

Existing Dwellings in the Green Belt

Supplementary Planning Document

Adopted
October 2008



Contents

Introduction	1
Planning Policy Context	1–2
Purpose of the Green Belt	3
Development in the Green Belt	3
Permitted Development	3
The Green Belt in Bath & North East Somerset	4
Extensions to Dwellings in the Green Belt	5
Replacement Dwellings in the Green Belt	6
Very Special Circumstances	7
Further Information	7
End Notes	8
Contact Details	9



1 Introduction

- 1.1 **This SPD relates specifically to replacement dwellings and extensions to existing dwellings in the Green Belt.**
- 1.2 A significant number of planning applications for extensions to residential properties in the Green Belt and a lesser number of applications for replacement dwellings are dealt with by Bath & North East Somerset Council each year. The majority of these are householder applications.
- 1.3 The purpose of this Supplementary Planning Document (SPD) is to provide further information and guidance on the approach that the Council as Local Planning Authorityⁱ will take in relation to extensions to dwellings in the Green Belt and the circumstances under which replacement dwellings can be considered to be acceptable. It will supplement policies HG.14 and HG.15 in the *Bath & North East Somerset Local Plan*ⁱⁱ. This SPD aims to provide clearer advice and further guidance for the benefit of members of the public, planning officers and Council Members.
- 1.4 This SPD cannot be used to make boundary changes to the Green Belt or allocate Green Belt land.
- 1.5 The main aims of the SPD are to:
 - i) Resist inappropriate development in the Green Belt
 - ii) To protect, maintain and enhance the openness of the Green Belt
 - iii) To protect, maintain and enhance rural character
- 1.6 The Supplementary Planning Document must be read together with the end notes at the end of this document.

2 Planning Policy Context

- 2.1 Central Government policy document *Planning Policy Guidance 2: Green Belts* outlines the need for local planning authorities to make clear the approach that they will take in relation to extensions to dwellings in the Green Belt and the circumstances under which replacement dwellings are acceptable.
- 2.2 The *Bath & North East Somerset Local Plan* establishes the local policy in relation to the Green Belt. This Supplementary Planning Document must be read in conjunction with the Local Plan. Local Plan policies GB.1 and GB.2 are reproduced below, although other Local Plan policies will also be relevant:

Policy GB.1 of the Local Plan states:

Within the Green Belt, as shown on the Proposals Map, permission will not be given, except in very special circumstances, for development other than:

- i) The construction of new buildings for the following purposes:
 - a) agriculture or forestry;
 - b) essential facilities for outdoor sport and recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) limited extensions, alterations or replacement of an existing dwelling provided it is in accordance with Policies HG.14 and HG.15;
 - d) infilling in accordance with Policy HG.6 in the villages defined by Policy SC.1 as R3 villages;
 - e) affordable housing to meet local needs in accordance with Policy HG.9;



f) limited infilling or redevelopment of the major existing developed sites identified in Policy GB.;

ii) The re-use of existing buildings in accordance with Policy ET.9;

iii) Other development and material changes of use of land which maintain the openness of the Green Belt and do not conflict with the purposes of including land in it.

iv) Park and Ride development in accordance with Policy GB.1A

Policy GB.2 of the Local Plan states:

Permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

2.3 The *Bath & North East Somerset Local Plan* also establishes the local policy in relation to replacement dwellings and extension in the Green Belt.



Policy HG.14 of the Local Plan states:

Outside the scope of policies HG.4 and HG.6 permission will only be given for:

i) the rebuilding or replacement of existing dwellings, where the replacement or reconstructed dwelling and ancillary buildings would not be materially larger, and would not have a materially greater impact on the countryside or openness of the Green Belt, than that to be replaced; and

ii) the creation or extension of any residential curtilage would not detract from rural character nor conflict with the purposes of the Green Belt.

Policy HG.15 of the Local Plan states:

Proposals to extend a dwelling in the Green Belt will be permitted unless they would:

i) represent a disproportionate addition over and above the size of the original dwelling;

ii) contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

Policy HG.11 of the Local Plan states:

Proposals to extend the curtilages of existing dwellings will be permitted unless they detract from rural character or conflict with the purposes of the Green Belt.

2.4 This SPD will provide further information on the interpretation of policies HG.14 and HG.15 and details of how they will be applied. Once adopted this SPD will be a material consideration in the determination of planning applications.



3 Purpose of the Green Belt

- 3.1 Green Belts are designated primarily in order to prevent urban sprawl by retaining the open character of land. Open character is defined largely by freedom from development. The most prominent attribute of Green Belts is this openness.
- 3.2 *Planning Policy Guidance 2: Green Belts* which sets out national advice on Green Belts outlines a presumption against inappropriate development which could harm the openness of the Green Belt and the purposes of including land within it. Green Belts are established through the Development Planⁱⁱⁱ. The boundaries of the Green Belt will be subject to review and are likely to change in some areas over the coming years.

The purposes of including land within Green Belts:

- 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 character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Taken from *PPG2: Green Belts*

- 3.3 Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling a number of objectives as defined in PPG2 (see PPG2 para 1.6).

4 Development in the Green Belt

- 4.1 There is a general presumption against development in the Green Belt. There are however, some exceptions. Limited extensions to a dwelling house, alterations or replacement of an existing dwelling (provided it is in accordance with Bath & North East Somerset Local Plan) are considered to be acceptable types of development in the countryside.
- 4.2 Development which would harm the openness of the Green Belt will be considered inappropriate. As stated in *Circular 11/05* on Green Belts the Secretary of State expects 'all applications for Development in the Green Belt to be subject to the most rigorous scrutiny'.

5 Permitted Development

- 5.1 It is important to note that existing dwellings in the Green Belt are entitled to the same permitted development rights as dwellings elsewhere (provided permitted development rights have not been removed) and therefore the local planning authority cannot control all extensions or alterations to dwellings in the Green Belt.
- 5.2 The General Permitted Development Order^{iv} defines those developments which are without the need for express planning permission, in some cases planning permission will not be needed for extensions to existing homes. However, greater restrictions do apply to Article 1(5) land, which includes Conservation Areas, Areas of Outstanding Natural Beauty and from 1st October 2008 World Heritage Sites. These designations cover a significant part of Bath & North East Somerset.

6 The Green Belt in Bath & North East Somerset

- 6.1 The Bristol-Bath Green Belt was designated in 1966 in the Gloucestershire and Somerset County Development Plans. It has been retained in the Development Plan since this time.
- 6.2 The Green Belt in Bath & North East Somerset covers approximately 25,000 hectares, which is just over 70% of the total area of the district. Figure 1 illustrates the general extent of the current Green Belt in Bath & North East Somerset.
- 6.3 Most of the Areas of Outstanding Natural Beauty in Bath & North East Somerset (Mendip Hills AONB and Cotswolds AONB) also lie within the Green Belt. Figure 2 illustrates the extent of the AONB in the district.
- 6.4 Landscapes are crucial to the openness and amenity of the Green Belt. For more information about the landscape in Bath & North East Somerset refer to the *Rural Landscapes of Bath & North East Somerset: A Landscape Character Assessment Supplementary Planning Guidance, 2003*.

Figure 1: General Extent of the Green Belt in Bath & North East Somerset

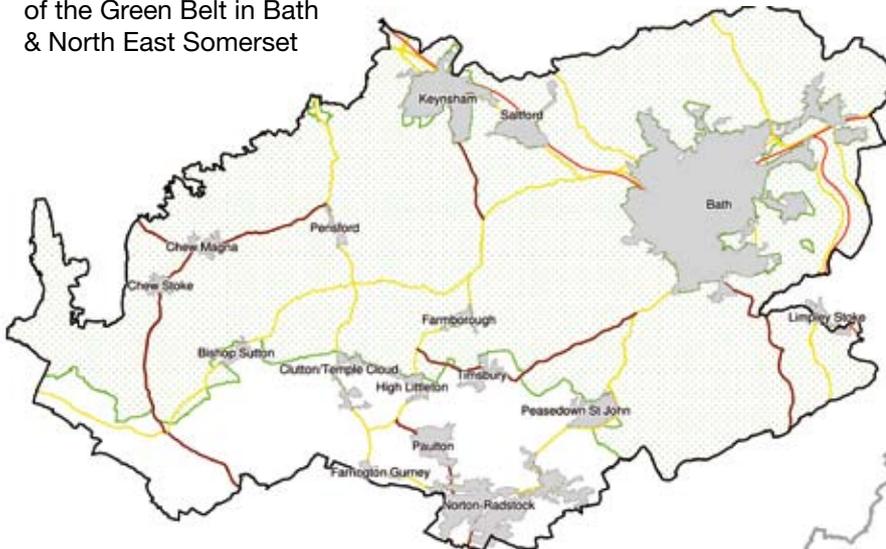
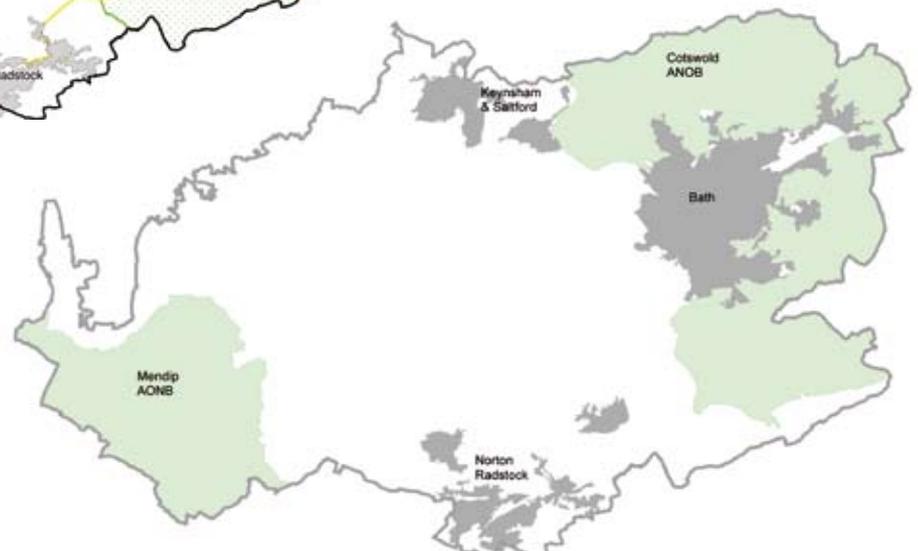


Figure 2: AONB Designation in Bath & North East Somerset





7 Extensions to dwellings in the Green Belt

- 7.1 For extensions which require planning permission, both National policy in PPG2 and Local Plan policy HG.15 allow some additions and alterations to be made to dwellings in the Green Belt providing that they do not represent disproportionate addition over and above the size of the 'original dwelling'^{iv}. Policy HG.15 also seeks to ensure that there would be no "contribution to a deterioration in rural character as a result of the cumulative effect of dwelling extensions."
- Disproportionate Addition**
- 7.2 Whether an extension is considered 'disproportionate' or not depends on the site, the dwelling and the nature of the proposed extension. A disproportionate addition could constitute either a single large extension or a series of smaller extensions over time. The local planning authority will consider each proposal on its individual merits.
- 7.3 The following will be considered when extensions to dwellings in the Green Belt are proposed:
- Whether an extension is disproportionate by reason of an increase in size (advice in paragraph 7.4 of the SPD will be used as a guide)
 - Whether there is any adverse effect on the openness of the Green Belt
 - Whether there is any other harm including any harm to the rural character of the area (the advice in paragraph 7.8 of the SPD will be used as a guide)
 - If harm has been found, consider whether this is clearly outweighed by very special circumstances.
- 7.4 The following will be considered when deciding whether or not an extension is disproportionate:
- i) The cumulative increase in volume^{vi} of all extensions as a percentage of the original dwelling;
 - ii) The character of the dwelling and its surroundings
- 7.5 While each application will be considered on its own merit, and not all extensions may be acceptable, in many circumstances a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable.
- 7.6 It then follows that extensions to dwellings which exceed this volume increase are more likely to be disproportionate with the original dwelling and therefore harmful. As a general rule the larger the percentage volume increase the less likely the proposal is to be considered acceptable. Of course other policies will be considered along with any other material considerations which may outweigh the identified harm.
- 7.7 The local planning authority will need to assess whether or not the extension constitutes a disproportionate addition. It would be helpful if the applicant can give their views on this (including volume calculations of the proposed extension(s) compared to the original building) as part of a Design and Access Statement^{vii}.
- 7.8 In establishing whether or not a proposed extension contributes to a deterioration of rural character or conflicts with the purposes of the Green Belt, the following criteria (among others) will also be considered:
- i) Location and siting of the extension in relation to the built form and its context;
 - ii) Design (Section A5 of the *B&NES Local Plan* is particularly relevant);
 - iii) Impact on Natural Environment (Section C2 of the *B&NES Local Plan* is particularly relevant);
 - iv) Impact on Built and Historic Environment (Section C3 of the *B&NES Local Plan* is particularly relevant).
- 7.9 The local planning authority will look for evidence that the above criteria have been considered by the applicant.

8 Replacement Dwellings in the Green Belt

Re-use

8.1 Priority will be given to encouraging the re-use of an 'existing dwelling'^{viii} where possible, and sustainability issues will be taken into consideration. Where a replacement dwelling is proposed, the local planning authority will expect evidence to support the proposal to rebuild or replace an existing dwelling. Efforts to re-use the existing building materials will be encouraged.

Replacement Dwellings

8.2 Local Plan policy HG.14 states that the rebuilding or replacement of an existing dwelling will only be allowed where the "reconstructed or replacement dwelling and ancillary buildings would not be materially larger, and would not have a materially greater impact on the countryside or openness of the Green Belt, than that to be replaced".

8.3 Therefore, any replacement dwelling would not normally be of a greater volume^{vi} than the dwelling that it will replace. The size and scale of any proposal in design terms would also be considered in line with section A5 of the *Bath & North East Somerset Local Plan*.

8.4 Conditions may be used to minimise the impact of the development on the openness of the Green Belt. For example, the need to impose a condition removing permitted development rights for extensions/alterations to the new house will be considered in relation to replacement dwellings in the Green Belt.

Further considerations

8.5 In establishing whether or not the creation or extension of any residential curtilage would detract from rural character or conflict with the purposes of the Green Belt, the following criteria (amongst others) will be considered:

i) Location and siting of the replacement dwelling. Adequate justification will be required if the replacement dwelling will not occupy the same site in the plot as the original dwelling.

ii) Vehicular access for the replacement dwelling and other enhancements

iii) The impact of external storage, hard standings, car parking, and boundary treatment together with the permitted development rights associated with residential development.

iv) Design (Section A5 of the *B&NES Local Plan* is particularly relevant)

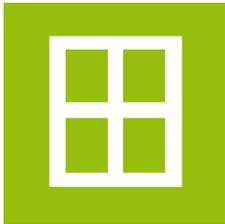
v) Impact on Natural Environment (Section C2 of the *B&NES Local Plan* is particularly relevant)

vi) Impact on Built and Historic Environment (Section C3 of the *B&NES Local Plan* is particularly relevant)

8.6 The local planning authority will look for evidence that the above criteria have been considered by the applicant, as part of their Design and Access Statement, where necessary.

Residential Curtilage

8.7 Policy HG.14 (and Local Plan policy HG.11) also applies to the creation or extension of residential curtilages. Extensions to gardens or 'curtilages' into the surrounding countryside will constitute a change of use and can impact the openness of the green belt and rural character. These changes of use can lead to the incremental erosion of rural character and can spoil the openness of the Green Belt. Consequently, such applications would not normally be permitted.



9 Very Special Circumstances

- 9.1 National policy states that although there is a general presumption against inappropriate development in the Green Belt, that in 'very special circumstances', development which might be considered harmful to the Green Belt could be approved. These very special circumstances, if proven, would be treated as a departure from the Development Plan. When attempting to prove very special circumstances it is the responsibility of the applicant to prove that the exceptional nature of the proposal outweighs the harm the proposal would cause to the Green Belt.
- 9.2 Circumstances accepted to be 'very special' are by their very nature rare. In light of this, there will be no attempt to give any examples of such circumstances.
- 9.3 Local planning authorities are required to advertise such a departure. In some circumstances, it would be necessary to send the application to the Secretary of State in order to give them the opportunity to 'call-in' the application^{ix}.
- 9.4 In such a case all other relevant policies in the Development Plan aside from Green Belt policy would have to be complied with.



10 Further Information

- 10.1 Local Plan policies HG.14 and HG.15 rarely apply in isolation. Other policy documents which are often likely to be of particular relevance when considering applications for replacement dwellings and residential extensions are:
- * *The Town & Country Planning (General Permitted Development) Order, 1995*
 - * *Planning Policy Statement 1: Delivering Sustainable Development*
 - * *Planning Policy Guidance 2: Green Belts, 1995*
 - * *Planning Policy Statement 3: Housing*
 - * *Planning Policy Guidance 7: Sustainable Development in Rural Areas, 2001*
 - * *Circular 11/05 The Town and Country Planning (Green Belt) Direction (2005)*
 - * *Circular 01/06 (2006) on Guidance on Changes to the Development Control System*
 - * *Joint Replacement Structure Plan (2007 saved policies)*
 - * *Regional Planning Guidance (10) for the South West, 2001*
 - * *Draft Regional Spatial Strategy for the South West*
 - * *Bath & North East Somerset's Local Plan (including minerals and waste), Adopted 2007*
 - * *Rural Landscapes of Bath & North East Somerset: A Landscape Character Assessment Supplementary Planning Guidance, 2003*
 - * *Bath City Wide Character Appraisal Supplementary Planning Document, 2005*
 - * *Conservation Area Appraisals (where relevant)*
 - * *Bath & North East Somerset Council's Sustainable Construction Checklist and Guidance*

End Notes

- i The Local Planning Authority is entitled to make particular planning decisions. Unitary authorities such as Bath & North East Somerset, determine all planning applications in the administrative area.

vi Volume is taken to mean cubic content, as defined in the General Permitted Development Order. The volume of a structure or building will be measured externally, and includes basements and roof space. The volume of a dwelling includes any unattached residential buildings, (excluding any unattached outbuildings) as constructed at the time of the original dwelling house. In certain circumstances outbuildings will be seen as extensions as outlined in the General Permitted Development Order, 1995.
- ii The Bath & North East Somerset Local Plan including minerals and waste (Adopted 2007).

It is required that volume calculations in line with this definition of volume are included as part of any submission for extensions or replacement dwellings in the Green Belt. Where possible drawings of the original dwelling house, including elevations should also be provided.
- iii For Bath & North East Somerset the Development Plan is made up of regional planning policy together with the Bath & North East Somerset Local Development Framework.

In assessing whether a replacement building is 'materially larger', regard will be had to bulk, including height and footprint alongside volume increase.
- iv Town & Country Planning (General Permitted Development) Order (or any order revoking and re-enacting that Order with or without modification)

vii A Design and Access Statement is a report accompanying and supporting a planning application to illustrate the process that has led to the development proposal. It should include details about how the design has been informed by the wider context of the site and explain and justify the proposal in a structured way. Required by section 3 of Circular 01/06 (2006).
- v According to the Town & Country Planning (General Permitted Development) Order (1995) the term 'original dwelling' refers to the dwelling as it was on 1st July 1948. This is the date when the Town & Country Planning Act came into force. If the dwelling was built after this date, 'original dwelling' should be taken to mean as originally built.

Any extensions that have occurred since the original dwelling was built will count against the overall increase in volume. This takes into account the principle of cumulative effect of extensions mentioned in policy HG.15.

The volume of the original dwelling includes any unattached residential buildings, (excluding unattached outbuildings) constructed at the time of the original dwelling house. In certain circumstances, as outlined in the General Permitted Development Order, outbuildings will be seen as an extension to the dwelling house.

Dwelling 'extension' or 'addition' is confined to the definition of 'enlargement' of a dwelling house as set out in Class A of Schedule 2 of the GPDO (including paragraph A.3).

viii Existing dwelling is taken to mean (except in the definition of "original dwelling") existing immediately before the carrying out of development as defined in the General Permitted Development Order, 1995.
- ix Circular 11/05 The Town and Country Planning (Green Belt) Direction (2005)

Contact Details

If you are in any doubt about whether planning permission is required for the works you wish to carry out, please contact Council Connect on 01225 394041

If you have any comments on this document or suggestions to make please write to:

Planning Policy Team
Trimbridge House
Trim Street
Bath
BA1 2DP

planning_policy@bathnes.gov.uk

01225 477548

You can find this SPD alongside other documents in Bath & North East Somerset's Local Development Framework on our website **www.bathnes.gov.uk/ldf**



This document about replacement dwellings and extensions in the green belt can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats from the Planning Policy Team

Tel (01225 477548)

Fax (01225 477641)

Minicom (01225 477535).