

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/C3430/C/22/3302201

A. APPELLANT DETAILS

Name	Mrs Sarah Walker
Address	Stourbridge Lodge Prestwood STOURBRIDGE DY7 5AQ
Email	[REDACTED]
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes No

B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Mr Andrew Adshead
Company/Group Name	Planap Consultancy
Address	Vision House 119 Factory Road HINCKLEY LE10 0DP
Phone number	[REDACTED]
Email	planapp@gmail.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	South Staffordshire District Council
LPA reference number (if applicable)	17/00574/UNDEV
Date of issue of enforcement notice	27/05/2022
Effective date of enforcement notice	01/07/2022

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Address

Stourbridge Lodge
Prestwood
STOURBRIDGE
DY7 5AQ

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

What is your/the appellant's interest in the land/building?

Owner

Tenant

Mortgagee

None of the above

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes No

(a) That planning permission should be granted for what is alleged in the notice.

The facts are set out in

see '[Appeal Documents](#)' section

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

(e) The notice was not properly served on everyone with an interest in the land.

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

Please explain.

Site visit in order to determine any impact the development has upon the openness of the Green Belt

2. Hearing

3. Inquiry

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

see '[Appeal Documents](#)' section

02. Plan (if applicable and not already attached)

see '[Appeal Documents](#)' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Andrew Adshead

Date

30/06/2022 15:03:19

Name

Mr Andrew Adshead

On behalf of

Mrs Sarah Walker

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

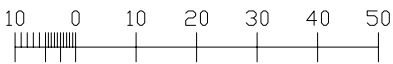
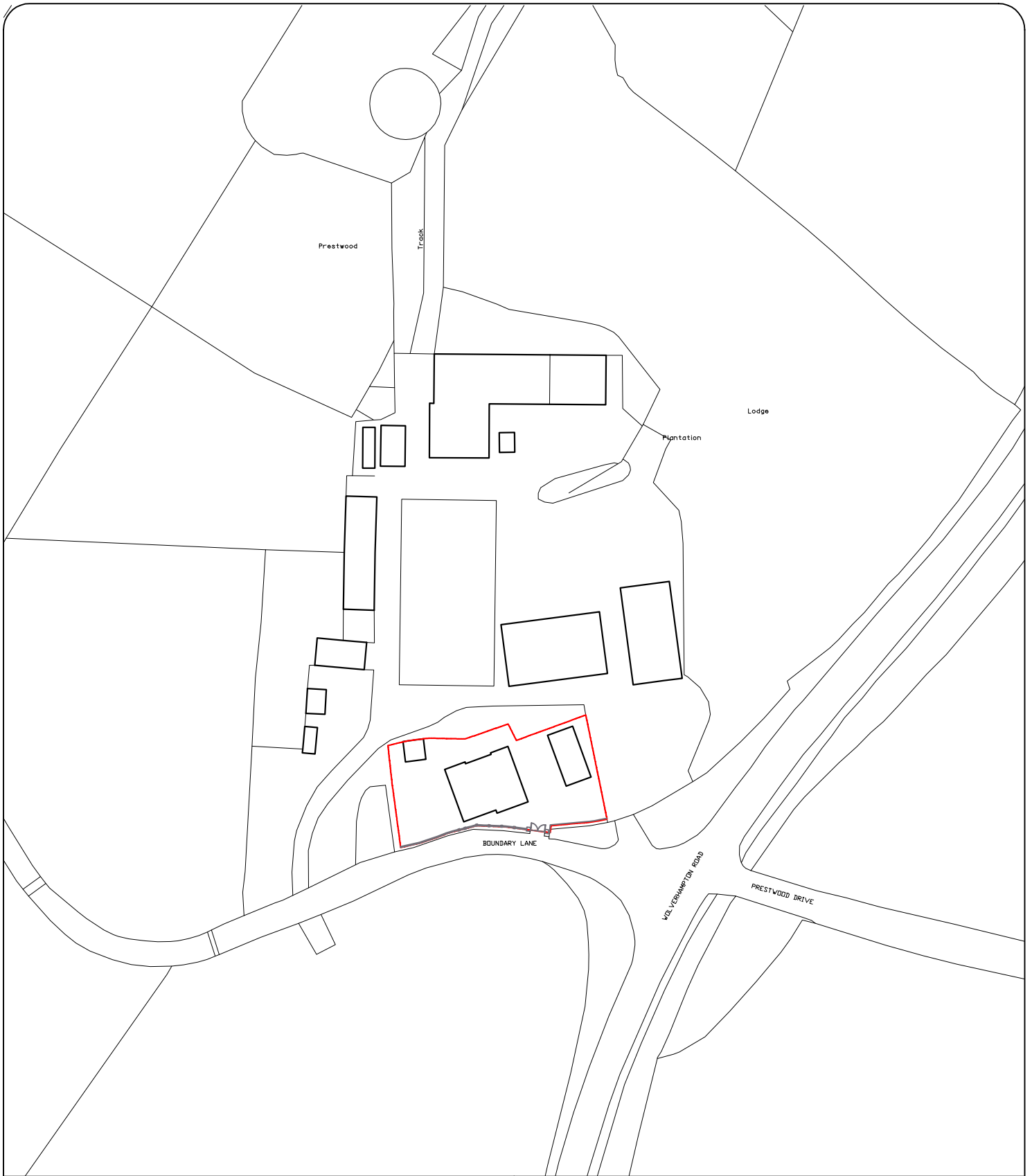
Relates to Section: GROUNDS AND FACTS
Document Description: Facts to support that planning permission should be granted for what is alleged in the notice.
File name: 321-001 Location Plan.pdf
File name: 321 Appeal Document.pdf
File name: 321-002A Site Plan.pdf
File name: 321-003A Floor Plans.pdf
File name: 321-005A Proposed Elevations.pdf
File name: 321-004A Existing Lawful Elevations.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: Enforcement Notice_000034.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. The Plan.
File name: Enforcement Plans_000035.pdf

Completed by MR ANDREW ADSHEAD

Date 30/06/2022 15:03:19



Metres



revision	initial	Revision notes	date
drawing		Location Plan	
project		Stourbridge Lodge	
date	25 06 22	scale	1:1250@A4
		drwg no	001
		Rev	

planapp

Vision House
119 Factory Road
Hinckley
LE10 0DP

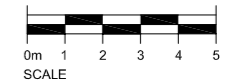
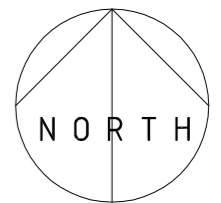
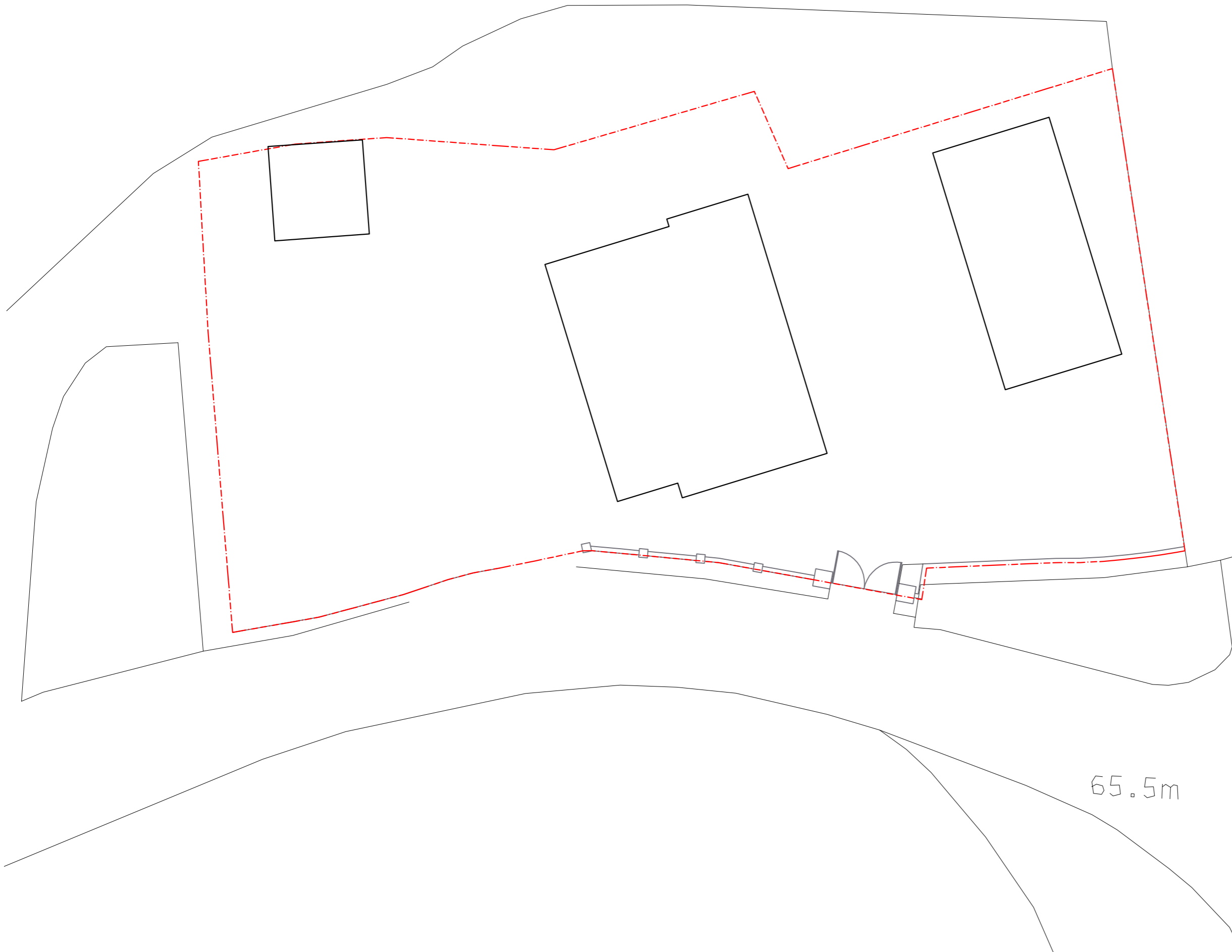
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Rev.	APPEAL ISSUE Revision notes	25 06 22 Date
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Issue		
tender	<input type="checkbox"/>	preliminary <input checked="" type="checkbox"/>
contract/site	<input type="checkbox"/>	H&S file <input type="checkbox"/>

Client
Mrs S Walker

Project
Stourbridge Lodge

Drawing
Site Plan

planapp Vision House
119 Factory Road
Hinckley
LE10 0DP

planapp@gmail.com
07764 840444

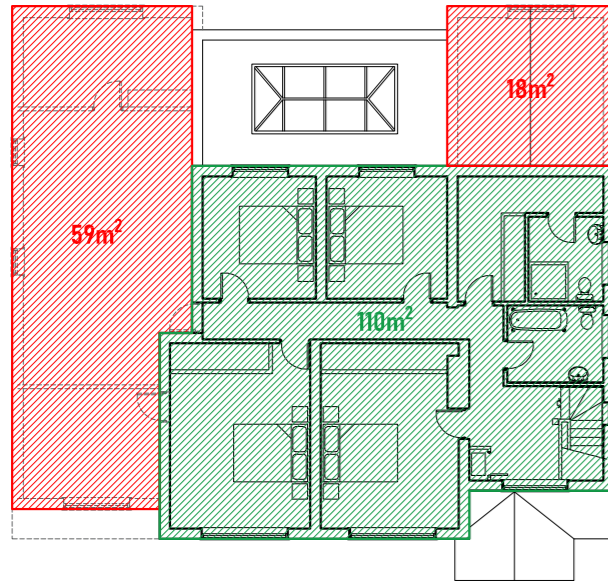
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Job No	Drawing No	Revision
321	002	A

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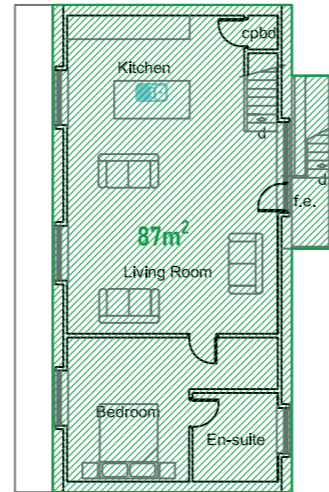
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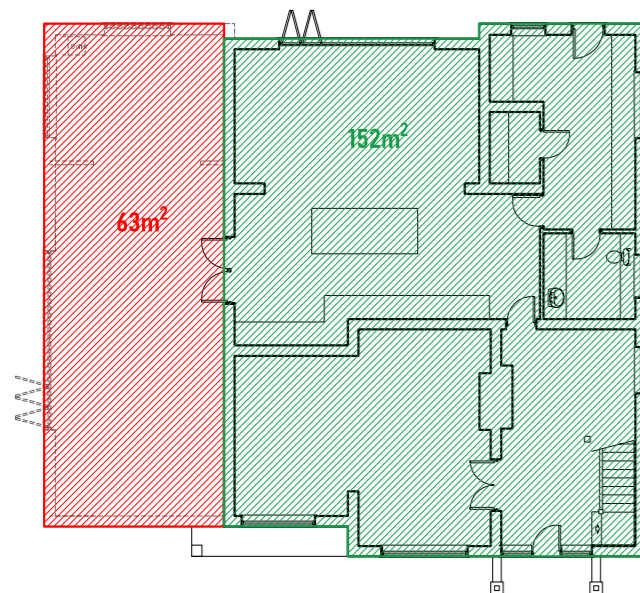
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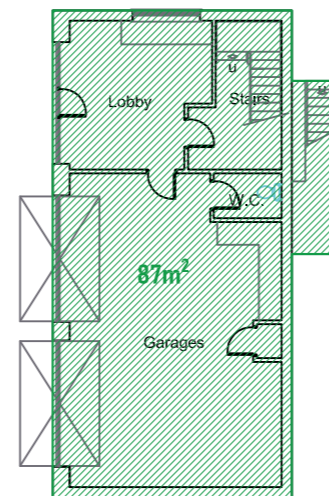
FIRST FLOOR PLAN DWELLING



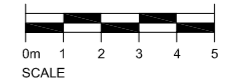
GARAGE & LIVING



GROUND FLOOR PLAN DWELLING



GARAGE & LIVING



LAWFUL	
HOUSE GROUND FLOOR	152
HOUSE FIRST FLOOR	110
GARAGE/LIVING GROUND FLOOR	87
GARAGE/LIVING FIRST FLOOR	87
TOTAL	436m²

UNLAWFUL DEVELOPMENT	
HOUSE GROUND FLOOR	63
HOUSE FIRST FLOOR (WEST)	59
HOUSE FIRST FLOOR (EAST)	18
TOTAL	140m²

TOTAL CURRENT FLOOR SPACE 576m²

GREEN BELT POLICY FOR REPLACEMENT DWELLINGS SUPPORTS A 20% INCREASE ON EXISTING (LAWFUL) DEVELOPMENT.

TOTAL LAWFUL DEVELOPMENT	436m ²
20% INCREASE	87.2m ²
TOTAL SUPPORTED BY POLICY	523.20m²

DIFFERENCE 52.8m²

LAWFUL DEVELOPMENT +32% 576m²

(ALL MEASUREMENTS CALCULATED ON THE BASIS OF EXTERNAL FLOOR AREA, IN ACCORDANCE WITH AS PER GREEN BELT POLICY 1.20)

Rev.	Issue	Date
A	APPEAL ISSUE	25 06 22
	Revision notes	

Issue	tender <input type="checkbox"/>	preliminary <input checked="" type="checkbox"/>
	contract/site <input type="checkbox"/>	H&S file <input type="checkbox"/>

Client
Mrs S Walker

Project
Stourbridge Lodge

Drawing
Floor Plans

planapp Vision House
119 Factory Road
Hinckley
LE10 0DP

planapp@gmail.com
07764 840444

Scale	Date	Drawn
1:200@A3	25 06 22	AA
Job No	Drawing No	Revision
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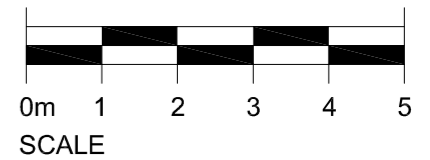
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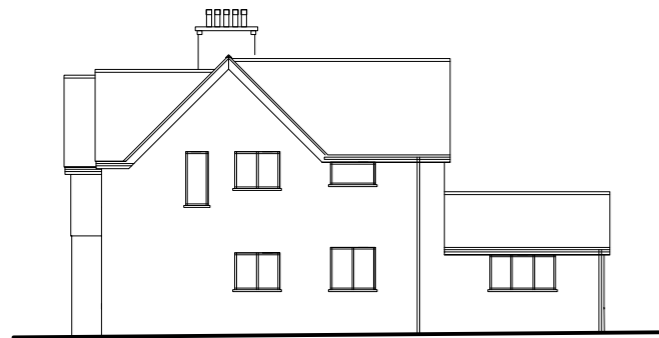
LAWFUL FRONT ELEVATION



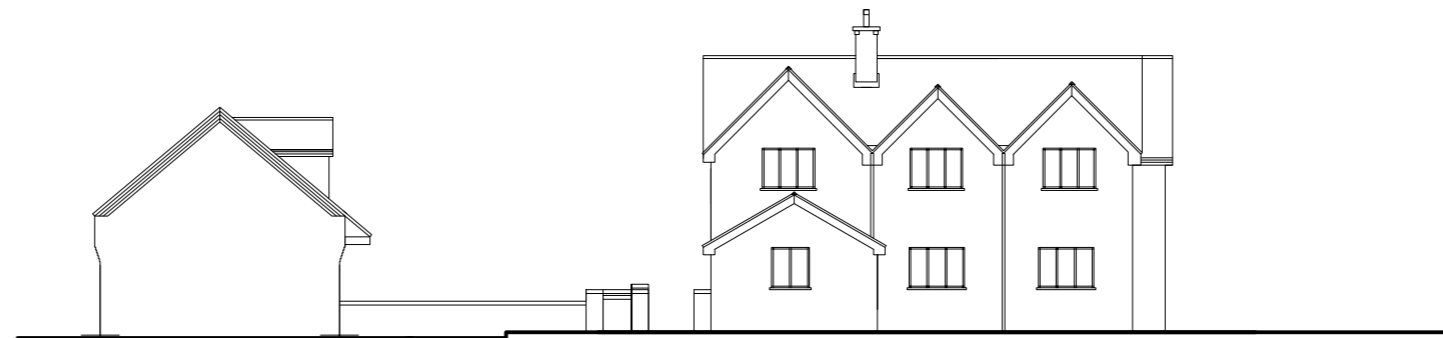
LAWFUL SIDE ELEVATION



SCALE



LAWFUL SIDE ELEVATION



LAWFUL REAR ELEVATION

A	APPEAL ISSUE	25 06 22
Rev.	Revision notes	Date

Issue	tender <input type="checkbox"/>	preliminary <input checked="" type="checkbox"/>
	contract/site <input type="checkbox"/>	H&S file <input type="checkbox"/>

Client
Mrs S Walker

Project
Stourbridge Lodge

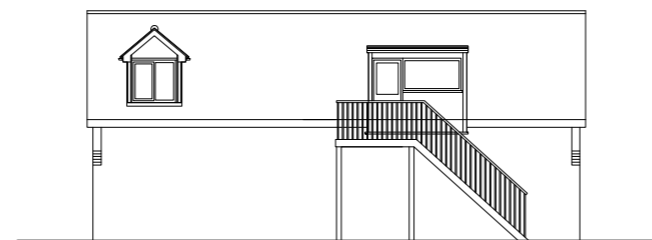
Drawing
Existing Elevations

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LAWFUL GARAGE & LIVING FRONT ELEVATION



LAWFUL GARAGE & LIVING REAR ELEVATION

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Job No	Drawing No	Revision
321	004	A

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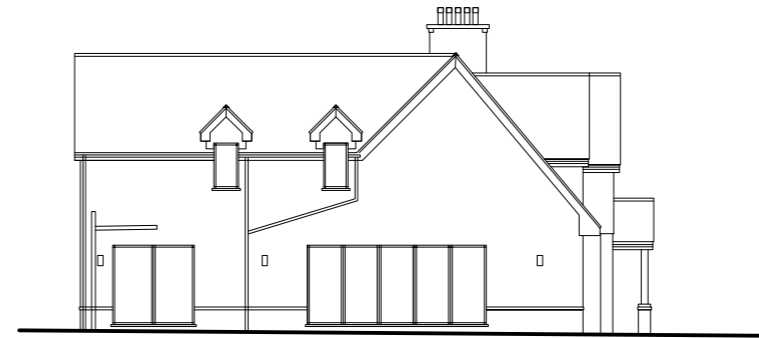
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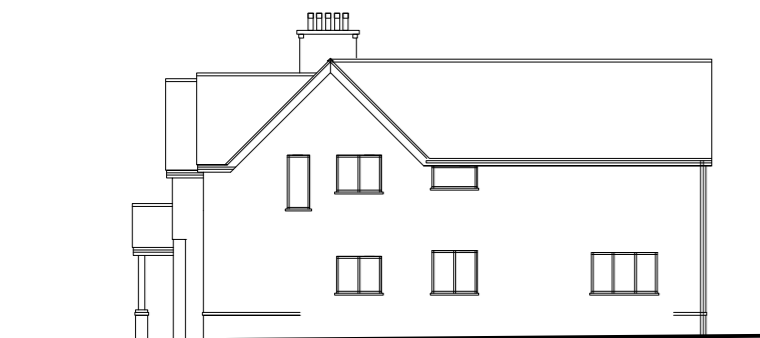
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PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



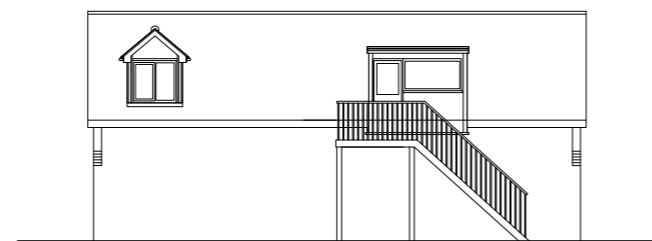
PROPOSED SIDE ELEVATION



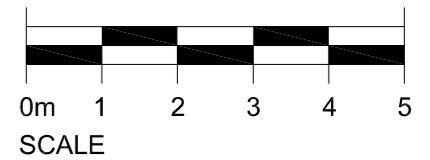
PROPOSED REAR ELEVATION



GARAGE & LIVING FRONT ELEVATION



GARAGE & LIVING REAR ELEVATION



A	APPEAL ISSUE	25 06 22
Rev.	Revision notes	Date

Issue	tender <input type="checkbox"/>	preliminary <input checked="" type="checkbox"/>
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Client
Mrs S Walker

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Proposed Elevations

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07764 840444

Scale	Date	Drawn
1:200@A3	26 06 22	AA
Job No	Drawing No	Revision
321	005	A

PLANNING ENFORCEMENT APPEAL

against

ENFORCEMENT NOTICE

on land at

STOURBRIDGE LODGE, WOLVERHAMTON ROAD,
PRESTWOOD, STOURBRIDGE DY7 5AQ

(350-210622)

INTRODUCTION & BACKGROUND

This document is the supporting evidence and grounds for the Appeal against the issue of an Enforcement Notice (17/00574/UNDEV) for works carried out without the benefit of a specific planning permission.

Planning Application 21/00027/FUL

This application was for the '*construction of a single storey rear extension and double garage*', it was refused on 15th November 2021.

These works have a well documented history, over a period in excess of 4 years ultimately resulting in the agreement with the LPA Enforcement Officer that they have become immune from enforcement action over the passage of time.

A Lawful Development Certificate has recently been applied for to regularise these elements, including the self contained residential unit confirmed by the Case Officer within the Report for application 21/00027/FUL.

Therefore, those same elements referred to in the Enforcement Notice, for which permission was applied for and refused by the LPA, have now become lawful.

This fact is reinforced by virtue of the inclusion of a specific reference to the 'blue shaded area' shown upon Notice Appendix 1, that are outside the scope of the Notice.

Therefore, any reference to application 21/00027/FUL within the Notice are irrelevant for the purpose of this Appeal.

There has never been an application for the extension/works contained within the Notice and this document combines both the Appeal against the Notice and the application that permission ought to be granted for the works.

EXISTING SITE APPRAISAL

- 1.0 The site is located off the A449 Wolverhampton Road and, on appearance, forms part of the larger Prestwood Farm, encompassing a large development of farming, business and equine buildings.
- 2.0 Whilst the majority of the smaller buildings have been present prior to 1948 the larger buildings and changes of use have been granted permission by the LPA over the course of the last 20 years.
- 3.0 Given the wider context of the immediate environment, the application site provides far less impact upon its location than these approved buildings.
- 4.0 In terms of the neighbouring dwellings and other property, approximately 175m to the south is a collection of buildings, formerly combined hotel/bar/restaurant (04/00134/COU - granted at Appeal), which has since been converted into 6 dwellings (18/00048/FUL).
- 5.0 To the north, approximately 240m, are 6 dwellings situated on the road named New Cottages.
- 6.0 It is evident that there is no tangible prospect that neighbouring dwellings will be impacted, or visually affected, by any development on the application site.
- 7.0 The application site faces Boundary Lane, which provides access to the Prestwood Nursing Home and a development of approximately 56 residential dwellings, granted permission in 1999, situated 600m to the northwest.
- 8.0 Vehicular and pedestrian access is provided off Boundary Lane, adjacent to the access to Prestwood Farm.
- 9.0 The northern boundary of the site backs onto the Prestwood Farm, with views over the equine Manège and associated steel portal frame buildings.
- 10.0 To the south the property enjoys views across agricultural land.

DEVELOPMENT APPLICATION

- 2.01 The works seek permission for the works extending to;
- Two storey extension to the west side of the dwelling
 - Second storey extension to the east side of the dwelling
 - Modifications to the dormer window on the south of the dwelling
- 2.02 In respect of the modifications to the dormer windows, it is apparent that these works could normally be carried out under Permitted Development Rights, however these were removed under a previous permission (06/00966/FUL).
- 2.03 In respect of the ground floor of the west extension, again it is apparent that a single storey extension could be carried out under normal PD Rights, again these rights were removed under the same permission.
- 2.04 The removal of Permitted Development rights to property within the Green Belt under previous permissions is open to challenge, insofar as the removal of the condition due to unreasonableness.
- 2.05 A recent Appeal decision (APP/W4233/W/21/3271910) specifically considers the use of such blanket conditions upon Permitted Development Rights and, in particular, for dwellings within the Green Belt;

'Paragraph 56 of the Framework states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

'six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made'

'Paragraph 54 of the Framework further states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so.'

'The PPG adds that conditions restricting the future use of PD rights or changes of use may not pass the test of reasonableness or necessity'

2.06 In considering the position in respect of whether such a condition is necessary the Inspector states;

'Given the specific areas of land included under Article 2(3), it can be surmised that the omission of land within the Green Belt from the list was intentional on the Government's part, and as a result, land within the Green Belt is regarded as no different in terms of the application of PD rights as land outside of it.'

'The basis for the Council's position that development has reached a maximum is unclear. I am provided with no policy or guidance which stipulates a maximum permissible size of extension within the Green Belt'.

'I am not persuaded that the site circumstances are exceptional in this case, or that extensions to the dwellinghouse would have such an effect on the openness of the Green Belt or its purposes that removal of PD rights would be justified.'

2.07 The reason given by South Staffs for the restriction of Permitted Development rights was;

'To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan and the site is in the Green Belt within which, in accordance with the planning policies in PPG2 and Policy GB1 of the adopted Local Plan, there is a presumption against inappropriate development'

2.08 In summarising the Inspectors comments it is apparent that;

'I am not persuaded that the site circumstances are so exceptional or unique in nature that the removal of PD rights for development under Classes A, B, E and F is justified'

'their removal is neither warranted in terms of the effect on the Green Belt or the character and appearance of the area, the prospect of these rights actually being exercised is not a decisive consideration.'

'I do not find the condition to be reasonable or necessary to make the development acceptable in the context of the site's location within the Green Belt or in terms of protecting the character and appearance of the area.'

2.09 Therefore, if it is the case that the condition is unreasonable then elements of the Enforcement Notice works; the single storey element of the west extension and amendments to the gables would be permitted.

- 2.10 Notwithstanding the above facts, there are still elements of the works that require the benefit of a planning permission.
- 2.11 This type of two storey side extension and upper floor infilling to a dwelling would normally be permitted in a location outside of the Green Belt. Therefore ,we need to consider the requirements of the LPA’s Green Belt Policy and NPPF.
- 2.12 The five purposes of Green Belt are:
- *to check the unrestricted sprawl of large built up areas*
 - *to prevent neighbouring towns from merging into one another*
 - *to assist in safeguarding the countryside from encroachment*
 - *to preserve the setting and special character of historic towns*
 - *to assist in urban regeneration by encouraging the recycling of derelict and other urban land.*
- 2.13 Given its isolated location, the application site is not in a built up area, nor does it is located between neighbouring towns. It is not within the setting of a special character of historic town and nor does it assist in urban regeneration of urban or derelict land.
- 2.14 Therefore the only relevant Green Belt Policy relates solely to safeguarding the countryside from encroachment.
- 2.15 In R (Lee Valley Regional Park Authority) v Epping Forest DC;
- “The true position surely is this. Development that is not, in principle, “inappropriate” in the Green Belt is... development “appropriate to the Green Belt”.*
- On a sensible contextual reading of the policies in paragraphs 79 to 92 of the NPPF, development appropriate in – and to – the Green Belt is regarded by the Government as not inimical to the “fundamental aim” of Green Belt policy “to prevent urban sprawl by keeping land permanently open”, or to “the essential characteristics of Green Belts”, namely “their openness and their permanence” (paragraph 79 of the NPPF), or to the “five purposes” served by the Green Belt (paragraph 80).*
- This is the real significance of a development being appropriate in the Green Belt, and the reason why it does not have to be justified by “very special circumstances”.*
- 2.16 As can be seen by many different forms and size of development upon properties surrounding the application site it is quite clear that development within the Green Belt is appropriate.

2.17 Within the Green Belt and Open Countryside SPG (April 2014) it states;

'Extensions and alterations to buildings are not considered in National or Local planning policy to constitute inappropriate development, providing that any extension or alteration is not disproportionate and therefore by definition harmful to the openness of the Green Belt.'

2.18 The SPG does not give specifics and takes a generalisation approach to its interpretation of what is considered harmful to the openness of the Green Belt;

'the Council has historically applied a 30% limit on extensions to dwellings in the Green Belt '

'a percentage range is considered to be the most appropriate approach '

'Anything above the 20-40% range will be likely to be disproportionate simply because it would not be in proportion with the host building and therefore would be likely to have an impact on openness.'

'All cases will be dealt with on an individual basis and the Council will make a judgement, as part of the decision making process, as to whether the extension is disproportionate or not'

2.19 However, given this general approach it is equally accepted that development, in excess of the ranges given can be appropriate.

2.20 The application site was a 'three fronted bay' property, with an imbalance upon the principal elevation caused by an existing large dormer window, partially hidden behind the central gable, to the right of the gable and a smaller dormer to the left.

2.21 The remodelling of the gables, provides balance to the front elevation and this in itself is a positive addition to the principal elevation. This work could have normally been completed under Permitted Development.

2.21 The rear infill development, at the first floor, is located in a position that has little bearing upon the Green Belt location. Its location, opposite the two storey garage and living unit, is hidden from any view and its effect upon the openness of the Green Belt is negligible.

2.22 The two storey 'east extension', of which the majority of the ground floor could have been constructed under Permitted Development, is arguably designed to bring balance to the principal elevation. Combined with the adaptations of the dormer windows, the extension brings a balance and symmetry to the dwelling.

2.23 Considering each individual element of the unlawful works, the crux of the works, and the effect upon the Green Belt, can be restricted to the 'east extension'.

2.24 The extension essentially creates a fourth bay to the principal elevation and, in doing so, balances the dwelling. Taken as an individual element, this is not disproportionate to the elevation, it is balanced and in keeping with the remainder of the elevation.

- 2.25 Fundamentally, we have to ask is this extension disproportionate and does it harmful to the openness of the Green Belt.
- 2.26 For the reasons given above, the introduction of the extension, balancing the principal elevation and the only view available to inspection by uses of the Wolverhampton Road, is an acceptable design solution and brings balance to this elevation.
- 2.27 Given the physical presence of the existing two storey dwelling and its lawful extensions, it must be the case that its effect upon the openness of the Green Belt was acceptable to the LPA when granting previous permissions.
- 2.28 The introduction of an extension to the west, to a greater extent hidden from view, offers no greater visual impact upon the openness than that which exists by the presence of the existing structure.
- 2.29 Clearly the extended dwelling is larger but is it so large as to have a negative impact upon the openness of the Green Belt?
- 2.30 Surrounding the site are examples of far taller buildings with far greater massing than the application site. The LPA must have been satisfied, when granting permission for these buildings, that the effect upon the openness of the Green Belt was acceptable.
- 2.31 Given the approvals for larger buildings upon the adjacent Prestwood Farm, it seems contradictory to then refuse an application upon the application dwelling for the reason of its effect upon the Green Belt.
- 2.32 In respect of the requirement of the Green Belt, and the only requirement relevant to the application, is to safeguard the countryside from encroachment.
- 2.34 The development is confined to the curtilage of the dwelling, to the east and west are access roads and buildings within the Prestwood Farm site, it is therefore reasonable to demonstrate that 'encroachment' is limited by these buildings and structures.
- 2.35 It is equally feasible that the adjacent Prestwood Farm could construct large buildings without the need for planning permission, affecting the openness of the Green Belt far in excess of any effect caused by the application site.
- 2.36 As is the case with application 20/00751/AGR, for the construction of a large agricultural storage building, Prior Approval was not required and the same could be implemented upon Prestwood Farm.
- 2.37 It is argued that the extension and works upon the Enforcement Notice do not affect the openness of the Green Belt in this location.

FALL BACK POSITION

3.01 The lawful buildings, shown upon the application drawings amount to around 436m² and the LPA's SPG support the demolition of existing dwellings and their replacement.

3.02 Therefore, it is evident that the existing dwelling could be demolished and replaced with a larger building. Whilst the LPA give a range of 10-20% as guidance they state that;

'the replacement must not be materially larger than the building it replaces. In order to judge this a range of floor area increases will be used as guidance, this range is between 10-20%.'

'However, intelligent architectural design can sometimes increase usable floor area, whilst reducing bulk and impact of the building on the openness of the Green Belt. For example this can include subterranean levels and reduced building height.'

3.03 Whilst the building it replaces must not be materially larger, with careful design including subterranean levels providing it does not impact upon the openness of the Green Belt, there is no maximum increase.

3.04 The existing dwelling is 463m² and the current total of lawful dwelling and unlawful extensions is 576m², amounting to a total increase of 32%. If the removal of Permitted Development rights is found to be unreasonable, then around 48m² of single ground floor extension could have been carried out under PD Rights, bringing the lawful extensions and dwelling to around 511m².

3.05 On the basis that SPG supports an increase of 10-20%, excluding any specific design to reduce the impact upon the openness of the Green Belt location, a replacement dwelling of 562m²-613m² would be supported by policy.

3.06 The total of the dwelling plus the unlawful extensions amounts to 576m², and sits toward the lower end of supporting policy, for a replacement dwelling.

3.07 It is therefore evident that the applicant could seek permission for the demolition of the existing dwelling and construct a larger dwelling, supported by policy, that amounts to the same total of the current application.

SUSTAINABILITY

- 4.01 Given that policy supports a replacement dwelling to a size comparable with the current application to extend the dwelling the question of sustainability has to be asked, if the applicant is forced to demolish any unlawful extension.
- 4.02 The dwelling currently functions as a dwelling, the refusal of this application will force the applicant to demolish elements of the dwelling.
- 4.03 The extensions to the dwelling provide a total of six bedrooms, the family unit (the applicant) comprises a married couple, from previously divorced marriages. Each of the former marriages brings two children and the mother of the applicant resides with the family. Hence the need for six bedrooms.
- 4.04 The east extension provides one bedroom and the west upper storey extension provides a further bedroom. Therefore, in order to be compliant with the Enforcement Notice, it will necessitate the removal of two bedrooms and the family unit will be broken.
- 4.05 There is a genuine need for six bedrooms, refusal of this application will force the applicant to demolish the existing dwelling and replace with a new dwelling, supported by policy, that replaces those bedrooms to maintain the family unit.
- 4.06 Such a new dwelling will be an increase upon the existing (lawful) dwelling, it will be of a similar size (arguably larger) to the total of both the lawful and unlawful buildings that exist upon the site. As supported by Policy.
- 4.07 Therefore, do the perceived adverse impacts of the development affect the openness of the Green Belt sufficiently to demonstrably outweigh the benefits or its retention?
- 4.08 NPPF states there is a presumption in favour of sustainable development.
- 4.09 Is it sustainable to demolish a perfectly functioning dwelling and replace it with a new dwelling, equitable to the size of this application?
- 4.10 Approving the development, as constructed, is the sustainable option.