

Position Statement on Policies LPD 13 and LPD 14 of the Local Planning Document

Introduction

1. This document clarifies the interpretation of Local Planning Document (LPD) Policies LPD 13 and LPD 14, which set out planning policy for extensions to buildings in the Green Belt and the replacement of buildings in the Green Belt respectively. Recent planning decisions for replacement buildings in the Green Belt have highlighted the potential for these policies to be misinterpreted and there is therefore a need to clarify the correct interpretation. Policies LPD 13 and LPD 14 are considered to be in conformity with the National Planning Policy Framework (2021) and the problem relating to their interpretation arises due to an a lack of clarity in the supporting text setting out guidance in terms of applying the two Policies.

Background

2. The National Planning Policy Framework at paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but goes on to list certain exceptions. Included within this list of exceptions are sub paragraphs c) and d):
 - 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;
3. Local Planning Document Policies LPD 13 and LPD 14 conform to NPPF paragraph 149 but add more detail, in that both set a threshold to clarify that extensions or replacement buildings of more than 50% increase in floor area would result in a disproportionate addition to the original building or a replacement dwelling that is materially larger than the one it replaces, which by definition would be inappropriate development. Taken as a whole, the intent of Policies LPD 13 and LPD 14 and the supporting text is clear – to prevent disproportionate extensions to existing buildings or materially larger replacement dwellings in comparison with the original building.
4. Recent planning decisions have highlighted that there is an issue with Policies LPD 13 and LPD 14 which relate to the interpretation of the supporting text at paragraphs 6.3.3 and 6.4.6 supporting Policies LPD 13 and LPD14 respectively. The two paragraphs provide identical guidance for calculating the floorspace of the existing building and set out that the calculation will (inter alia):
 - Include any existing outbuildings that fall within five metres of the original dwelling;
 - Include balconies and car ports where floor space is enclosed in some way to provide a built structure;

- Exclude the floor area of lofts/attics or basements that existed when the building was first constructed (or existed as at 1st July 1948) if they do not have permanent and fixed means of access;
 - Include the floor area of lofts/attics or basements proposed as part of the extension that have permanent and fixed means of access such as staircases or the ceiling height would be 1.6m or higher;
 - Exclude extensions built after 1st July 1948;
 - Exclude floor space that has been granted planning permission but not yet built.
5. The problem arises in relation to the inclusion of outbuildings (first bullet) within 5 m of the original building as counting towards the floorspace of the original building regardless of whether they were original or not. Taken out of context, more recent outbuildings erected within 5 m of the original building under permitted development rights could also be taken as counting towards the total area to which the 50% increase would apply.

Gedling Borough Council interpretation of Policies LPD 13 & 14

6. The wording of the two policies and what was intended is clear – to prevent disproportionate extensions to existing buildings or materially larger replacement dwellings in comparison with the original building. A literal reading of paragraphs 6.3.3 and 6.4.6 taken out of context would not permit the local planning authority to have any control over the size of the building if either extended or replaced and this could not have been the intention. Finally reading the paragraphs out of context would also be at odds with the NPPF, specifically paragraph 149 sub paragraphs (c) and (d). The two policies are intended to achieve consistency with the NPPF and it would be contrary to the intentions of the Council to interpret the policies in a way which conflicts with the NPPF.
7. Accordingly, the Council will only include outbuildings within 5 metres of the principal building within the calculation of floorspace if they were constructed at the same time as the original building or existing as at 1st July 1948. This is consistent with Policies LPD 13 and LPD 14 when read as a whole.

Conclusion

8. Recent planning decisions have highlighted the need for the Council to be consistent in its interpretation of Policies LPD 13 and LPD 14 in order to implement the clear intent of the two policies to prevent disproportionate extensions or materially larger dwellings in comparison with the original building; and to ensure consistency with the NPPF.