

(2) Application No: PAP/2019/0037

The Woodlands, Reddings Lane, Nether Whitacre, B46 2DN

Demolition of existing dwelling, garage and outbuildings and erection of detached dwelling house and associated works, for

Mr J O'Neil

Introduction

This application was referred to the Board's August meeting, but determination was deferred as an amended plan had been submitted on the day of the meeting and the Board considered that those who had made representations on the case should have the opportunity to comment on those revised plans.

The previous report is attached at Appendix A.

The Amended Plans

The revised plans show the location of the replacement house on the same footprint as that of the last plan and the design is the same too. The changes are:

- A reduction in the central ridge height such that it is no taller than the two forward facing gables
- The removal of one of the chimneys and
- The removal of the single storey "link" between the two rear gables.

The applicant states that the proposed building is no larger in volume than the cumulative volume of the existing house; its outbuildings and the approved extensions. Indeed it is now smaller – 1329 cubic metres as opposed to 1360.

Appendix B includes both the last submitted plans and the latest amendments.

Re-Consultation

All those who lodged objections to the proposal have been re-consulted.

A letter from a resident of Nether Whitacre is attached at Appendix C. This considers that the proposal replaces a "modest" dwelling with an "enormous" one and the letter then amplifies why the proposal should be refused planning permission.

Observations

The amended plans are "better" because they reduce the volume of the new dwelling even further and they do result in a modest improvement to the design of the new house. As such they can be supported and the recommendation below follows that in Appendix A for the same reasons as outlined in that report. It is necessary to see however, whether the comments from the representation might affect this recommendation.

The representation refers essentially as to what should be included in the calculation for the base-line on which to assess the “not materially larger” condition attached to the NPPF definition concerning the replacement exception. The first issue is the other buildings. The garage is 5 metres from the main house and thus is treated as part of that house for planning purposes. Even if not, then it can reasonably be considered as an incidental outbuilding. In respect of the other outbuildings, with or without the garage, then it is argued by the objector that they should not be included as they are some distance from the main house. This is the case, but they are located within a wholly residential planning unit and unless there is substantial evidence to show that they have not been used for residential purposes they can reasonably be added into the calculation, if they are to be demolished.

The second issue relates to the inclusion of the approved extensions. It is argued that these should not be included as there is no reasonable prospect of them being implemented. They are said not to impact on openness but when taken together they do adversely impact. Appeal decisions are said to support this position – see Appendix C. There are several responses to this. Firstly, the permissions for these extensions have not expired. They could all be started in the next few weeks. Secondly, if there was a refusal for the replacement dwelling, those extensions could still be started and as above would have to be included in any re-submission for a replacement dwelling. Thirdly, the appeals attached do not give the level of support as suggested - no fall backs are mentioned; two cases deal with an extension not a replacement and another with replacement, but not in the same use class. Finally, the Courts have concluded that in terms of what constitutes a “reasonable prospect”. For a prospect to be “a real prospect”, it “does not have to be probable or likely, a possibility will suffice”. A Court judgement will carry greater weight than an appeal outcome. When applied here, that Judgment is of substantial weight.

The representation also relies heavily on the draft Green Belt policy set out in the Submitted Local Plan of 2018 – Policy LP3 – as this sets out some criteria against which to assess the term “not materially larger”. This is indeed the case, but this policy is only in draft and cannot carry any more than limited weight. This is reflected by the fact that at the Examination, the Inspector explored the requirement for these criteria as they go further than the content of the NPPF. As a consequence LP3 will be the subject of a proposed modification in due course. The Board therefore has to take a decision based on the merits of the application before it – basically, is it materially larger than the one it replaces given the calculations submitted? Even if it is, does that cause significant harm to the openness of the Green Belt hereabouts.

The representation also refers to the proposed rear elevation which is essentially a number of large glazed panels saying that that is out of keeping. As that is at the rear, Members will need to consider what adverse impact it actually has.

Recommendation

That planning permission be **GRANTED** subject to the conditions set out in Appendix A, but that the plan numbers are altered to reflect the receipt of the latest amended plan

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0037

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Amended plans	2/9/19
2	Local Resident	Objection	8/9/19

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

General Development Applications

(#) Application No: PAP/2019/0037

The Woodlands, Reddings Lane, Nether Whitacre, B46 2DN

Demolition of existing dwelling, garage and outbuildings and erection of detached dwelling house and associated works, for

Mr J O'Neil

Introduction

This application is reported to the Board at the request of local Members under the Scheme of Delegation, concerned about the impact of the proposal.

The Site

The application site relates to an existing dwelling and detached garage set back within a substantial plot on the east side of Reddings Lane. It is the last dwelling in a small linear frontage of similar large properties along Reddings Lane. The site of the former Garden Centre now redeveloped as a residential area is to the north. The properties along the road are a mix of design and all modern. The site is otherwise in open countryside.

A site location plan is at Appendix A.

The Proposal

It is proposed to demolish the existing dwelling, garage and outbuildings and erect a new detached with and associated works. The existing situation is shown in Appendix B being a layout plan of the existing situation and in Appendix C which illustrates the existing appearance of the house.

The originally submitted plans showed a replacement as in Appendices D and E.

This proposal has been amended since submission with the scheme that is now proposed for determination being illustrated at Appendices F and G.

Background

As will be seen below, because the site is in the Green Belt, the NPPF states that a replacement building should not be "materially larger" than the one it replaces. Hence a comparison of sizes is important in the determination of this application. In this case the volume of the existing buildings to be demolished is around 725 cubic metres.

In the last few months there have been three separate planning permissions for extensions to the existing building – for reference purposes these are PAP/2018/0588; 0682, and 717. These three extensions are separate developments and are mutually exclusive. Together these have a volume of 634 cubic metres. When added to the existing volume, this gives a figure of 1359 cubic metres.

The total volume of the amended scheme to be determined in 1432 cubic metres

In terms of % increases, then the amended scheme over the existing is just under 100% and over the existing plus the extensions it is 5%.

The overall height of the existing and the proposed remains the same as at 8 metres.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Efficiency), NW12 (Quality of Development) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

National Planning Policy Framework 2019 – (the “NPPF”)

National Planning Policy Guidance 2019 – (the “NPPG”)

The Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended)

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form), LP35 (Water Management) and LP36 (Parking)

Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions

Environmental Health Officer - No objection subject to conditions

Representations

Nether Whitacre Parish Council – It objects as it considers that the proposed building, even as amended is inappropriate development causing significant harm to the openness of the Green Belt.

Two representations have been received as comments summarised as follows:

- Any bats found should be adequately protected
- The proposal is not on the same footprint as the original and it is also larger thus harming the openness of the Green Belt.

- No considerations have been advanced that amount to the very special circumstances necessary to outweigh Green Belt harm.

Observations

a) The Green Belt

The site is within the Green Belt. Whilst the construction of new buildings here is defined by the NPPF as being inappropriate development carrying a presumption of refusal, the replacement of one building by another need not be inappropriate. The NPPF explicitly allows for such an exception. However there are two conditions attached. These are that the new building should be in the same use as the one it replaces and secondly that it is not “materially larger”. The first condition is satisfied here – replacing residential with residential - and so the main issue in deciding whether the proposal is appropriate or inappropriate development, revolves around the second.

The base-line is thus to establish the size of the existing. That is assessed primarily in terms of volume because that is a three dimensional measure which affects “openness” – the key attribute of the Green Belt. The existing house and its garage are included in that calculation. As the three small outbuildings are within the residential curtilage and are all used as incidental to that residential use, they too are to be included. As reported above, this comes to a total of 725 cubic metres.

The three extensions referred to above are all extant and could all be built out separately. They are well related to the existing house and all provide links and functionality with the main house. They therefore are a material planning consideration and should be given full weight as a “fall-back” position. That is to say if this application is refused, work could still commence on those extensions and any re-submission would have to take them into account as part of the existing dwelling at that time. By adding them in, there is a total volume of 1359 cubic metres.

The proposed replacement dwelling has a volume of 1432 cubic metres – a 5% increase. Saved policy ENV13 of the Local Plan refers to a figure of 30%. This however should be treated as a guideline and not a requirement as each application should be treated on its own merits. Here therefore that increase is well below the guide and in all of the circumstances the conclusion is that the replacement dwelling is not materially larger and is thus appropriate development in the Green Belt. The presumption is therefore that the proposal should be supported.

b) Other Harms

It is necessary to see if there is any significant harm caused by the proposal if the presumption above is to be carried though. The proposed house is set well back on its plot and is partially located on the existing footprint. That to the north is also set back and it is a three storey structure. There is thus not considered to be any adverse visual or landscape harm caused here as the development is in keeping with the general linear built character of the area. There are neither any over-looking or over-domineering impacts because of there being equivalent ridge heights; the separation distances and the significant intervening tree cover. There are no objections from the County Council or the Environmental Health Officer. Appropriate bat mitigation matters can be appropriately conditioned.

As a consequence it is considered that there is no significant demonstrable harm caused.

c) Other Matters

The representations received refer to the assessment of whether the proposal is materially larger or not. As indicated above, the inclusion of the three outbuildings is reasonable given the use being incidental to the main residential use and being within the lawful extent of the curtilage. The more significant matter is the inclusion of the three extensions.

As indicated above these extensions can all still be built out even in the event of a refusal and any resubmission would then have to include them in the calculations of the "existing" building. Case-law supports this approach if there is considered to be a reasonable prospect of those extensions being built out. The fact that permissions have been granted here does suggest that some weight has to be given to them, to the extent that it is more likely than not that they would be implemented.

d) Conditions

The recommendation below includes the use of pre-commencement conditions (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the Agent to the terms of the condition. In this instance there is a pending approval from the Agent to be confirmed.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

Details and Plans

2. The development hereby approved shall not be carried out otherwise than in accordance with the Location Plan received by the Local Planning Authority dated 22 January 2019 and amended plans referenced P19-0899_03-A entitled 'Proposed Block Plan' and P19-0899_04 entitled 'Proposed Plans & Elevations' both received by the Local Planning Authority on 20 June 2019.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the types and colour of the materials to be used in the external finishes of the development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved materials.

REASON

To ensure that the development is in keeping with the locality

Pre-commencement conditions

4. Prior to the commencement of development, details of the mitigation as outlined within the Conclusions, Impact on Bats and Mitigation for Bats section within the Preliminary Bat Roost Assessment and Bird Survey dated 29 August 2019. The Assessment also seeks for the developer to apply for, and obtain, a European Protected Species Licence before work commences on the site from Natural England. The details sought for mitigation should be submitted to and approved in writing by the Local Planning Authority. The features shall remain and maintained in positions thereafter.

REASON

To protect and enhance the ecological value at the site.

5. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To protect the future occupiers from sources of pollution.

6. In the event that contamination is found under condition 5, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To protect the future occupiers from sources of pollution.

7. Where remediation works have been carried out in pursuance with the preceding conditions 5 and 6, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To protect the future occupiers from sources of pollution.

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

1. The parking of vehicles for site operatives and visitors
2. The loading and unloading of plant and materials
3. The storage of plant and materials used in constructing the development
4. Details of the storage and removal of materials either to be removed or used within the development.
5. Wheel washing facilities
6. Measures to control the emission of dust and dirt during construction
7. Delivery and construction working hours, restricted to Mon-Fri 8 am - 6 pm, Sat 8 am - 1pm. No working Sundays or Bank Holidays
8. Noise and vibration details
9. Site lighting during construction works.

The Contractor shall comply with the general recommendations set out in BS 5228: Parts 1 and 2: 1997 'Noise and Vibration Control on Construction and Open Sites', together with any specific requirements in the contract.

REASON

To safeguard the character and appearance of the area, living conditions and road safety.

9. Prior to the commencement of development, a review of historical maps and any landfill sites within 250m of the site should be submitted to the Local Planning Authority. The assessment should also identify whether any further investigation is required to ensure the site is suitable for its new use. These details should be submitted to and approved in writing by the Local Planning Authority

REASON

To protect the future occupiers from sources of pollution.

10. No development shall commence until the hedgerows fronting the site have been cut back so as not to obstruct visibility splays from the vehicular access to the site or overhang the highway extent detrimentally.

REASON

To ensure the visibility splays can be afforded for public highway safety

11. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON

To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

12. That a scheme for the landscaping of the site, including the retention of any existing trees, hedgerows and shrubs and planting of additional trees, hedgerows and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON:

To safeguard the character and landscape of the area.

Pre-Occupation

13. Prior to the occupation of the replacement dwelling the boundary treatments proposed should be submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

REASON:

To safeguard the character and appearance of the area and protect residential amenity.

14. The development shall not be occupied until the existing public highway verge crossing has been re-constructed in accordance with the specification of the Highway Authority and surfaced with a bound material for a distance of 6.0 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the vehicular access so as to open with 6.0 metres of the near edge of the public highway carriageway.

REASON

To ensure the safety of the public highway

15. The unit shall not be occupied until the car parking and manoeuvring areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

To ensure the safety of the public highway and adequate parking provision.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, B, C and D of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

REASON

To avoid over-development to the detriment of the rural character of the area.

17. No external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the local planning authority.

REASON

To protect the amenities of neighbouring properties and protect the habitats of identified Protected Species.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0037

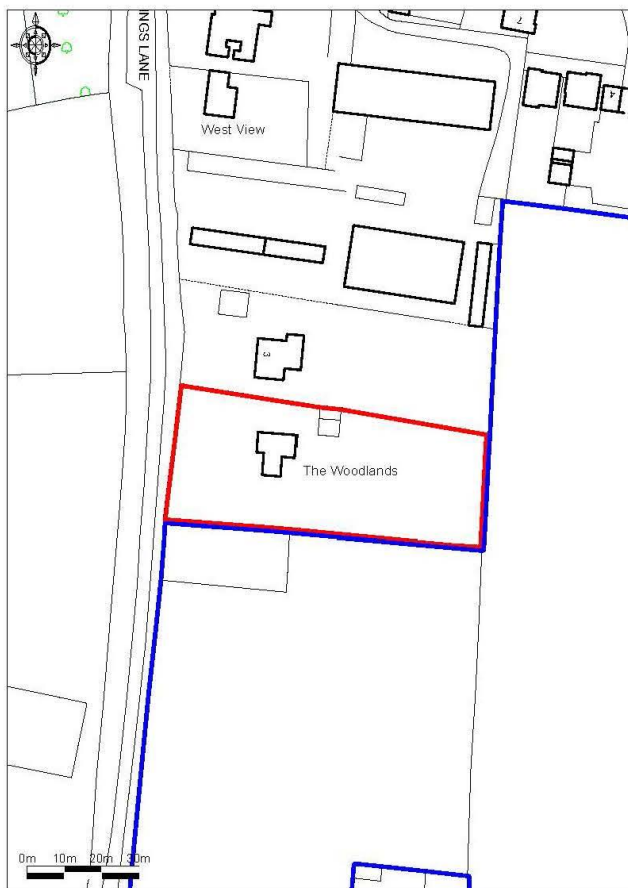
Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, Plans and	22.01.2019
2	The Agent	Planning Statement	22.01.2019
3	Christopher Smith Ecologist	Bat and Bird Survey August 2018	22.01.2019
4	Tree Health Consulting	Report on Trees August 2018	22.01.2019
5	Nether Whitacre Parish Council	Representation Response 1	21.02.2019
6	The Agent	Amended Plans	20.06.2019
7	Nether Whitacre Parish Council	Representation Response 2	17.07.2019
6	Warwickshire County Council Highways Team	Consultation Response	25.07.2019
7	North Warwickshire Borough Council Environmental Health Team	Consultation Response	25.07.2019

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



The Woodlands, Reddings Lane, Nether Whitacre,
Coleshill B46 2DN



Promap
LANDMARK INFORMATION GROUP

Reference Survey: 81 0706, Copyright 2017. All rights reserved.
Licence number: 80000455, Project Scale: 1:1250

Location Plan (Dwg No.5053.99) Scale 1:1250 at A4
(January 2019)

ROKONVALPORSCHINS
BOROUGH COUNCIL
RECEIVED
22/01/2019
PLANNING & DEVELOPMENT
DIVISION

APPENDIX F

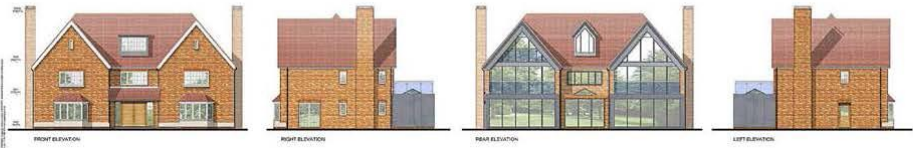
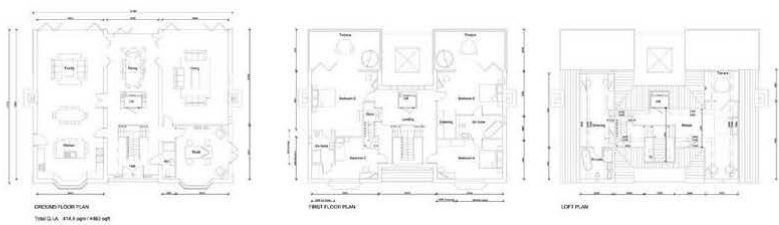


PROPOSED BLOCK PLAN
THE WOODLANDS, REDDING LANE, NETHER WHITACRE



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgroup.co.uk | TEAM CHAIRS BY: KSM | APPROVED BY: KSM | Date: 06/06/2019 | SCALE: 1:500 @ A3 | DRWG: P19_086_UK | CLIENT: CT PLANNING

APPENDIX G



PROPOSED PLANS & ELEVATIONS
THE WOODLANDS REDDING LANE, NETHER WHITACRE



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgroup.co.uk | TEAM CHAIRS BY: KSM | APPROVED BY: JRM | Date: 05/05/2019 | SCALE: 1:500 @ A1 | DRWG: P19_086_UK | CLIENT: CT PLANNING

RECEIVED
20/06/2019
PLANNING & DEVELOPMENT
DIVISION

SUPERSEDED

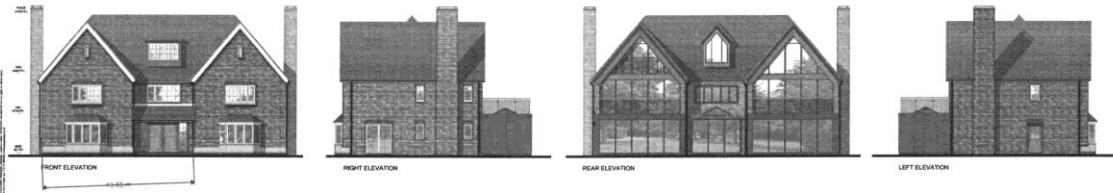
Draw and Section Notes: Supplemental to the Plan of this submission
1. All dimensions are in millimetres unless otherwise stated.
2. All dimensions are to the face of the work unless otherwise stated.
3. All dimensions are to the centre of the work unless otherwise stated.
4. All dimensions are to the finished surface unless otherwise stated.
5. All dimensions are to the centre of the work unless otherwise stated.



GROUND FLOOR PLAN
Total G.I.A. 414.6 sqm / 4483 sqft

FIRST FLOOR PLAN

LOFT PLAN



FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

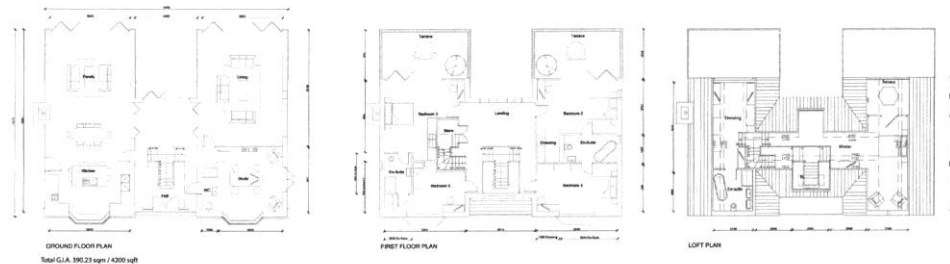
LEFT ELEVATION

PROPOSED PLANS & ELEVATIONS Pegasus Group
THE WOODLANDS REDDING LANE, NETHER WHITACRE

| PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusapp.co.uk | TEAM DRAWN BY: KBM | APPROVED BY: JW | Date: 05/09/2019 | SCALE: 1:100@ A1 | DRWG: P19_0889_04 | CLIENT: CT PLANNING |

FAP/2019/0037

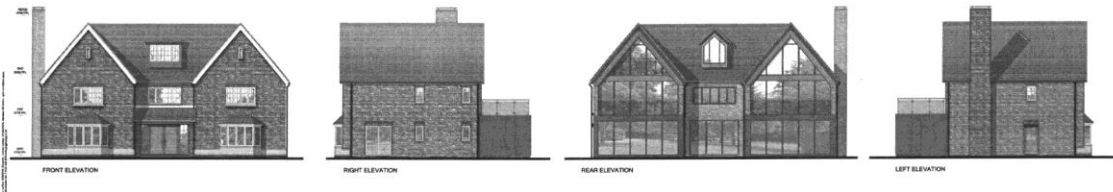
Draw and Section Notes: Supplemental to the Plan of this submission
1. All dimensions are in millimetres unless otherwise stated.
2. All dimensions are to the face of the work unless otherwise stated.
3. All dimensions are to the centre of the work unless otherwise stated.
4. All dimensions are to the finished surface unless otherwise stated.
5. All dimensions are to the centre of the work unless otherwise stated.



GROUND FLOOR PLAN
Total G.I.A. 392.23 sqm / 4200 sqft

FIRST FLOOR PLAN

LOFT PLAN



FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

LEFT ELEVATION

RECEIVED
02/09/2019
PLANNING & DEVELOPMENT
DIVISION

PROPOSED PLANS & ELEVATIONS Pegasus Group
THE WOODLANDS REDDING LANE, NETHER WHITACRE

| PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusapp.co.uk | TEAM DRAWN BY: KBM | APPROVED BY: JW | Date: 05/09/2019 | SCALE: 1:100@ A1 | DRWG: P19_0889_04B1 | CLIENT: CT PLANNING |

SUPERSEDED



PROPOSED BLOCK PLAN
THE WOODLANDS, REDDING LANE, NETHER WHITACRE



| PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgp.co.uk | TEAM DRAWN BY: KBM | APPROVED BY: KBM | Date: 06/06/2019 | SCALE: 1:500@ A3 | DRWG: P19_0899_3A | CLIENT: CT PLANNING |

PAP/2019/0037



PROPOSED BLOCK PLAN
THE WOODLANDS, REDDING LANE, NETHER WHITACRE



| PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgp.co.uk | TEAM DRAWN BY: KBM | APPROVED BY: KBM | Date: 06/06/2019 | SCALE: 1:500@ A3 | DRWG: P19_0899_3D | CLIENT: CT PLANNING |

Dear Mr Brown.

8 September 2019.

Re:- Application No: PAP/2019/0037 The Woodlands, Reddings Lane, Nether Whitacre, B46 2DN
Demolition of existing dwelling, garage and outbuildings and erection of detached dwelling house
and associated works In Green Belt.

This application is , simply, to replace a modest dwelling with an enormous one, in Green Belt.

Regarding the above, I wish to register my objection on the following grounds.

Paragraph 143 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF states 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 resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However there are seven exceptions of which one may be relevant.

Exception d) allows the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

This exception is further clarified in the Local plan, LP3 (which was considered in the officer's report but its use not immediately evident) Page 26. Green belt. Page 28, (7.20, 7.21, 7.22, 7.23) and Page 29.

(The latest updated Local Plan is available for use, as recently advised by Forward Planning)

On Page29,

5(c) a replacement building will be considered to be materially larger if it is 30% larger in volume than the building it replaces. Replacements should be located on the same footprint as the existing building unless there are material benefits to the openness of the Green Belt or, when environmental and amenity improvements indicate otherwise. For the purposes of this policy, volume is defined as gross external volume including basements and cellars.

So we have (1) same use, (2) not materially larger and (3) on the same footprint.

(1) It is of the same use. Part (1) is met.

(2) The Original Dwelling is 534.6 cu m (Pegasus) 522 cu m (planning officer) Proposed Dwelling 1329.8 cu m (Pegasus)

Note that the volume of existing outbuildings has been calculated by Pegasus at 192 cu m.

In the block plan of 6 June 2019 the garage was still evident as were other outbuildings. They had not been removed. On the block plan of 2nd Sept the garage block had been removed but

none of the others had been removed. I therefore question the validity of the calculation of the additional volume. The Planning officer clearly states that there were three other small outbuildings included. They are still there on the block plan.

What is the volume of the Garage block? Has anyone checked its/their validity?

Two of the outbuildings are a green house and a shed. Temporary structures. They are more than 5m from the dwelling and I suggest that they are not incidental to the use of the dwelling. Please advise on what basis this might not be the case.

Similarly the Garage block is stated as being 5 m from the dwelling. This suggests that it is an extension to the original dwelling. Original O/Survey block plan (circa 1948) refers. Again please advise on what basis this might not be the case.

If you take the start figure of 534 cu m then the new dwelling is some 250% larger than the original. An addition of 796 cu m in volume or additional 150%.

If you take the start figure of 725 cu m then the new dwelling is some 183% larger than the original. An addition of 605 cu m in volume or additional 84%.

This is a very substantial increase in the volume in either case. It cannot be reasonably considered on any view that this scheme would not result in a disproportionate addition over and above the size of the original building.

It is stated that the original height of 8m is retained in this proposal. We believe that this is incorrect and the new height is 9.8m.

This proposal is massive and overbearing verses the original built form.

This is inappropriate development in Green belt.

Part (2) is not met.

(3) This is not on the same footprint as the original dwelling. The new dwelling is moved further into the site where currently no built form exists.

This causes harm to the openness of the green belt and as such is harmful to the green belt.

Part (3) is not met.

Other harms:-

The Glass elevation in the proposal would introduce overtly modern features against the traditional character and appearance of the rural property in a countryside setting. Thus causing harm.

Openness has a visual and spatial dimension. The volume, size and shape of the proposed dwelling would be considerably greater than the original dwelling thus altering the spatial characteristics of

the original dwelling. Substantial weight should be attached to any harm to the green belt. Here is substantial harm by inappropriateness and loss of openness.

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. If this application is approved then a significant precedent is set for others to follow, thus causing harm by urban sprawl.

Other matters:-

The original planning Officer refers to a fallback position.

The claim being that greater harm will be caused by it.

Three earlier applications have been made prior to this.

These are based on extending the original dwelling in green belt. LP3 page 28 section 7.21 refers (Saved policy ENV13 includes a figure of 30%.)

7.21 The present saved 2006 Local Plan policy ENV13 includes a figure of 30% as a guide in order to assist in the assessment as to whether extensions are Disproportionate or not. This has been applied consistently since that Plan was adopted; it is well understood, it has been upheld throughout that period on appeal, and it has impacted on new development proposals. It is not considered that there is reason to vary this figure.

However to further clarify the position we can refer to LP3 (page 29)

5 (b) Extensions will be considered to be disproportionate if they individually or cumulatively exceed 30% in volume of the original building. For the purposes of this policy, the original building is defined as that which was present on 1 July 1948 or that which came into being after this date as a result of the original planning permission, and volume is defined as gross external volume including basements and cellars. For the avoidance of doubt, the volume of extensions that could be permitted under the General Permitted Development Order will be considered to be included within the 30% figure.

The three applications are

PAP/2018/0598 is a separate application using the original dwelling and adding a two storey side extension.

This extension is in the region of a 30% increase in volume and is in the spirit of the NPPF guidance (paragraph 145 (c)) and the Local plan policy LP3 5b. In other words not materially larger than the original dwelling.

PAP/2018/0682 is again a separate application using the original dwelling to provide a certificate of lawfulness for a single storey (orangery) side extension which again is around the 30% increase in volume of the original building.

PAP/2018/0717 is again a separate application using the original dwelling to provide a prior notification. It does not have a Certificate of lawfulness. It is a rear extension of around a 40% increase in volume of the original building. This could be excluded in its entirety.

Each one of the above applications individually would likely meet the criteria for development within the green belt although the last application would be over the guidance limit of 30% and would be subject to scrutiny.

However if you were to consider that the garage block is an original extension then you could argue that the allowable volume has already been used in totality.

Very little weight should be given to the fallback position.

For example. The two story extension is approved and has as such been assessed as causing little harm to Green belt. It keeps the existing built form. It does not move from its location and retains most of its original feature.

Fallback does not remove harm by reason of inappropriate development and in terms of the openness of the green belt; the height and the massing of the proposal would be much greater than any alternative that may be constructed under Permitted development rights, if they were to be valid.

Further, I have located recent case law which may be appropriate to this application.

APP/H/1033/D/18/3195159, Goes to size

APP/L3245/W/17/3185462, Goes to size and openness

APP/H1840/W/17/3186355, Goes to size, openness and Fallback

APP/V4630/D/17/3173812, Goes to Original building, size and openness.

Finally, PAP/2019/0412, Sept 2019 REFUSAL, goes to size, footprint and temporary building use.

Developments cannot preserve the openness of Green Belt when it causes harm to it regardless of the extent of the harm.

If a proposal has an adverse impact on openness then it follows that it does not comply with a Policy that requires it to be maintained.

Finally, with reference to NPPF paragraph 143, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

No very special circumstances have been fully evidenced and justified here. NPPF Paragraph 144 refers.

I therefore respectfully request that the application PAP/2019/0037 is refused.

Yours



cc. Planning board. Craig Tracey MP.