

Appeal Decision

Site visit made on 23 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/J3720/D/16/3156751

10 Grange Road, Bearley, Warwickshire CV37 0SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Celia Fulford against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/00735/FUL was refused by notice dated 28 April 2016.
 - The development proposed is the erection of timber garden shed in the side (front) garden of the property, 12ft by 8ft in size with a pent roof.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application forms indicate that the proposed development is complete and photographs provided show the new outbuilding in place. However, at the site visit, I saw that the outbuilding had been removed.
3. The Council adopted the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) in July 2016. As a result, CS Policies CS.1, CS.6, CS.9, CS.10 and CS.20 have replaced the policies that are cited in the reasons for refusal. As the adoption of the CS postdates the submission of the appeal, both parties have been given the opportunity to comment on these CS policies, to which only the appellant responded. I have taken into account the appellant's comments.

Main issues

4. The site lies within the Green Belt. The main issues are whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; the effect of the proposal on the character and appearance of the local area; and if it is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

5. CS Policy CS.10 states that inappropriate development in the Green Belt will be resisted except where very special circumstances are justified in accordance
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with national policy. It sets out the forms of development in the Green Belt that are not inappropriate, none of which would apply in this case. Similarly, none of the exceptions in the corresponding lists in paragraphs 89 and 90 of the National Planning Policy Framework (the Framework) would apply.

6. On the first main issue, I therefore conclude that the proposal is inappropriate development that is, by definition, harmful to the Green Belt. As such, it is contrary to the Framework and CS Policy CS.10.

Openness of the Green Belt

7. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also reaffirms that the essential characteristics of Green Belts are their openness and permanence. Openness in a Green Belt context is normally taken to mean the absence of built or visible development. It is epitomised by a lack of buildings.
8. By introducing new built form to an area that is free from such development the openness of the Green Belt would be reduced. That reduction would be notable in this instance given the scale of the new outbuilding. Therefore, the proposed development would be unacceptably harmful to Green Belt openness, in conflict with the Framework and CS Policy CS.20 (part E).

Character and appearance

9. The proposed outbuilding would be erected to one side of the appeal property, which is a 2-storey end terrace house that is located within a predominantly residential area. The terrace of which No 10 forms part is set back from the road with an area of green open space on the opposite side of the highway. Combined, these features give the local street scene to which No 10 belongs a spacious feel, which adds to the character and appearance of the local area.
10. The new addition would have timber walls and felt roof. It would stand forward of the main front wall to the dwelling and 'side on' to the road. This arrangement would be at odds with the Council's Planning Advice Note, *Extending Your Home*, which states that outbuildings should normally be set back from the front of the house.
11. In this position, the upper part of the new outbuilding would project noticeably above the hedgerow that marks the site's highway frontage and thus be visible from Grange Road, in both directions. In these views, the outbuilding would draw the eye given its prominence to the road and its considerable size. Its imposing presence would unduly erode the sense of space along this part of the road. As the only obvious example of a relatively large outbuilding forward of the main dwelling within the street scene to which No 10 belongs, the proposal would be obtrusive and an unwelcome addition to the local area.
12. On the third main issue, I therefore conclude that the proposed development would significantly harm the character and appearance of the local area, in conflict with CS Policies CS.1, CS.9, CS.10 and CS.20. These policies broadly state that development should achieve a high quality design, be appropriate in scale and preserve and enhance the character of the locality. It is also contrary to the Framework, which states that development should respond to local character and add to the overall qualities of an area.

Other considerations

13. The Framework makes clear that substantial weight is to be given to any harm to the Green Belt, advising that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The appellants' arguments in favour of the proposal rely greatly on the precedents that they consider have been created mainly by outbuildings and garages elsewhere in the vicinity of the site. Having spent some time looking around the surrounding area to the site I agree that several other properties include significant built development that are visible from the road, as the appellant's photographs also clearly show. In some cases, these buildings would be much larger and far more prominent than the proposal. However, few background details have been provided of these cases and so I cannot be certain that their particular circumstances are the same as the proposal. Furthermore, from what I observed, properties with sizeable detached buildings forward of the main front wall that were visible from the road was not a strong characteristic of this part of Grange Road. In any event, each proposal must be assessed on its own merits, as I have done. Therefore, I am unable to attach more than moderate weight to this consideration in favour of the appeal.
15. As the boundary hedge of No 10 grows taller, it would, over time, screen the proposal from the road and visually soften its appearance from some vantage points. However, the presence of soft landscaping cannot be relied on to mitigate the harmful effect of the new building, particularly as planting can be cut back and removed at any time. Consequently, I attach only limited weight to this consideration in support of the appellant's case.
16. The appellant has suggested that a smaller shed would be considered if it were found to be more acceptable. However, my remit is to assess the development which planning permission is sought and to determine the appeal.

Conclusion

17. The harm caused by the inappropriateness of the proposal, its effect on the character and appearance of the local area and on openness, and the conflict with the Framework and development plan policies, all carry substantial weight. The other considerations carry only up to moderate weight.
18. Therefore, on balance, there are no considerations sufficient to clearly outweigh the harm to the Green Belt and so there are no very special circumstances to justify the proposal. Accordingly, the appeal is dismissed.

Gary Deane

INSPECTOR