Position Statement on Green Belt Policy LPD 13: meaning of original dwelling

Introduction

This document clarifies the interpretation of Local Planning Document (LPD) 13 and LPD 14 which set out planning policy for extensions to buildings in the Green Belt and replacement buildings respectively. A recent planning decision for an extension to a dwelling in the Green Belt has highlighted the potential for this policy to be misinterpreted and there is a need to clarify the correct interpretation. Polices LPD 13 and 14 are considered to be in conformity with the National Planning Policy Framework (2024) and the problem relating to its interpretation arises due to the lack of definition of the meaning "originally constructed".

Background

The National Planning Policy Framework (NPPF 2024) states at paragraph 154 that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt but goes on to list exceptions including:

(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.

LPD 13-part a) states: Within the Green Belt, planning permission will be granted for extensions or alterations to buildings provided the proposals do not result in the floorspace of the building being over 50% larger than when originally constructed or as it existed on 1st. July 1948.

LPD 14 part a) iii) states the replacement buildings have a floorspace no more than 50% larger than when originally constructed or as existed on 1st July 1948.

The purpose of LPD 13 is to ensure that extensions are not disproportionate to the size of original dwelling by effectively imposing a "ceiling" on the amount of additional floorspace that may be permitted namely 50% of the original floorspace meaning the first dwelling on site or as existed on 1st July 1948 (the date at which the modern development management system came into force). Similarly, LPD 14 places a limit on the size of a replacement building being no more than 50% larger than the original dwelling meaning the first dwelling on site or as existing on 1st July 1948. To be effective these floorspace limitations must relate to the original or first building on site or as existed on 1st July 1948.

Recent planning decisions have highlighted there is an issue with Policies LPD 13 and LPD 14 which relate to the interpretation of the meaning of "original building". If the original building is interpreted as either the existing building as previously extended or the building to be replaced, the policy aims of restricting development in the Green Belt through preventing disproportionate increases in the size of built extensions or disproportionately scaled replacement buildings can be circumvented through successive planning applications giving rise to cumulative effects. Over time this incremental approach and cumulative effect may lead to extensions and replacement

buildings that are clearly disproportionate in size in comparison with the first building on site and be inappropriate development in the Green Belt. This unintended outcome is clearly contrary to the aim of Green Belt policy which seeks to prevent inappropriate development in the Green Belt.

It is open to the Council to publish a Position Statement to clarify that the original dwelling is the first dwelling on the site, or as existed at 1st July 1948 which is necessary to ensure that this policy can be effectively implemented.

Policy Statement

For the purposes of interpreting the meaning of a building as "originally constructed" in LPD Policy 13 part a) and LPD Policy 14 part a) iii) the following definition is to be used:

The building as "originally constructed" means the original first building as constructed on site or as existed on 1st July 1948.

Justification

This is necessary to prevent successive applications for extensions and additions or replacement buildings from having a cumulative effect which would lead to disproportionate development in the Green Belt contrary to the NPPF, LPD 13 and LPD 14.

Conclusion

Recent planning decisions have highlighted the need for the Council to clarify the meaning of building as "originally constructed" to implement the clear intent of the two policies to prevent disproportionate extensions or materially larger dwellings in comparison with the first building as constructed on site.