grant of planning permission.

3.2 Local Planning Policy

3.2.1 Local Development Framework Core Document

The following policy relates to extensions to dwellings:-

"POLICY GS8E. REPLACEMENT, ALTERATION & EXTENSIONS IN THE GREEN BELT – PROPOSALS TO REPLACE, EXTEND OR ALTER DWELLINGS IN THE GREEN BELT WILL BE PERMITTED PROVIDED THAT: IN THE CASE OF EXTENSIONS THE TOTAL SIZE OF THE PROPOSED AND PREVIOUS EXTENSIONS DOES NOT EXCEED THE SIZE OF THE ORIGINAL DWELLING AND THE ORIGINAL DWELLING FORMS THE DOMINANT FEATURE OF THE DWELLING AS EXTENDED; THE CONSTRUCTION IS OF A HIGH STANDARD OF DESIGN; AND LOCAL RESIDENTS OR THE APPEARANCE OF THE LOCALITY WILL NOT BE ADVERSELY AFFECTED.

THE SIZES OF A DWELLING AS EXISTING AND AS PROPOSED WILL BE COMPARED BY REFERENCE TO THEIR FLOOR SPACE, WITH THE FOLLOWING GUIDELINES:-

- ***FLOOR SPACE WILL BE CALCULATED BY EXTERNAL MEASUREMENTS OF THE BUILDING***
- ***FLOOR SPACE WITHIN ROOF SPACES WILL NOT BE TAKEN INTO ACCOUNT***

- ***OUTBUILDINGS WILL NOT BE TAKEN INTO ACCOUNT WHEN CALCULATING ORIGINAL FLOOR SPACE***

DOMESTIC OUTBUILDINGS WITHIN THE CARTILAGE OF THE DWELLING WILL BE TREATED AS PART OF THE DWELLING OR AN EXTENSION TO IT, EXCEPT FOR THE PURPOSES OF CALCULATING THE SIZE OF THE ORIGINAL DWELLING. THE ERECTION OF DOMESTIC OUTBUILDINGS SUCH AS GARAGES AND GARDEN SHEDS WITHIN THE CARTILAGE OF A DWELLING IS OFTEN PERMITTED DEVELOPMENT. HOWEVER, WHEN PERMISSION IS NEEDED FOR SUCH DEVELOPMENT THIS POLICY WILL BE APPLIED. THIS MEANS WHILST DOMESTIC OUTBUILDINGS WILL NOT BE PROHIBITED, THEIR EXTENT WILL BE LIMITED IN ORDER TO PRESERVE THE OPENNESS OF THE GREEN BELT."

It is considered that this policy conflicts with advice in the NPPF which postdates the above policy.

3.2.2 Supplementary Planning Guidance – House Extensions, Roof Alterations, Outbuildings and Other Domestic Alterations

"3 Extension and Alterations in the Green Belt

Within the green belt, extensions, roof alterations, outbuildings and other domestic alterations will be considered against the general principles above and the following criteria:

1. ***The total size of the proposed and previous extension should not exceed the size of the original dwelling.***
2. ***The original dwelling must form the dominant visual feature of the dwelling as extended.***

Domestic outbuildings within the curtilage of the dwelling will be treated as part of the dwelling or an extension to it, except for the purposes of calculating the original size of the dwelling.

Where an extension is approved it may be necessary to remove permitted development rights for houses in the green belt to ensure that the total size of proposed and previous extensions would not exceed the size of the original dwelling."

Again, it is considered that this is out of step with guidance in the NPPF.

4.0 THE ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of this application. It is considered, therefore, that in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the presumption inherent therein should be weighed in favour of the applicant. It is considered that on the face of it, the Council could consider conflict with the Council's house extensions policy as set out in the development plan (notwithstanding that that policy is not line with the NPPF). However, it is considered that in any event 'very special circumstances' exist for the permission to be granted. The following considerations support this contention:-

(a) The proposal will have less impact on the openness of the green belt than the "fallback" position would, and is smaller in footprint and volume than could be achieved through the implementation of the extant Certificate.
(b) The development will be of benefit to the openness of the green belt.
(c) The application will provide the Council with the opportunity to remove Permitted Development Rights.

4.2 Other Material Considerations

It now falls for the proposal to be considered in the light of all material considerations which, as will be demonstrated, point to the grant of planning permission.

4.2.1 The Planning History

This proposal is submitted in the context of 2no extant permissions on the site which are material considerations in the Council considering the subject proposal.

4.2.2 The Green Belt

By reference to the NPPF, it is clear that extensions do not constitute inappropriate development subject to them not being disproportionate. If the Council considers that the proposal is disproportionate (by reference to its adopted policies), it is considered that in this instance it is clear that "very special circumstances" arise when the proposal is considered in the context of the "fallback" position.

The proposal will have less impact on the openness of the green belt than the existing property, together with the approved detailed in the Certificate application.

4.2.3 The "Fallback" Position

The Courts have held that the "fallback" position is an important material consideration in determining planning applications. The "fallback" position relates to what could happen to the site if planning permission was refused. If the application is refused, the recent proposal granted by the Certificate can be implemented resulting in a greater impact in on the openness and character of the green belt.

Appended with application is an appeal decision for a similar proposal. Whilst it is acknowledged that each application must be judged on its own merits, nevertheless it is considered that the Inspector's decision sets out the approach to applying the "fallback" position.

The inspector notes:

"The key issue is the existence of a valid planning permission for substantial extensions to the dwelling…. It follows that the proposal would have a similar impact on the openness of the green belt as would be the case if the approved extensions were to be built. This is an important material consideration... In my opinion, together with the improved design which would result from the

appeal scheme, the "fallback" position amounts to the very special circumstances necessary to justify a development which otherwise would be inappropriate in the green belt".

The "fallback" position should be afforded significant weight and, therefore, it is considered that permission should be forthcoming.

4.2.4 Visual Impact

It is considered that this carefully designed property will enhance the visual amenity of the site, the area and the green belt in general.

5.0 CONCLUSION

The subject application is relatively simple. It seeks permission to extend both an existing dwelling and its ancillary outbuilding. A Certificate of Proposed Lawful Development has already been granted for extensions to the dwelling and a separate approval for extensions to the outbuilding. These extant permissions form the "fallback" position.

The subject scheme seeks permission to develop extensions which are smaller than the approved extensions which form the "fallback" position. Whilst it is acknowledged that the Council may consider that the proposal constitutes "inappropriate" development, it is considered that "very special circumstances" arise in the context of the following:-

(a) The "fallback position";
(b) The improved character of the building; and
(c) The removal of Permitted Development Rights.

It is considered that the proposal will deliver clear benefits to the green belt and, in the circumstances, the necessary "very special circumstances" are present in this case. A relevant planning appeal is submitted with this application (Appendix 1) which has clear parallels with the subject application.

It is anticipated that in the context of the development plan and all material considerations that planning permission will be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.