



# NEXT PHASE

THE TOWN PLANNING EXPERTS

Planning Application

To Shropshire Council

In relation to an application for a Lawful Development Certificate of existing use in relation to a two storey side extension and a consented rear conservatory at Hall Cottage, Folley Road, Ackleton, Shropshire, WV6 7JL

On behalf of Mr P Inions

SUPPORTING STATEMENT

February 2024



1006/04

Planning Policy Statement – Hall Cottage

**SUPPORTING STATEMENT**

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On behalf of Mr P Inions

February 2024

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February 2024	<b>Mr P Inions</b>
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## APPENDIX

<b>Item</b>	<b>Description</b>
I.	A copy of all plans, including floor plans and elevations of existing and proposed use, submitted as part of application BR/APP/FUL/03/0844.
II.	Existing floor plans and elevations informing application 22/00839/FUL.
III.	Officer's Report in relation to application 22/00839/FUL.
IV.	Completed Building Regulation Summary details from Shropshire Council's website.

## 1.0 INTRODUCTION

1.1 This supporting statement (*“Statement”*) is prepared in relation to a Lawful Development Certificate for an existing use, in relation to the erection of a two storey side extension and a rear conservatory at the property known as Hall Cottage, Folley Road, Ackleton, WV6 7JL.

### 1.2 Objectives

The predominant objective of this submission is to demonstrate to the Local Planning Authority that the implementation of the planning permission for a two storey side extension and rear conservatory under BR/APP/FUL/03/0844 was not fully exhausted by way of the two storey side extension erected in relation to that consent and that the right to implement the rear conservatory remains available to the applicant.

1.3 This submission includes for floor plans and elevations associated with the original consent; floor plans and elevations informing a subsequent planning application (in order to demonstrate the implementation of the two storey side extension and the lack of implementation of the permitted conservatory) together with Building Regulation details afforded to the undertaking of those works.

1.4 The reference to those documents are considered against Chapter 3 of this submission and they are all included within the appendices for the benefit of reference.

1.5 The applicant simply seeks to have it confirmed by the Local Planning Authority that they could undertake the erection of the rear conservatory works, secured under BR/APP/FUL/03/0844, at any point in time on the basis of the demonstration that the associated two storey side extension was implemented and forms part of the existing dwelling house.

## 2.0 SITE LOCATION & DESCRIPTION

### 2.1 Site Location

Hall Cottage is a detached property located on the east side of Folley Road within the open countryside. The southern part of Folley Road, where Hall Cottage is situated, comprises of traditional dwellings of various ages and designs set within generous plots, with agricultural land to the rear and on the opposite side of the road.

2.2 The property occupies a large plot, with access to off street parking to the south of the property directly off the public highway; the plot drops away to the rear at the east whilst Folley Road itself rises in a southerly to northerly direction.

### 2.3 Development Description Secured Under Consent BR/APP/FUL/03/0844

The application consisted of a two storey side extension to the existing dwelling, following the existing roofline of the property and providing for matching materiality; together with the demolition of an existing conservatory and the erection of a larger single storey orangery style extension, located across a substantial footprint of the rear elevation to the garden.

2.4 The application was granted planning consent on 17<sup>th</sup> December 2003, standard conditions (for the time) including at Condition 1 a requirement for the permission to begin not later than the expiration of 5 years beginning with the date on which permission was granted.

2.5 The commencement of the development subsequently occurred through the erection and implementation of the two storey side extension, that which was noted as commenced and completed within the period of September 2007 to October 2008, under Shropshire Council Building Regulation Reference BR/BN/07/0082 (Appendix IV).

- 2.6 This proposal seeks to demonstrate that lawfully, the applicant retains the right to erect the permitted orangery style conservatory extension as permitted by the aforementioned consent, insofar as this was not implemented as part of the undertaking of works across 2007 and 2008.

### 3.0 SUPPORTING STATEMENT

#### 3.1 Planning Assessment

It is the applicant's position that they have the lawful right to implement the aforementioned conservatory extension informing BR/APP/FUL/03/0844 and this Lawful Development Certificate process seeks to have that confirmed by the Local Planning Authority.

3.2 In having regard to the evidence to determine whether the rights are available to the applicant, a series of appendices are provided within this supporting statement.

3.3 The original details informing the residential dwelling prior to the implementation of the 2003 consent, are provided with the “*existing*” drawings informing that application at Appendix I. They identify Hall Cottage prior to the erection of a two storey side extension and demonstrate the existing conservatory in situ.

3.4 The subsequently approved plans identify the combined two storey side extension informing the utility at ground floor and bathroom and dressing room at first floor whilst identifying the proposed rear conservatory extension including the identification of the part demolition of the existing conservatory wall.

3.5 Appendix II provides for the plans and elevations informing the “*existing*” property at the point in time in which planning application 22/00839/FUL, regarding the erection of a single storey rear extension and garage and gym extension, was submitted to the Local Planning Authority on 21<sup>st</sup> February 2022. The “*existing*” plan at that point in time, that which accurately represents the existing provision of development informing Hall Cottage, clearly identifies the two storey side extension as implemented in situ, but also identifies that the rear conservatory extension was never implemented and the original conservatory remains in situ.

3.6 This position is recognised by the Delegated Officer’s Report informing the 2022 planning application, wherein at Paragraph 1.4 it identifies that “*the property has*

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*already been significantly extended in 1955, also under 90/0304, 93/0583 and 03/0844 in terms of two storey side and rear extensions, single extensions and a conservatory”.*

- 3.7 The confirmation from the Officer identifies the recognition that the two storey side extension was successfully implemented, however whilst the paragraph refers to a conservatory, it should be noted that this refers to the retention of the existing conservatory previously developed under more historical planning consents.
- 3.8 Finally, the Building Regulations notification details, as available on the Council’s website under BR/BN/07/0082, identifies the undertaking and completion of the two storey side extension works, within the scope of the requirements of the commencement condition informing the original consent.
- 3.9 It is therefore overwhelmingly clear against the requirement to consider the proposal against the balance of probability, that the works informing BR/APP/FUL/03/0844 were successfully commenced and partly completed with regard to the completion of the two storey side extension. It is also clear that the proposed rear conservatory secured by that planning consent was never implemented and it is the applicant’s position that the right to implement the conservatory remains available to them.
- 3.10 In light of the significant period of time that has passed since that planning consent was granted, and due to a lack of certainty provided by the Local Planning Authority with regard to the applicant’s rights in the meantime, this Lawful Development Certificate for existing use is submitted to obtain confirmation, beyond doubt, that the rights to erect the conservatory secured under that aforementioned consent remains available to the applicant.

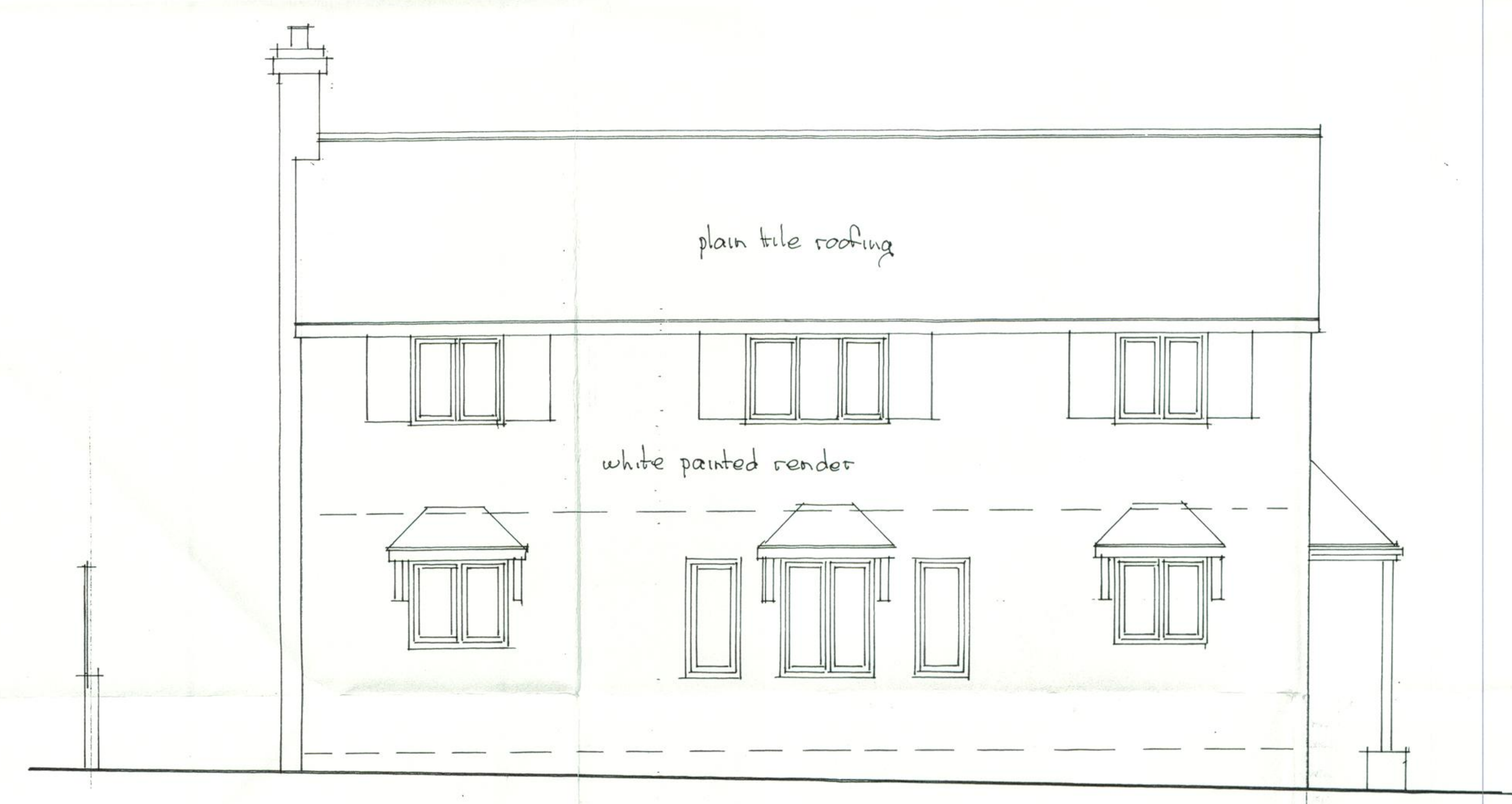


**APPENDIX I:** A copy of all plans, including floor plans and elevations of existing and proposed use, submitted as part of application BR/APP/FUL/03/0844.

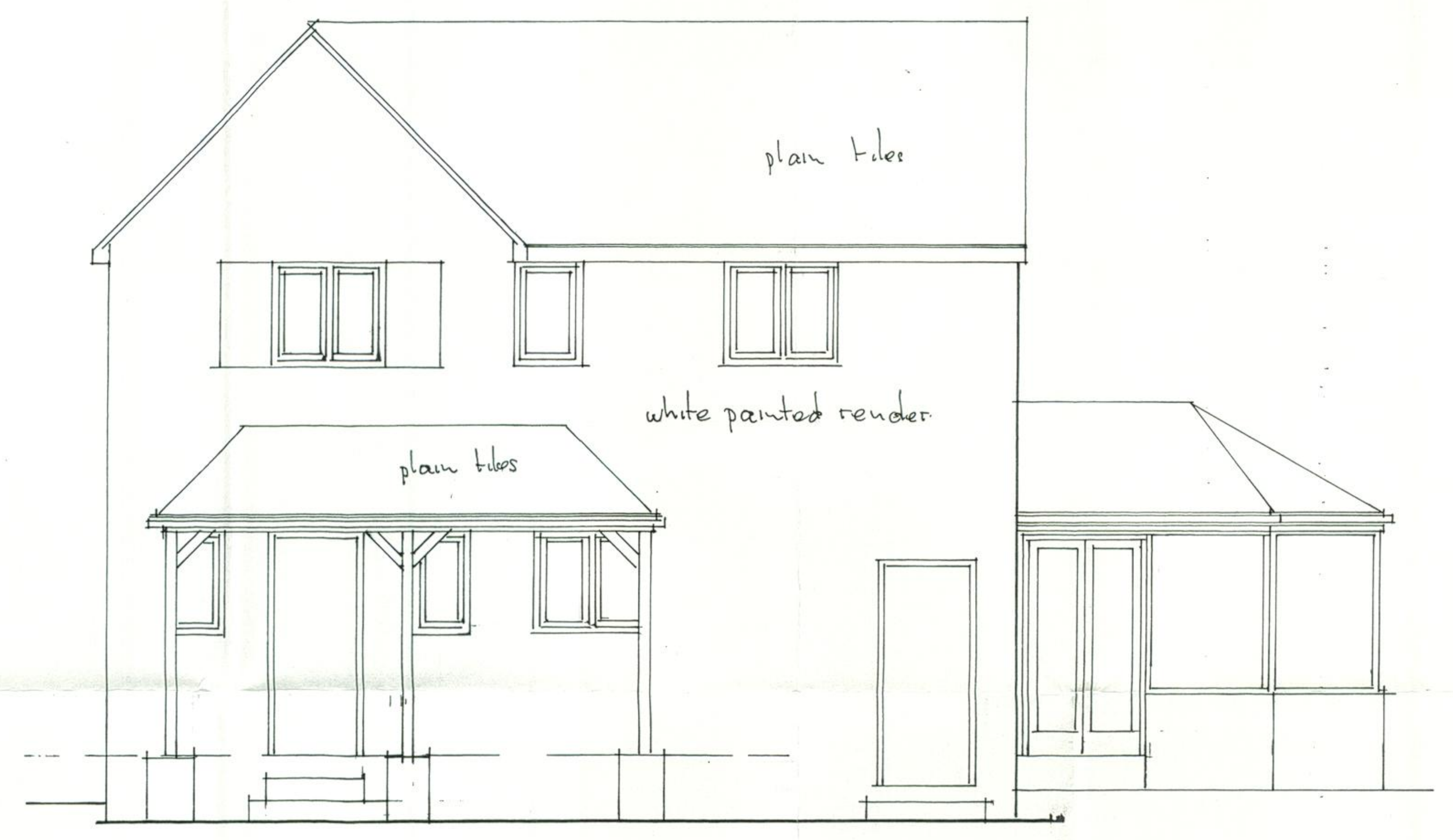
310844

Bridgnorth District Council  
Development Services  
Approved  
- 5 NOV 2003

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COPY



front elevation to folley road



end elevation to garage

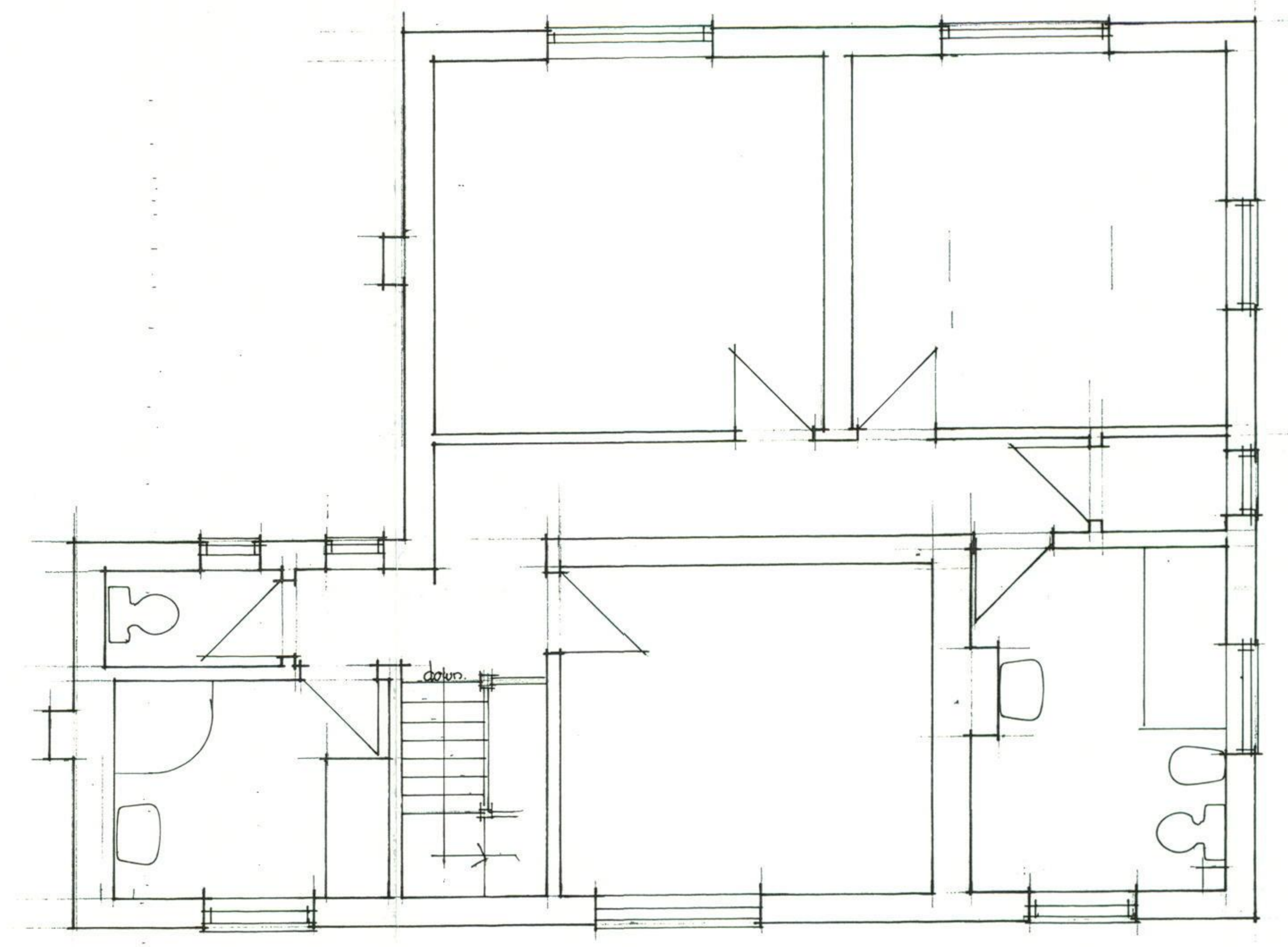
survey as existing of hall cottage folley road ackleton wolverhampton.  
m b kenard practice the grain store old manor house letcombe bassett oxon OX12 9LP tel/fax 01235 763800

BRIDGNORTH DISTRICT COUNCIL  
TOWN & COUNTRY PLANNING ACT 1990  
**PERMITTED**  
DATE 17/12/03  
APPLICATION No 310844  
SIGNATURE CB

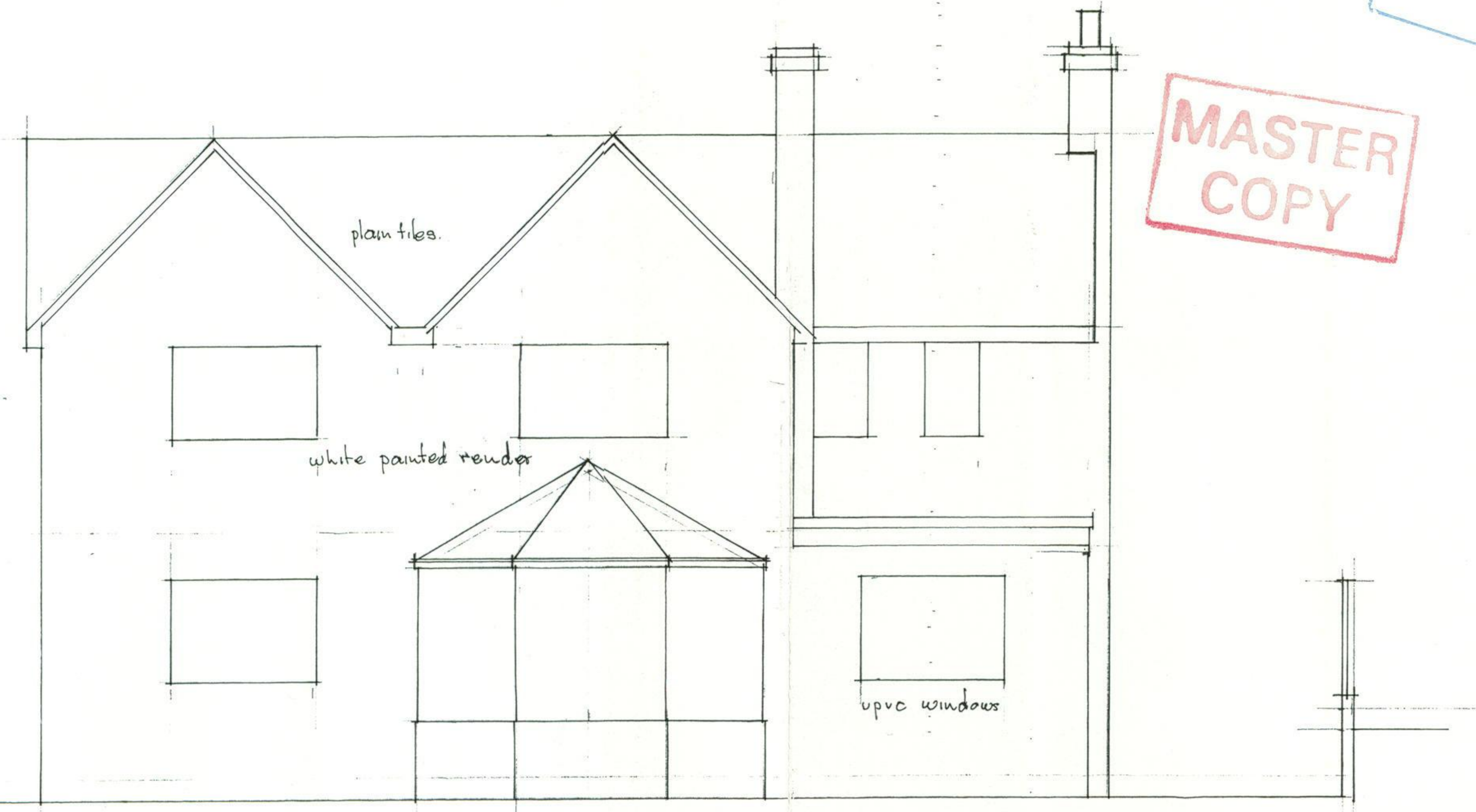
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drawing no 467\*2\*803

03/08/04

Bridgnorth District Council  
Development Services  
15/10/2003

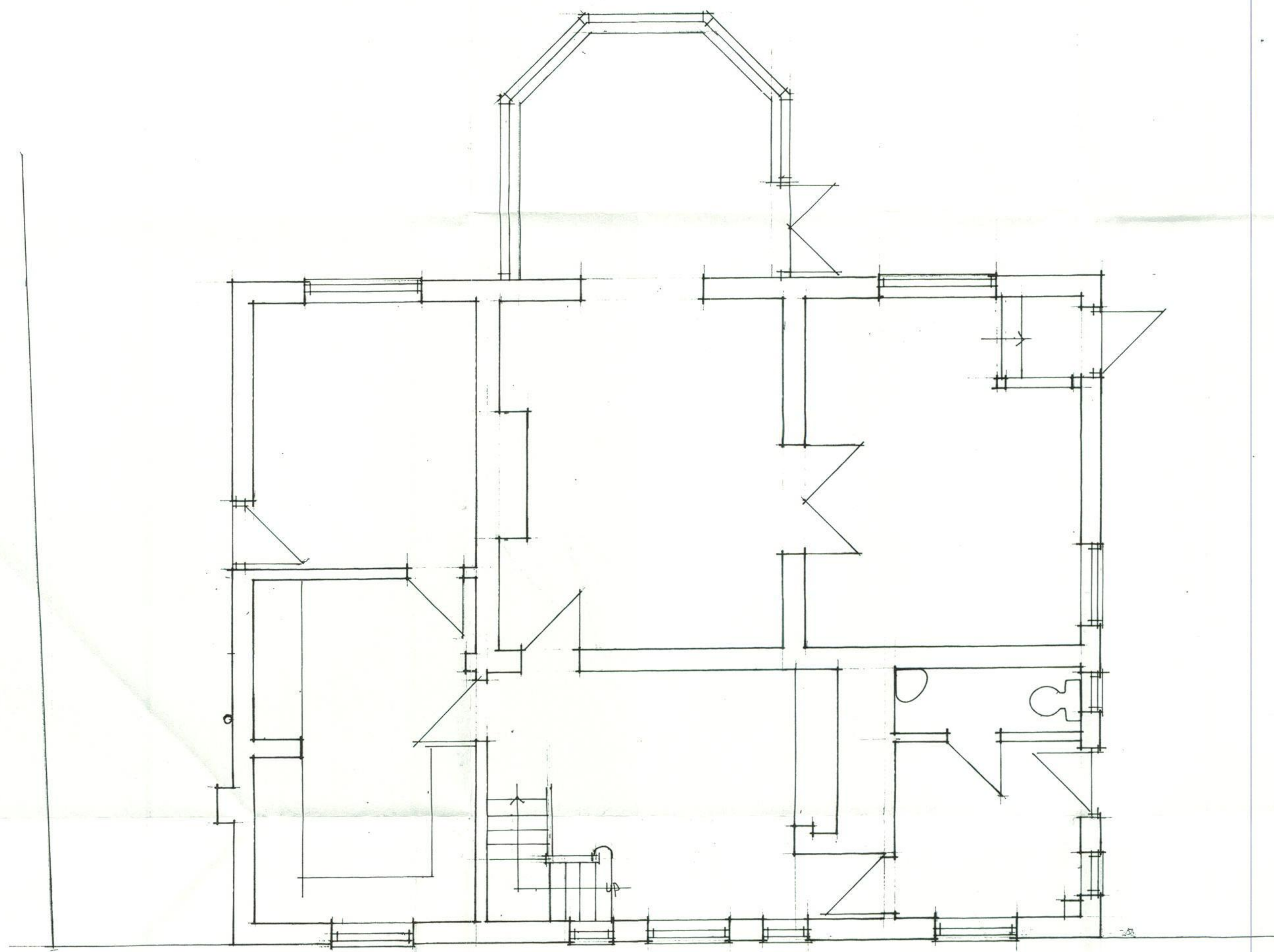


first floor plan

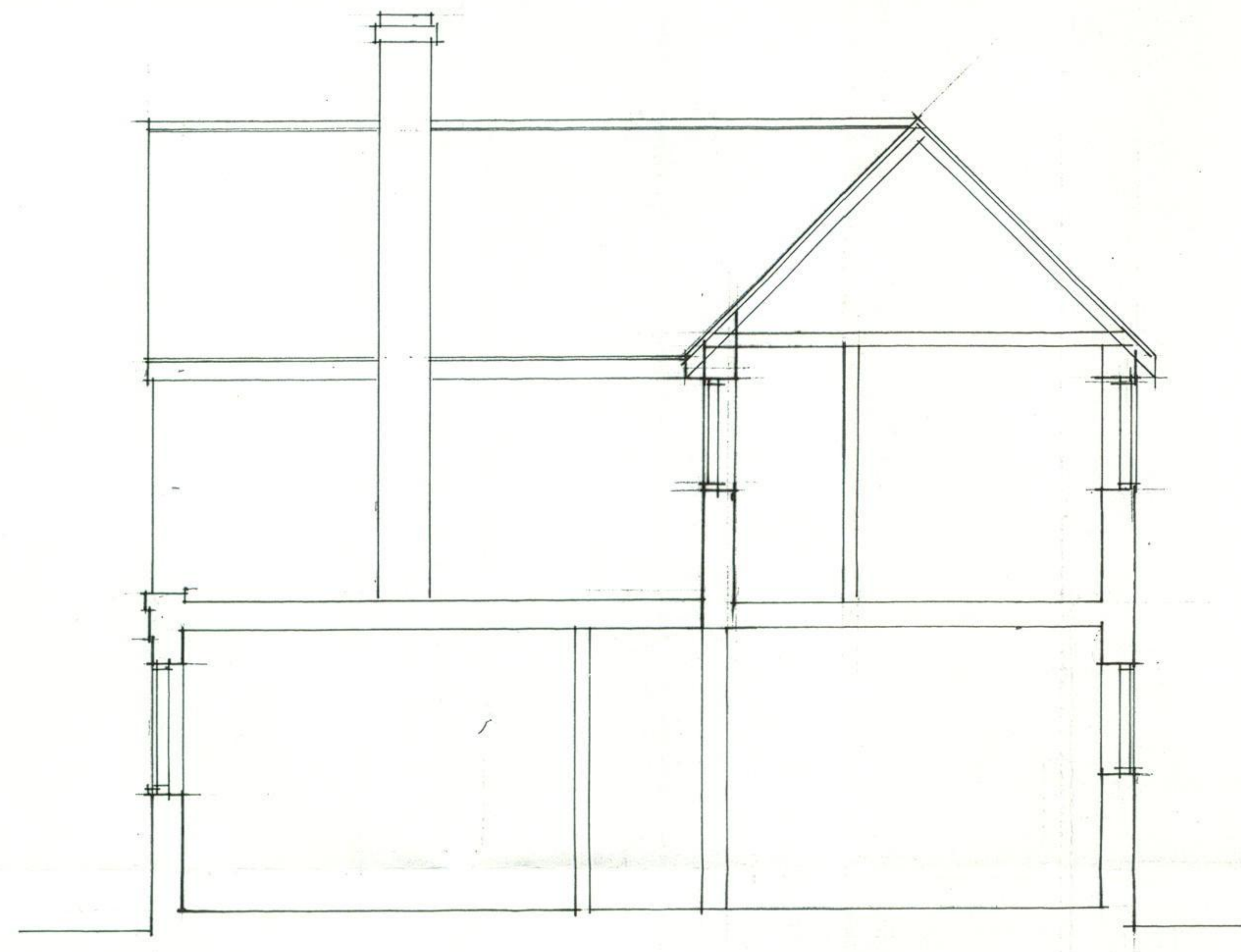


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rear elevation to garden



ground floor plan



section thro kitchen

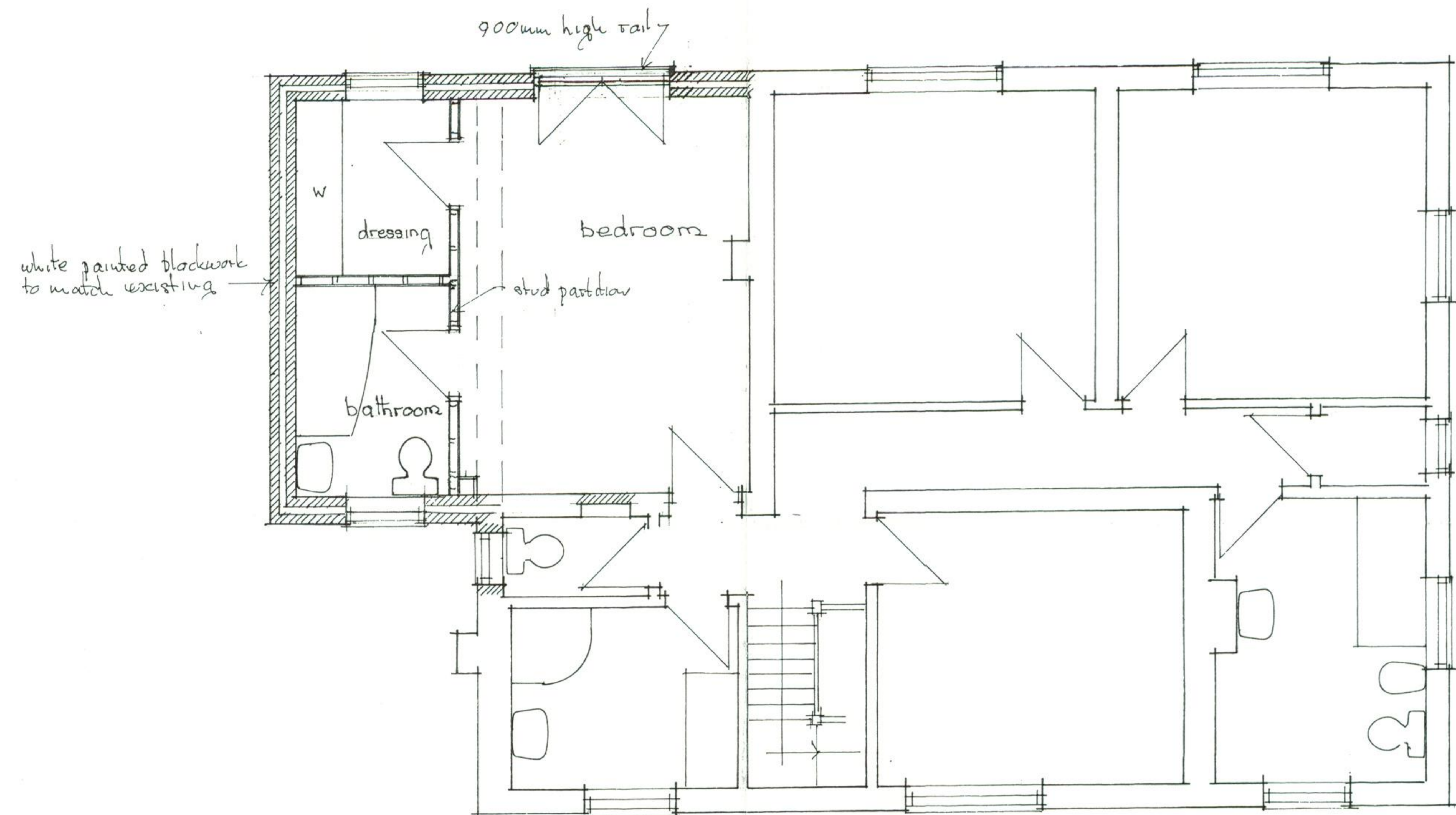
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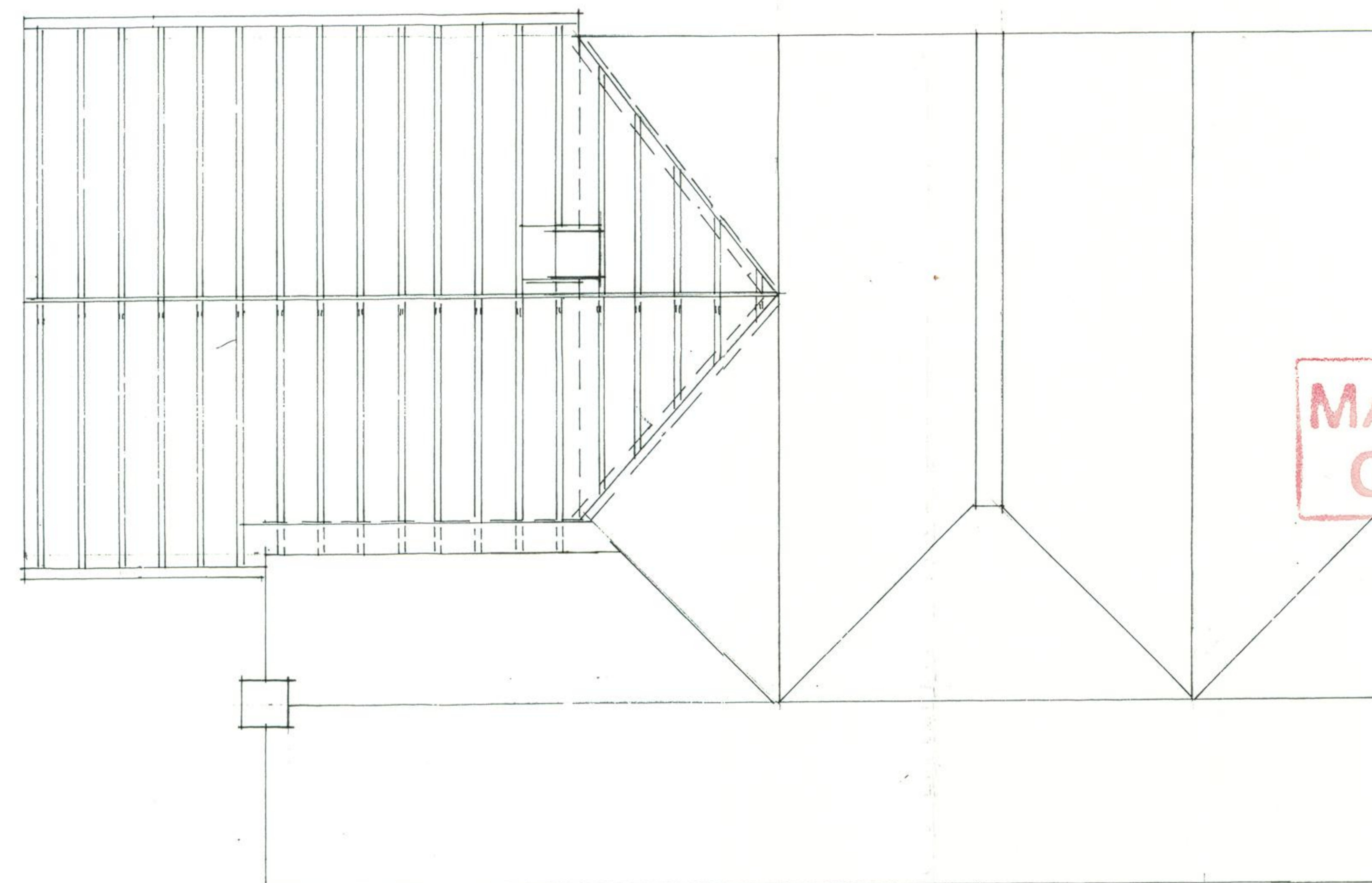
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TOWN & COUNTRY PLANNING ACT 1990  
**PERMITTED**  
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APPLICATION No 03/10864  
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drawing no 467-1-803

08044



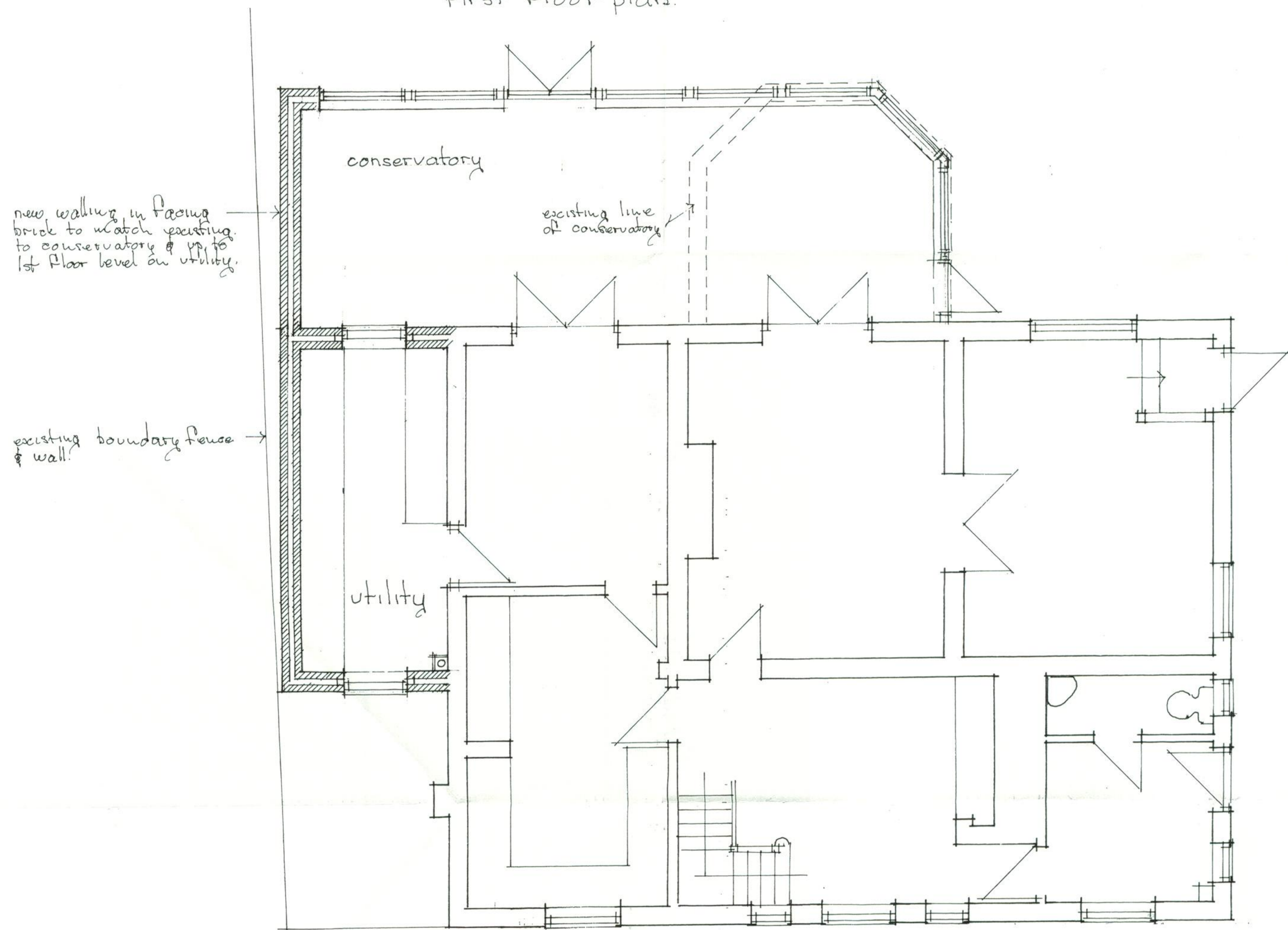
first floor plan.



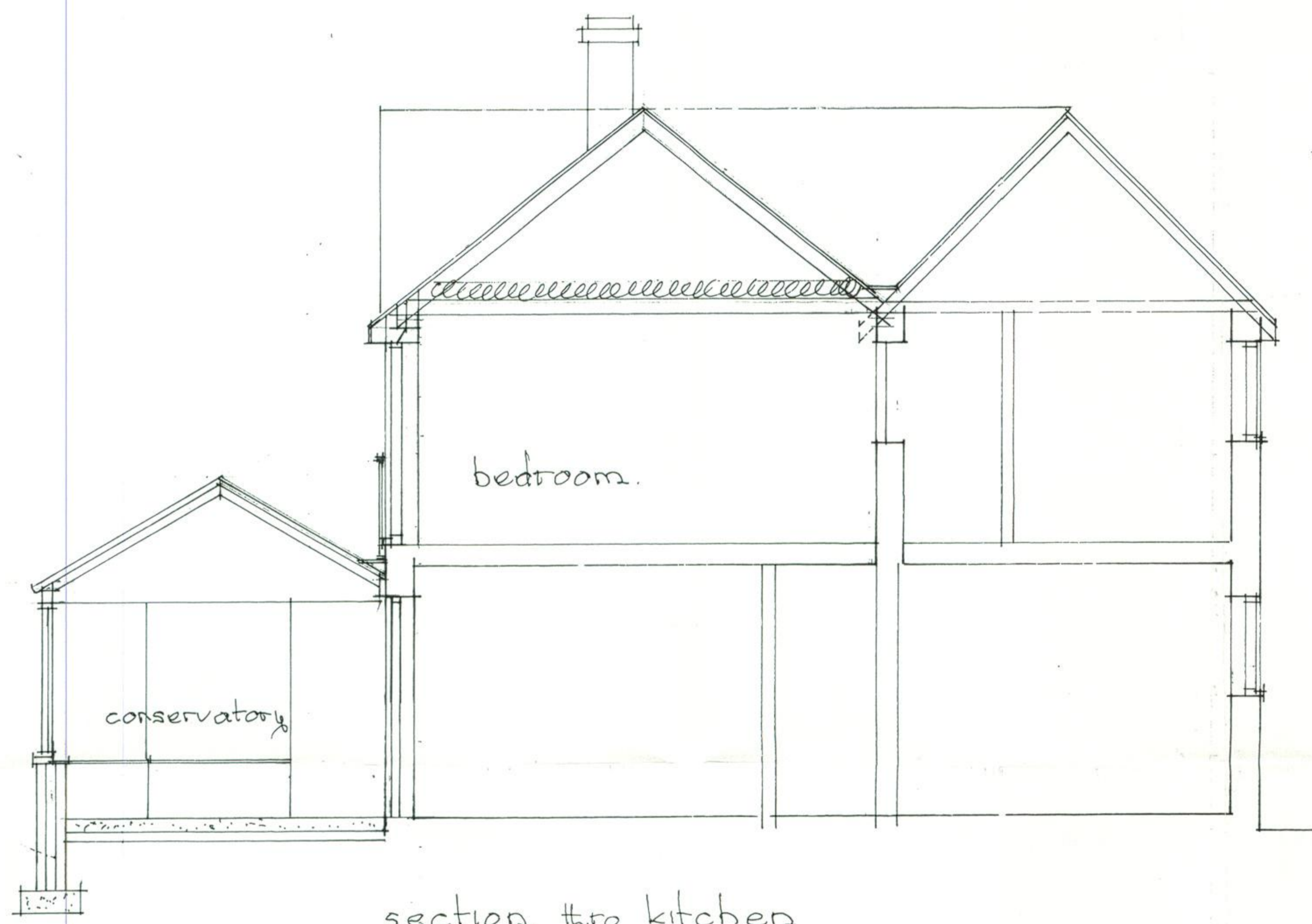
roof plan.

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LEADER OF COUNCILS  
17/12/2003

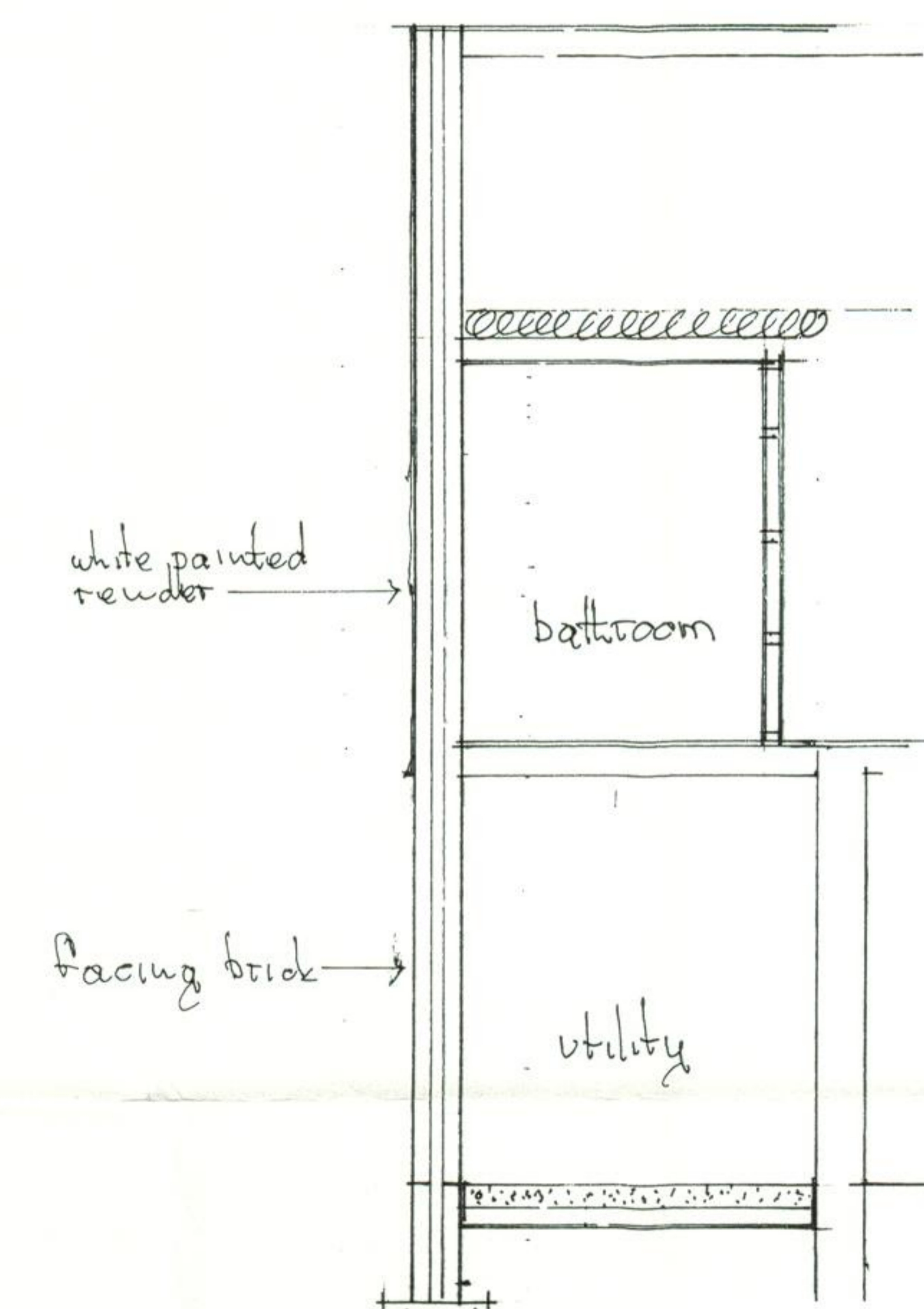
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ground floor plan.



section thro kitchen



section thro utility

BRIDGNORTH DISTRICT COUNCIL  
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PLANNING ACT 1990  
**PERMITTED**  
DATE 17/12/03  
APPLICATION No 03/08044  
SIGNATURE

proposed alterations & extensions at hall cottage folley road ackleton wolverhampton for mr & mrs m mittor.  
m bkenard practice the grain store old manor house letcombe bassett oxon OX12 9LP tel/fax 01235 763000

working drawing  
plans & sections  
scale 1:50  
drawing no 467-3-903

*Robey*

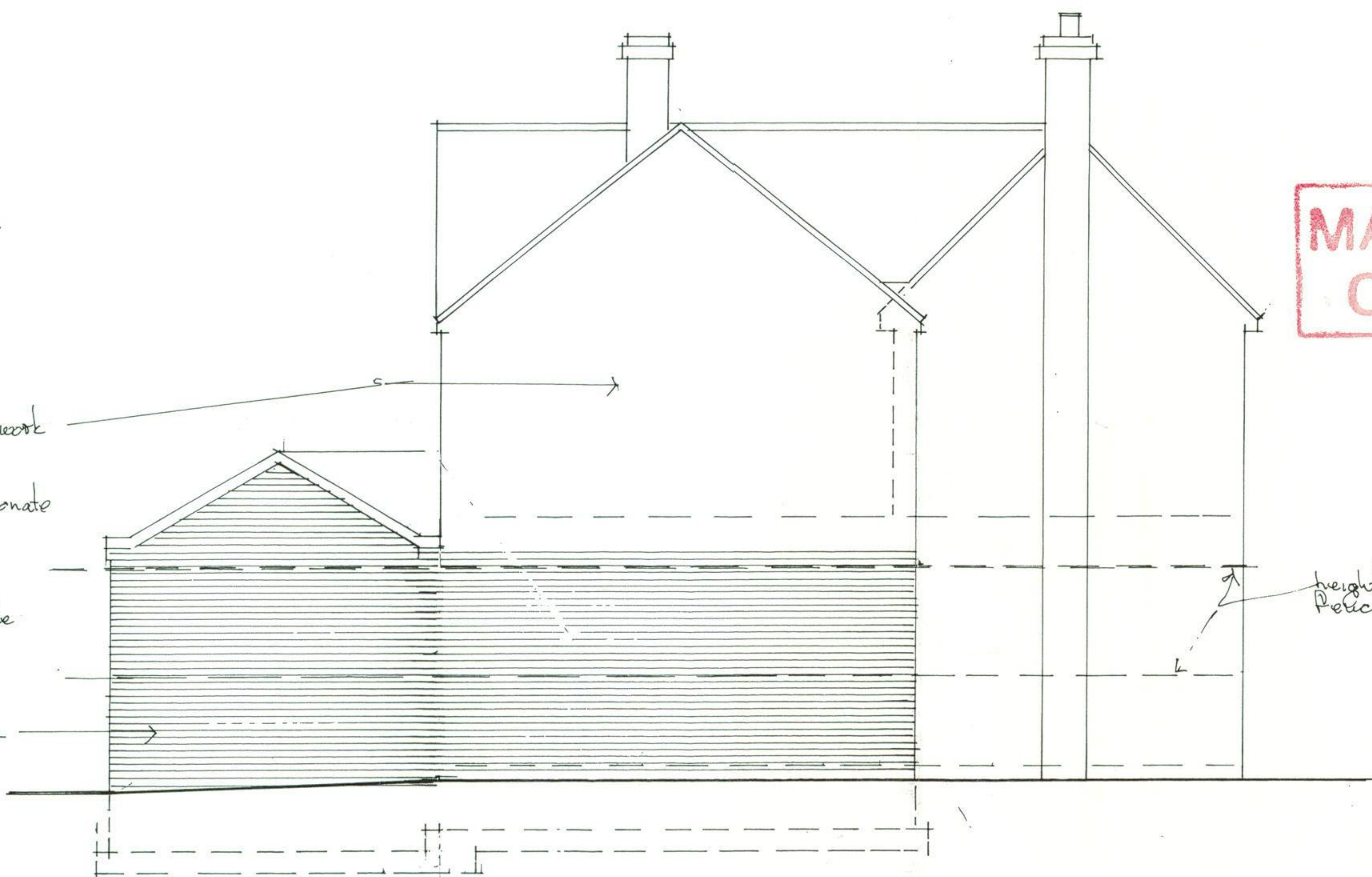
BRIDGNORTH DISTRICT COUNCIL  
Development Services  
17/11/03

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rear elevation to gardens

- new plain tiled roof to match existing in size & colour
- new upvc windows to match existing
- new rendered blackwork to match existing
- triple layer polycarbonate sheet grey colour
- upvc windows in double glazed ceiling units toughened glass
- red/brown facing brick to match existing conservatory



end elevation to boundary

height of existing Police & wall



end elevation to garage

new gabled roof on brackets to existing door & new gable roof to existing lean to roof



front elevation to folley road

- new plain tile roofing
- rendered blackwork to match existing

plan tile roofing

white painted render

new plain tiled roof section to existing roof at front door supported on 200mm timber columns

proposed alterations & extensions at hall cottage folley road ackleton wolverhampton for mr & mrs m mitton  
mb kenard practice the grain store old manor house letcombe bassett oxon OX12 9LP tel/fax 01235 763800

BRIDGNORTH DISTRICT COUNCIL  
TOWN & COUNTRY PLANNING ACT 1990  
**PERMITTED**  
DATE 17/11/03  
APPLICATION No 03/0186  
SIGNATURE [initials]

working drawing  
elevations  
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# Ordinance Survey Map

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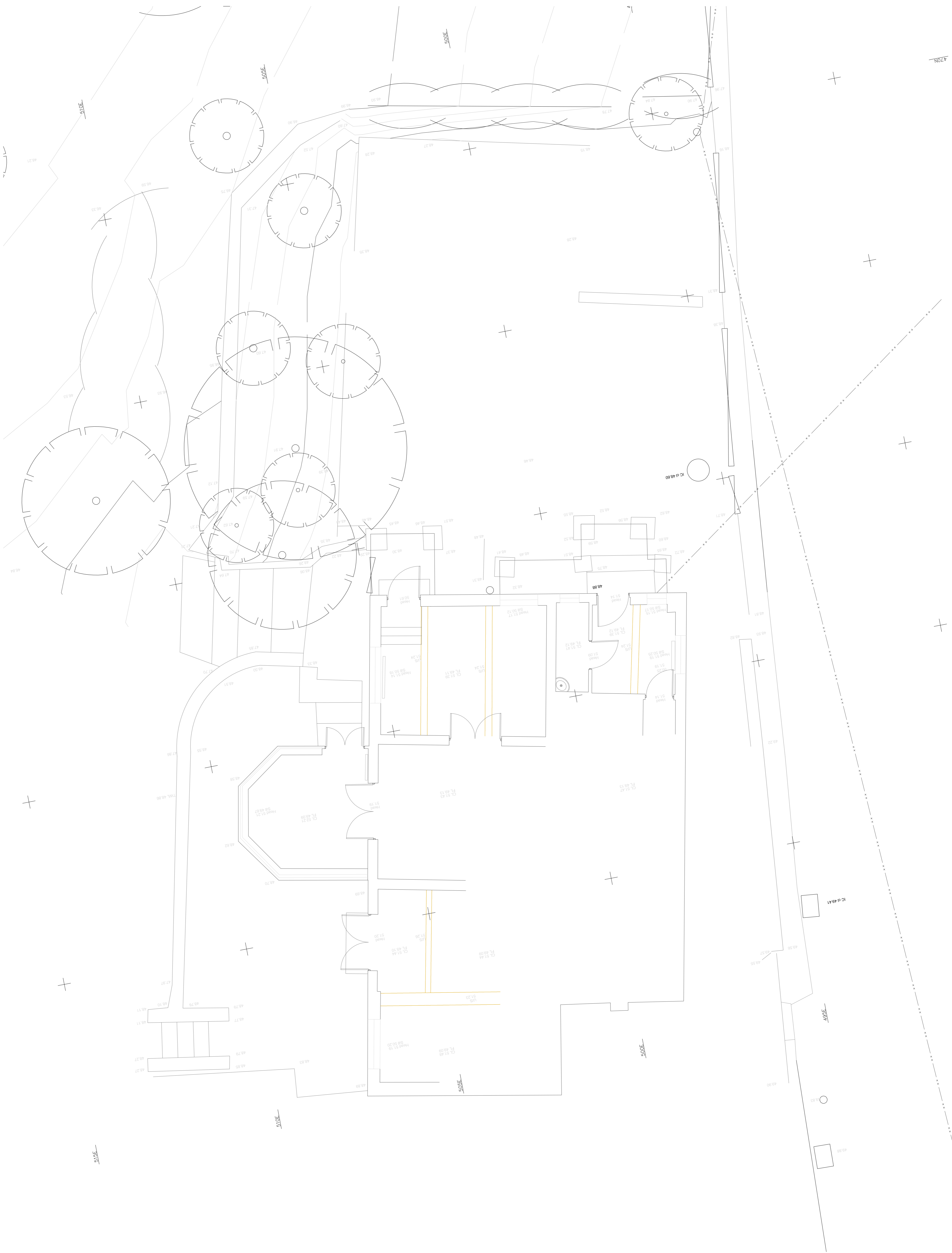
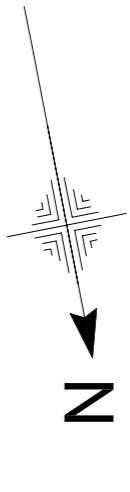
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17 October 2003. Scale 1:1250



**APPENDIX II: Existing floor plans and elevations informing application  
22/00839/FUL.**

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FOR ANY SCALE DRAWING, IF IN DOUBT, ASK.



## EXISTING GROUND FLOOR

Rev.	Date

**JOHNSON**  
DESIGN PARTNERSHIP LTD



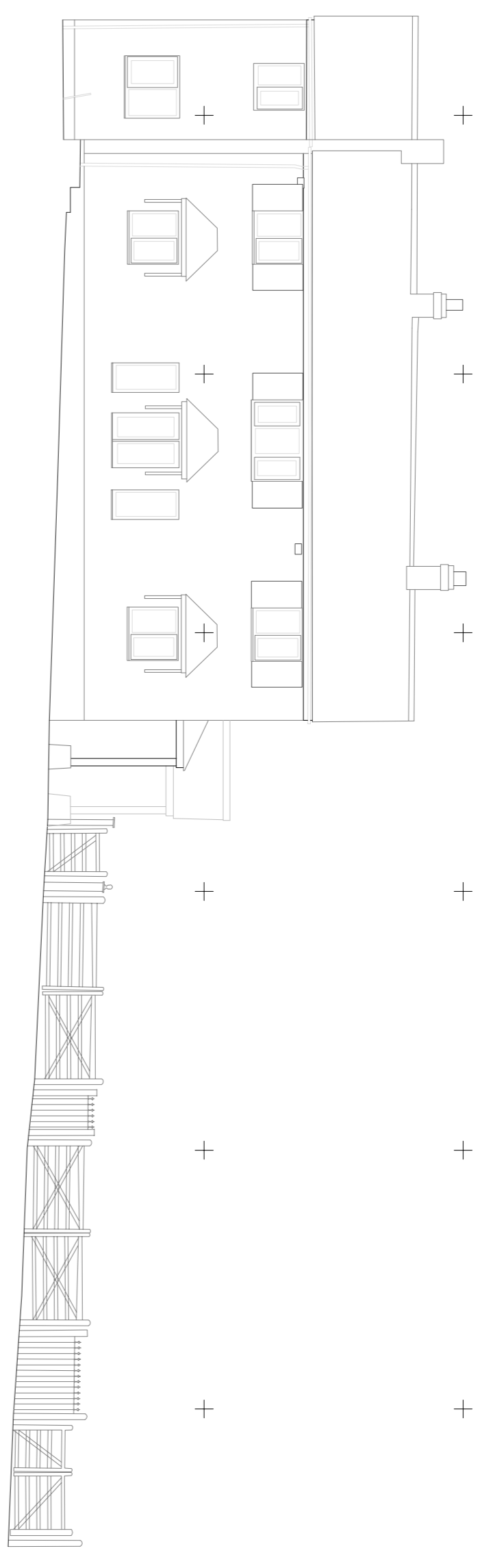
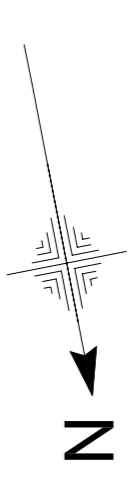
Johnson House  
Station Lane  
Bridenorth  
Shropshire  
WV16 6DP  
T: 01746 768191  
F: 01746 768515

Drawing Title: Existing Ground Floor Plan  
Scale: 1:50 (A1)

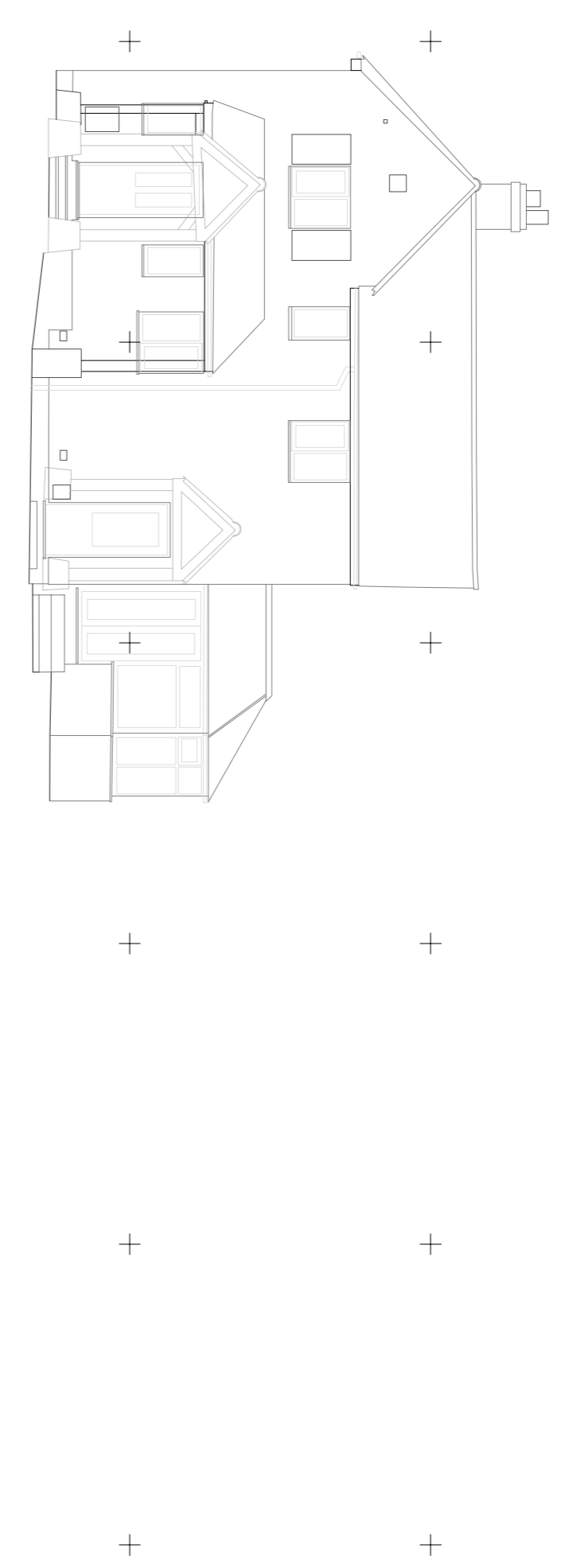
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PL_003	505	MS	MS	MS



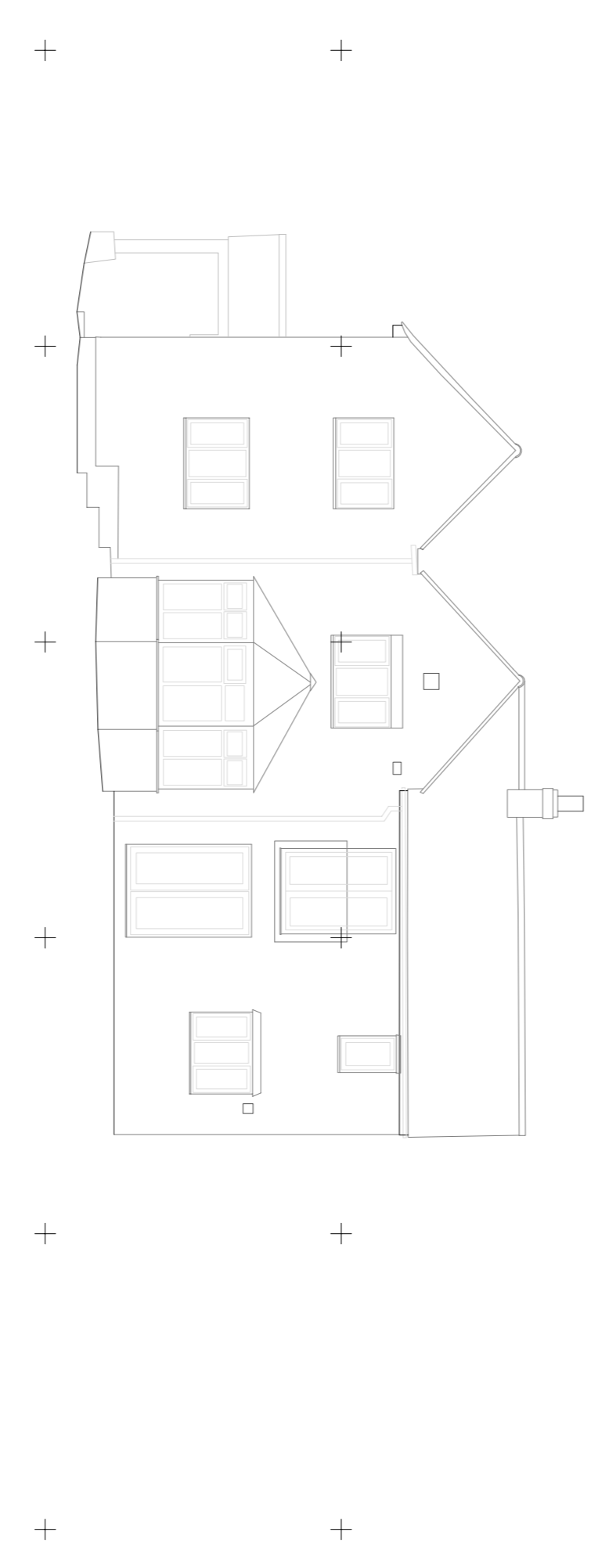
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 ALL DIMENSIONS TO BE CHECKED ON SITE AND ANY DISCREPANCIES AND ADJUSTMENTS TO BE NOTED AND PASSED TO THE CA FOR FURTHER INSTRUCTIONS.  
 FOR ANY SCALE DRAWING, IF IN DOUBT, ASK.



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

Rev.	Date



Johnson House  
 Station Lane  
 Bridgnorth  
 Shropshire  
 WV16 5DP  
 T: 01746 768191  
 F: 01746 768515

Drawing Title: Existing Elevations  
 Scale: 1:100 (A1)

Drawing No.	Project No.	Revised:	Drawn By:	Check By:
PL_004	505	MS	MS	MS

**APPENDIX III: Officer's Report in relation to application 22/00839/FUL.**



## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 22/00839/FUL	<b>Parish:</b>	Worfield
<b>Proposal:</b> Erection of a single storey rear extension and garage and gym extension to the side (resubmission of 21/00796/FUL)		
<b>Site Address:</b> Hall Cottage Folley Road Ackleton Shropshire WV6 7JL		
<b>Applicant:</b> Paul Inions		
<b>Case Officer:</b> Elizabeth Attwood	<b>email</b>	: elizabeth.attwood@shropshire.gov.uk

### Recommendation:- Refuse

#### Recommended Reason for refusal

1. The property has already been significantly extended in the past and the proposed additional extension is deemed disproportionate to the original dwelling and therefore inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The very special circumstances and fallback position which have been advanced do not outweigh the harm to the openness of the Green Belt. Therefore, the proposed development is contrary to Policies CS5 'Countryside and Green Belt', CS6 'Sustainable Design and Development Principles' of Shropshire Council's Core Strategy 2011 and Policies MD2 'Sustainable Design' & MD6 'Green Belt and Safeguarded Land' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan 2015, and Central Government advice contained in the National Planning Policy Framework 2021.

2. The proposed side extension, which appears to be two storey when viewed from the street and three storey at the rear, and is wider than the existing previously extended property is excessive and unsympathetic and relates poorly to the character and appearance of the existing dwellinghouse due to its scale and massing, the overly high garage doors and dormer windows. Moreover, the proposed development overwhelms and dominates the appearance of an original building and would have a detrimental impact on the visual amenity of the dwelling and the spatial qualities of the area. Therefore, the proposed development is contrary to Policies CS5 'Countryside and Green Belt' & CS6 'Sustainable Design and Development Principles' of Shropshire Council's Core Strategy 2011 and Policies MD2 'Sustainable Design' & MD6 'Green Belt and Safeguarded Land' of Shropshire Council's Site Allocations and

Management of Development (SAMDev) Plan 2015, Paragraph 2.21 of the adopted Shropshire LDF - Type and Affordability of Housing SPD (2012), and Central Government advice contained in the National Planning Policy Framework 2021.

## REPORT

### 1.0 THE PROPOSAL

#### 1.1 Erection of a single storey rear extension and garage and gym extension to the side (resubmission of 21/00796/FUL).

The existing conservatory will be replaced with a larger family room.

The 2/3 storey side extension comprises an entrance hall, stairs, bin store, utility and double garage at street level, with a gym at lower ground level with sliding doors opening out on to the rear garden, and a store with timber double doors.

The attic space has 3 front facing dormer windows and a rear facing gable feature and a roof light.

There is an access hatch from the garage to the attic, although no details in respect of the floor space have been provided.

The proposed rear elevation dwg shows 4 windows to the garage/utility/entrance/stairs however the proposed floor plan only shows 3 windows.

Materials comprise brickwork, render, roof tiles, aluminium glazing and oak frame.

#### 1.2 This is the same proposal as refused under 21/00796/FUL. However, it is now supported by a Planning Policy Statement which considers the previous reasons for refusal, and seeks to demonstrate that the proposed extensions bring forward an appropriate provision of additional ancillary space to an existing household in a manner that offers no greater impact on the openness of the Green Belt than the existing development and as such defines the application as appropriate development.

#### 1.3 Application 21/00796/FUL Erection of single storey rear extension and garage and gym extension to side was refused on 02.09.21 for the following reasons;

**1.The property has already been significantly extended in the past and the proposed additional extension is deemed disproportionate to the original dwelling and therefore inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been advanced which outweigh the harm to the openness of the Green Belt. Therefore, the proposed development is contrary to Policies CS5 'Countryside and Green Belt', CS6 'Sustainable Design and Development**

**Principles' of Shropshire Council's Core Strategy 2011 and Policies MD2 'Sustainable Design' & MD6 'Green Belt and Safeguarded Land' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan 2015, and Central Government advice contained in the National Planning Policy Framework 2021.**

**2. The proposed side extension, which appears to be two storey when viewed from the street and three storey at the rear, relates poorly to the character and appearance of the existing dwellinghouse due to its scale and massing, the overly high garage doors and dormer windows. Moreover, the proposed development overwhelms and dominates the appearance of an original building and would have a detrimental impact on the visual amenity of the dwelling. Therefore, the proposed development is contrary to Policy CS6 'Sustainable Design and Development Principles' of Shropshire Council's Core Strategy 2011 and Policy MD2 'Sustainable Design' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan 2015, and Central Government advice contained in the National Planning Policy Framework 2021.**

1.4 The property has already been significantly extended in 1955, also under 90/0304, 93/0583 and 03/0844 in terms of two storey side and rear extensions, single extensions and a conservatory.

1.5 In 1980 an application for a dwelling on the site was refused and dismissed at appeal. The inspector noted that this part of Ackleton was undeveloped and that filling the gap with a building was detrimental to the character of the area.

## 2.0 SITE LOCATION/DESCRIPTION

2.1 The property is a detached property located on the eastern side of Folley Road in the Green Belt open countryside. The southern part of Folley Road, where Hall Cottage is situated comprises traditional dwellings of various ages and designs set within generous plots, with agricultural land to the rear and on the opposite side of the road. Further up the road in a northerly direction the character of the street changes significantly and comprises more modern properties situated within more modest and regular shaped plots, on both sides of the road giving a more suburban feel/appearance within the settlement.

2.1.1 The application property has been significantly extended and altered in the past, but it is difficult from records to accurately assess the amount. However, historic plans shows that the property was originally a very modest cottage with a detached outbuilding to the south. Historic plans indicate that the part of the property which faces the street is the original dwelling and of this the property was only as wide as the left hand side two windows rather than the current width which comprises three windows wide.

2.1.2 The property occupies a large plot, access to off street parking to the south of the property is directly off the public highway and the plot drops away to the rear (east). Folley Road rises in a southerly to northerly direction. Hence, the neighbouring property (Folley Bottom) to the south sits at a lower level.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Councils relevant adopted policies and no contrary opinions have been received that would require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution

### 4.0 Community Representations

- Consultee Comments

- Public Comments

Worfield & Rudge Parish Council – no response received.

As Site Notice has publicised the application; no representations have been received.

### 5.0 THE MAIN ISSUES

Principle of development in the Green Belt

Siting, scale and design of structure

Visual impact and landscaping

Residential Amenity

Additional Material Considerations

### 6.0 OFFICER APPRAISAL

6.1 Principle of development in the Green Belt

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.

6.1.2 Paragraph 11 of the National Planning Policy Framework (NPPF) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.3 The NPPF has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.

6.1.4 The site is located within the open countryside Green Belt and as such it is afforded an additional layer of protection against 'inappropriate development'. In accordance with the NPPF 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence' (Para 137). It is the duty of the Local Planning Authority to ensure that substantial weight is given to any harm

in the Green Belt resulting from development.

- 6.1.5 The word “openness” is not defined in the Framework. This lack of definition allows for some freedom of interpretation. Having regard to paragraph 001 (reference : ID:64-001-20190722) of the Planning Policy Guidance, that openness can have both spatial and visual aspects; in other words, “the visual impact of the proposal may be relevant, as could its volume”.
- 6.1.6 Part 13 of the NPPF ‘Protecting Green Belt Land’ advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Para 147). Para 148 expands on this by stating that ‘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. This is reiterated within Policy CS5 ‘Countryside and Green Belt’ of the Shropshire Council Core Strategy and Policy MD6 ‘Green Belt and Safeguarded Land’ of the SAMDev Plan, which require that the openness, permanence and visual amenity of land within the Green Belt is preserved.
- 6.1.7 Para 149 of the NPPF states that; A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Inter alia, exceptions to this are:
- (c) 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.
  - (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 6.1.8 The principle of developing within the Green Belt is therefore largely resisted, subject to further planning considerations. The acceptability of this proposal therefore rests on whether the proposal constitutes one the ‘exceptions’ or what ‘very special circumstances’ exist which would outweigh the material harm resulting from the development.
- 6.1.9 Furthermore, extensions to residential properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: ‘Sustainable Design and Development Principles’. This policy states that development should be appropriate in siting, scale or design does not overwhelm or dominate the appearance of an original building or that the proposal does not have any detrimental impact on the level of residential amenity or harm visual amenity.
- 6.1.10 The NPPF at section 12 places an emphasis on achieving well designed places and Policy MD2: ‘Sustainable Design’ of the SAMDev expects development proposals to contribute to and respect locally distinctive or valued character and existing amenity value.
- 6.1.11 Guidance contained within paragraphs 2.20 and 2.21 of the adopted Shropshire LDF - Type and Affordability of Housing SPD (2012) also seeks to control the size of extensions to houses in the countryside. Para 2.21 specifically states that; *‘...the Council is concerned to control both the size of any replacement dwellings*

*in the countryside and the size of extensions to houses in the countryside, as these create larger and larger dwellings. In addition there are other considerations which require to size of dwellings to be controlled, namely the visual impact of large buildings in rural areas and the need to ensure the development is sympathetic to the character and appearance of the original building’.*

6.1.12 The submitted Planning Policy Statement concludes that; *‘it is the applicant’s position that the proposal accords with the definition of appropriate development as set by paragraph 149 c) of the Framework, insofar as there is a lack of identification of percentages that determine what is and what is not disproportionate development with regard the Local Plan policies. However, if for any reason there is still a requirement to bring forward beneficial material circumstances to outweigh any harm in planning balance, this is clearly identified by way of the material consideration given to the fallback position available to the applicant’.*

6.1.13 For the reasons discussed below the LPA still consider the proposed development to be disproportionate to the original dwellinghouse.

## 6.2 Siting, scale and design of structure

6.2.1 As noted during the determination of 21/00796/FUL it was not possible to verify the exact amount that the property has already been extended. However, from viewing historic plans (copies of which were sent to the agent during the consideration of 21/00796/FUL), and comparing the original very modest property to the property as it stands today, it is evident that the house has been significantly enlarged.

6.2.2 The officer has previously advised the agent that the scale of the proposed development is excessive and therefore inappropriate, and in order to comply with points (c) and (d) of Para 149 of the NPPF it will be necessary for the proposed garage to be detached and be of a domestic scale and the replacement conservatory reduced in size to that of the existing conservatory in order for proposal to comply with Green Belt policy. An outbuilding for leisure purposes could be erected under Schedule 2 Part 1 Class E of the GPDO, subject to certain limitations.

6.2.3 The property has already been extended in the past (probably in excess of 200%). When comparing the historic plans of the site, it is a fair assumption, and fairly evident from historic plans, that the proposed garage and gym has a greater footprint to that of the ‘original’ dwelling. As such, the scale of the proposed development must therefore be disproportionate to the size of the original dwelling, and is therefore inappropriate.

6.2.4 The LPA disagrees with the submitted Planning Policy Statement which states that; *‘From a spatial perspective, the extent of mass and scale of the extensions remains substantially subservient to the host building, providing an appropriate provision of materiality and sits within a setting where the built development otherwise provided on site offers a greater spatial impact upon the Green Belt beyond the proposed extensions. Therefore, again in spatial terms it is considered that the impact is negligible when taking into consideration appropriate measures*



*of impact upon openness’..... ‘It can be concluded that the proposal will not lead to the erosion of a spatial sense of openness, that which is an intrinsic form of the Green Belt, nor would the proposal lead to an erosion of the physical sense of openness, that which is an intrinsic feature of the Green Belt. Impacts in this regard do not depend on any degree of mitigation provided by any other aspect of development, such as tree screening or landscaping, and as such in this context it can be concluded that the proposed development would not lead to any adverse effects on the physical sense of openness in the Green Belt’.*

6.2.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The very special circumstances which have been advanced to outweigh the harm to the openness of the Green Belt are contained within the submitted Planning Policy Statement. These are noted below.

6.2.6 The submitted Planning Policy Statement states that;

*‘It can be concluded that the existing dwelling is considered to be reasonable and proportionate within the context of its setting, insofar as it exists, with pertinent permissions in place to account for its existing size, and in already substantially breaching the Council’s interpretation of disproportionality against their existing Development Plan, wherein there is no specific percentage provision applied, it is reasonable to assume that the suitability or otherwise of the proposal being proportionate within the Green Belt cannot be determined by way of specific percentages that are applied, but not defined, by way of planning policy’.*

*‘Instead, the scheme should be determined against the broader definitions brought forward by paragraph 149 c), in seeking to have the scheme determined against the expectations of the Framework and in drawing a conclusion as to whether the extensions offer any disproportionality which offers harm to the openness of the Green Belt. In this regard it should be noted that there is no definition within the Framework of “openness” nor criteria of which to assess the impact of development on it. However, Timmins<sup>1</sup> established that the concept of openness is textured and is both a spatial and visual impact. Furthermore, with regard visual impact, the key viewpoints around the site is a core consideration of the assessment of impact on openness as noted within Turner<sup>2</sup>’.*

*‘The proposal brings forward the construction of a subservient side extension to the existing dwelling, which maintains a degree of proportionality when assessed against the scale and character of the existing dwelling and, whilst providing a sizeable provision of space, does so in a manner that takes advantage of the existing topography of the landholding so as to reduce its visual impact upon key viewpoints, which predominantly relate to those provided to the front elevation. With regard the single storey rear extension, this takes place within the context of a demolished conservatory, and the extent of it is contained within the context of the existing built form’.*

*‘The proposal brings forward the construction of a subservient side extension to the existing dwelling, which maintains a degree of proportionality when assessed against the scale and character of the existing dwelling and, whilst providing a sizeable provision of space, does so in a manner that takes advantage of the*

*existing topography of the landholding so as to reduce its visual impact upon key viewpoints, which predominantly relate to those provided to the front elevation'. [my emphasis]*

6.2.7 Whilst the ridge height of the proposed side extension may be approximately 1m lower than the ridge height of the existing dwelling (when viewed from the public highway – as it is considerably higher when viewed from the rear), the width of the proposed extension is wider than the width of the existing extended dwelling. Therefore, the LPA does not agree that the proposed extension is subservient to the existing dwelling. Moreover, Green Belt policy advises that whether or not an extension is proportionate needs to be assessed against the 'original dwelling' not the existing one.

6.2.8 Notwithstanding the topography of the site i.e. the land on which the proposed side extension would be sited being lower than the existing dwelling. Planning application B80/258 proposed the erection of a dwelling and garage on the land adjoining Hall Cottage. The application was refused and the subsequent appeal dismissed. The Planning Inspector opined that; this part of Ackleton was undeveloped and that filling the gap with a building was detrimental to the character of the area.

6.2.9 Whilst it is appreciated that the proposed outbuilding is not a dwelling, it has the footprint and scale and massing of a dwelling, and therefore would have a comparable impact by 'filling the gap', to the detriment of the open and undeveloped character of the area and therefore is not acceptable.

### 6.3 Visual impact and landscaping

6.3.1 The property in question is a former modest cottage of traditional construction (comprising rendered brickwork under a tiled gable roof), but is not listed or within a conservation area. The existing conservatory to be demolished is of Upvc construction and is therefore not of any architectural or historic interest. Hence, its removal is acceptable. It is also located on the rear elevation and thus has no impact upon the streetscene or wider landscape.

6.3.2 However, the proposed side extension, which appears to be two storey when viewed from the street and three storey at the rear, (due to the level differences), is unsympathetic and relates poorly to the character and appearance of the existing dwellinghouse due to its scale and massing, the overly high garage doors and dormer windows.

6.3.3 Moreover, the proposed development overwhelms and dominates the appearance of an original building and would have a detrimental impact on the visual amenity of the dwelling. As noted above, it is also relevant that in 1980, the Inspector noted that this part of Ackleton was undeveloped and that filling the gap with a building was detrimental to the character of the area.

### 6.4 Residential Amenity

6.4.1 Policy CS6 also requires that development should safeguard residential and local amenity. With the above policy and guidance in mind, it is considered that the proposed development would have no impact upon neighbours due to the

separation distances, orientation, fenestration details of the proposed development and the neighbouring dwelling and the existing boundary treatment.

## 6.5 Additional Material Considerations

- 6.5.1 Outbuildings for incidental purposes to the enjoyment of the dwellinghouse could be erected under PD by virtue of Schedule 2 Part 1 Class E of the General Permitted Development Order 2015 (as amended). The domestic curtilage is generous and in theory up to 50% of the land could be covered in buildings. The fallback position is therefore a material planning consideration.
- 6.5.2 The supporting Planning Policy Statement advises that; *'It can be reasonably asserted that the fallback scheme would result in at least equal if not greater harm to the openness of the Green Belt by comparison to the proposal'*.
- 6.5.3 Whilst the fallback position could result in a significant amount of built form, and therefore an impact upon the openness of the GB, officers do not consider that the impact would be equal or greater than would result from the proposed two/three storey side extension.
- 6.5.4 Any outbuilding could be no higher than 4m with a dual pitched roof, 2.5m if it is within 2m of the curtilage boundary, or 3m in any other case. In addition, the eaves could not exceed 2.5m.
- 6.5.5 Notwithstanding, any footprint created, officers consider that a single storey outbuilding would have notably less scale and massing than the proposed two/three storey side extension and thus any impact on the openness of the GB, or spatial quality of the area would be significantly reduced.
- 6.5.6 Moreover, the GPDO does not differentiate between PD rights for householders in terms of Class E (outbuildings), whether their dwellinghouse is located within the GB or not. Therefore, it must be assumed that single storey outbuildings (i.e. no higher than 4m) have an acceptable impact upon the openness of the GB.
- 6.5.7 Therefore, what can be built under PD, if this proposal is not approved, would not have an equal or indeed greater impact upon the openness of the GB. Thus, whilst the fallback position is a 'material planning consideration', it does not outweigh the harm to the openness of the GB as a result of the inappropriate disproportionate development or indeed the adverse impact upon the character and appearance of the existing dwellinghouse and the spatial qualities of the area.

## 7.0 CONCLUSION

- 7.1 The property has already been significantly extended in the past and the proposed additional extension is deemed disproportionate to the original dwelling and therefore inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The very special circumstances and fallback position which have been advanced do not outweigh the harm to the openness of the Green Belt. Therefore, the proposed development is contrary to Policies CS5 'Countryside and Green Belt', CS6 'Sustainable Design and Development Principles' of Shropshire Council's Core

Strategy 2011 and Policies MD2 'Sustainable Design' & MD6 'Green Belt and Safeguarded Land' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan 2015, and Central Government advice contained in the National Planning Policy Framework 2021.

7.2 The proposed side extension, which appears to be two storey when viewed from the street and three storey at the rear, and is wider than the existing previously extended property is excessive and unsympathetic and relates poorly to the character and appearance of the existing dwellinghouse due to its scale and massing, the overly high garage doors and dormer windows. Moreover, the proposed development overwhelms and dominates the appearance of an original building and would have a detrimental impact on the visual amenity of the dwelling and the spatial qualities of the area. Therefore, the proposed development is contrary to Policies CS5 'Countryside and Green Belt' & CS6 'Sustainable Design and Development Principles' of Shropshire Council's Core Strategy 2011 and Policies MD2 'Sustainable Design' & MD6 'Green Belt and Safeguarded Land' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan 2015, Paragraph 2.21 of the adopted Shropshire LDF - Type and Affordability of Housing SPD (2012), and Central Government advice contained in the National Planning Policy Framework 2021.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be

balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

### 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### **Relevant Planning Policies**

#### **Central Government Guidance:**

National Planning Policy Framework

#### **Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:**

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

MD6 - Green Belt & Safeguarded Land

SPD Type and Affordability of Housing

#### **RELEVANT PLANNING HISTORY:**

**21/00796/FUL** Erection of single storey rear extension and garage and gym extension to side  
REFUSE 2nd September 2021

**22/00839/FUL** Erection of a single storey rear extension and garage and gym extension to the side (resubmission of 21/00796/FUL) REFUSE 11th April 2022

**BR/APP/FUL/03/0844** Erection of a two storey side extension and a rear conservatory GRANT 17th December 2003

11. Additional Information

**List of Background Papers**

22/00839/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7IL2BTDLPI00>

Cabinet Member (Portfolio Holder) - Councillor Ed Potter

Local Member - Cllr Richard Marshall



**APPENDIX IV: Completed Building Regulation Summary details from Shropshire Council's website.**



## Print Version

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## Summary

Description Of Works	Two Storey Side Extension
Site Address	Hall Cottage Folley Road Ackelton WV6 7JL
Application Reference Number	BR/BN/07/0082
Status	Building Work Complete

## Further Information

Application Reference Number	BR/BN/07/0082
Description Of Works	Two Storey Side Extension
Ward	Not Available
Parish	Worfield
Decision	Not Available
Status	Building Work Complete

## Plots

Plot Commencement Date	13 Sep 2007
Plot Completion Date	29 Oct 2008
Plot Address	Plot/Division1
Plot Status	Building Completed

## Important Dates

Application Deposited	Thu 13 Sep 2007
Decision Date	Not Available
Application Commencement Date	Thu 13 Sep 2007

Application Completion Date	Wed 29 Oct 2008
Five Week Date	Thu 18 Oct 2007
Two Month Date	Not Available

## Related Information

There are 0 cases associated with this application.

There is 1 property associated with this application.

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