
Appeal Decision

Site visit made on 3 October 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 25th October 2016

Appeal Ref: APP/J3720/D/16/3155911
38 Coughton Lane, Coughton B49 5HN

- 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 Mr Phil Davies against the decision of Stratford on Avon District Council.
 - The application Ref 16/01599/FUL, dated 13 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is part demolish subsided outside rear dry toilet and replace with internally accessed slightly enlarged structure for wood pellet store and cupboard.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the planning application was decided, the Council has formally adopted its Core Strategy¹ and as a result its policies carry weight. The Council and the appellant have had the opportunity to respond to the relevant policies in this newly adopted plan. I have had regard to this in my reasons below.
3. At the time of my site visit, the extension proposed existed on site. I have based my decision on what I saw on site, together with the submitted plans and details.

Main Issues

4. These are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect of the proposal on the openness of the Green Belt; and,
 - (iii) if the development is inappropriate, whether the 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

5. No 38 Coughton Lane is a semi-detached property within the West Midlands Green Belt (GB).

¹ Stratford-on-Avon District Core Strategy (2011-2031) (adopted on 11 July 2016)

Whether the proposal would be inappropriate development in the Green Belt

6. Paragraph 89 of the National Planning Policy Framework (the Framework) indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate development in the Green Belt. The extension of a building is considered an exception, provided that it does not result in disproportionate additions over and above the size of the original dwelling. There is no definition of 'disproportionate additions' within the Framework. The 'original building' is as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.
7. The evidence before me points to the original dwelling constituting a semi-detached house with a dry toilet extension to the rear. Whilst the single storey rear extension is modest in size, when combined with the existing two storey rear extension and single storey side extension², it results in disproportionate additions over and above the size of the original dwelling. Therefore, notwithstanding the outbuildings which I do not consider to be an extension of the existing dwelling given their separation from the main house, the development does not meet the exception listed in paragraph 89 of the Framework. The proposal is therefore inappropriate development in the Green Belt. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt.

Effect on openness of the Green Belt

8. The appeal site is within a row of semi-detached houses that front Coughton Lane with open fields to the rear. The extension is out of public view given its position to the rear of the dwelling and between an existing two storey rear extension and a neighbouring outbuilding.
9. The Framework (paragraph 79) indicates that openness is an essential characteristic of the Green Belt. Openness derives from an absence of built form. The extension occupies a larger floor area and is larger three-dimensionally than the toilet extension demolished. Consequently the proposal occupies a larger area of the site overall and as a result would result in a loss of openness. Whilst the modest size of the extension and its position between a neighbouring outbuilding and a two storey rear extension limits this harm, paragraph 88 of the Framework states that substantial weight should be given to harm to the Green Belt.

Other considerations

10. The development replaces an unsafe structure with an insulated extension for the purposes of storing wood pellets for a wood pellet boiler. Whilst this improvement is welcomed, the overall benefits are limited given the size of the extension and its modest purposes. I can therefore only give limited weight to this benefit.
11. Policy CS.10 of the Core Strategy states that *a small scale extension or alteration of a building, or the replacement of an existing building for the same use, as long as the replacement building is not materially larger than the one it replaces* is not inappropriate in principle. The extension for the storage of wood pellets is not the same use as the dry toilet and therefore this consideration carries no weight.

² As allowed under planning application 15/03563/FUL.

Very special circumstances

12. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. I have concluded that the proposed extension is inappropriate development and, therefore, by definition is harmful to the Green Belt. I have also concluded that the proposal is harmful to the openness of the Green Belt. Substantial weight must be given to these harms.
14. The limited benefit of replacing an unsafe structure carries limited weight in favour of the proposal and as a result does not outweigh the substantial weight which I give to the harm identified. As such the proposal cannot be justified on the basis of very special circumstances.

Conclusion

15. For the reasons given above, I conclude that the appeal is dismissed.

R Walmsley

INSPECTOR