



Appeal Decision

Site visit made on 8 May 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/X1925/D/25/3362934

The Garden House, Putteridge Park, Luton, Hertfordshire, LU2 8LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jim Horsted against the decision of North Hertfordshire District Council.
 - The application Ref is 24/02693/FPH.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: firstly, whether the proposed development would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (NPPF), 2024, and any relevant development plan policies; secondly, the effect on the openness of the Green Belt; and thirdly, if the proposed development would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal dwelling is a large, detached house on an extensive open plot set in the rural parkland setting of Putteridge Bury Grade II listed Historic Park and Garden. Grade II listed Putteridge Bury house and stables are a short distance to the east. The site lies in open countryside and within the Green Belt. The house is one of a small number of dwellings set close to a private road but overall the area is mostly undeveloped and open and characterised by pasture and woodland. The dwelling has been extended in the past through a two storey front extension, a dormer window and single storey front, rear and side extensions. There is also a detached triple garage nearby.
4. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For extensions and

alterations to buildings, these should not result in disproportionate additions over and above the size of the original building. "Original building" is defined in the NPPF as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as originally built. Policy SP5 of the adopted North Hertfordshire Local Plan 2011-2031 (LP) accords with the NPPF in resisting inappropriate development in the Green Belt unless very special circumstances have been demonstrated.

5. The parties agree that the "original dwelling" had a floor area of some 197m². There is also broad agreement that the dwelling has been significantly extended. The Appellants dispute the Council's assessment that the dwelling is now some 122% larger and suggest the figure is around 96%. The difference appears to arise because a double garage was permitted but not built because a triple garage was then permitted and built instead. In any case, I consider the extensions to have resulted in significant enlargement of the original dwelling.
6. The proposed extension would comprise a two storey side addition to provide an ensuite bathroom to a room on each of the ground and first floors. The extension would have a floorspace of about 10m². This would increase the floorspace of the dwelling by approximately a further 3-5% depending on whether the appellant's or the Council's figures are used. In itself the extension would be modest but the NPPF requires additions to be considered cumulatively with earlier extensions. The proposed extension would lead to a building that was more than 100% larger than the original dwelling and in my view this doubling in size would amount to a substantial increase which would be disproportionate to the original dwelling.
7. It is therefore concluded on the first main issue that the proposed development would be inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt

8. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. Openness has a spatial and visual aspect. The proposed extension would be clearly visible to the side of the appeal property, projecting into the currently open driveway, when viewed from the private access road. The effect on openness would be limited by its small scale and position, visually set between the host dwelling and the adjacent buildings at Luke's Place, formerly The Old Estate Office. Nevertheless, there would be a modest but clearly perceptible effect on both spatial and visual openness.
9. It is concluded on the second main issue that the proposed development would, result in modest harm to the openness of the Green Belt. The NPPF makes clear that substantial weight should be given to any harm to the Green Belt and the loss of openness therefore weighs heavily against the proposed development.

Other considerations

10. The appellants draw my attention to a number of other considerations which they consider might amount to the very special circumstances necessary to justify the proposal. Primarily, there is a need to provide convenient downstairs shower/w.c. facilities for a frail, elderly, disabled occupant of the dwelling. It is pointed out that the only downstairs bathroom is remote from the elderly person's bedroom and that a closer facility is necessary.

11. The appellants suggest that there are many examples where medical conditions and personal circumstances have been found to amount to very special circumstances. I have sympathy with the appellants' wish to make provision for their relative. However, no examples are given and the circumstances of this case, in which an elderly, disabled occupier requires additional facilities, does not seem to me to be unusual since many families face similar situations. Overall and in itself, the need for facilities to provide for the elderly and disabled occupant therefore carries moderate weight in favour of the proposed development.
12. The appellants state that other solutions within the existing dwelling have been considered but that none is suitable. I have no evidence of what these alternatives are or why they were deemed unsuitable. The Council suggested the conversion of the existing cinema room but the appellants point out that this room has the only fireplace and is used each evening by the occupants. Nevertheless, the dwelling is large and there are other rooms that might be capable of re-purposing. I therefore give this matter limited weight in favour of the proposed development.
13. It is further suggested that the proposed bathroom facilities may be required in the longer term for an existing occupant of the dwelling with serious, long-term mobility issues. However, circumstances may change before this becomes necessary and I therefore afford limited weight to these potential future needs.
14. Finally, it is suggested that the proposed facilities might avoid the need for the elderly person to go into a care home. However, this may never be necessary and there are many reasons why care home facilities might be needed, notwithstanding a more proximate bathroom. This consideration therefore carries little weight.
15. Accordingly, it is concluded on the third main issue that, in the final balance, the other considerations would not clearly outweigh the harm to the Green Belt through inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would therefore conflict with LP Policy SP5 and with national policy set out in the NPPF, 2024.

Other matters & conclusion

16. As set out above the site lies within a Grade II listed historic park and garden and there is a Grade II listed building some distance away. In addition, there is a Grade II listed wall to the rear of the dwelling. I agree with the Council that none of these would be affected by the proposed extension and so there would be no effect on designated heritage assets.
17. The appellants note that there were no third party objections or representations regarding the proposed extension and that their District Councillor supported the appeal. Moreover, they state that there are many areas of common ground between the parties. However, these matters would not alter or outweigh the harm to the Green Belt that has been identified.
18. Finally, the appellants express disappointment that the Council failed to act proactively or allow proactive dialogue since they believe this might have enabled a resolution of the areas of difference. However, the Council makes clear that their failure to act proactively was because they considered the proposal to be unacceptable in principle and therefore not capable of resolution in this way.

19. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR