
Appeal Decision

Site visit made on 27 October 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 4 November 2016

Appeal Ref: APP/H1840/W/16/3151370

6 Evesham Road, Cookhill, Alcester, Warks B49 5JR

- 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 James S Sopwith against the decision of Wychavon District Council.
 - The application Ref W/16/00494/PP, dated 18 February 2016, was refused by notice dated 15 April 2016.
 - The development proposed is erection of garage, carport and store building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - (ii) the effect of the proposed development on the openness of the Green Belt;
 - (iii) whether any harm to the Green Belt by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

3. The site is located within the Green Belt. Policy 2 of the South Worcestershire Development Plan (the SWDP) sets out that the Green Belt will be maintained and development proposed within it will be considered in accordance with the Framework. Paragraphs 89-90 of the Framework set out the categories of development which may be regarded as not inappropriate, subject to certain conditions.
 4. The proposal relates to a detached building that would be used for domestic vehicle parking and for the storage of equipment and a tractor for use in connection with the appellant's smallholding located at the front of the site
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- nearest to the road. The building itself would not be on that smallholding land but instead replace a small outbuilding in the front garden area of the dwelling.
5. I have had regard to the two categories of new buildings in paragraph 89 of the Framework which are referred to by the parties, those being buildings for agriculture, and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
 6. In respect to the former, it is disputed by the parties as to whether the building would be for agricultural use. However, it is clear from the submissions that even if it would be used for such a purpose, that would only be partially. The remainder would be used for the parking of domestic cars and so the building would not be solely for agriculture. As such, the proposal is not covered by that exception category.
 7. In considering the latter category, the proposal would replace a substantially smaller existing detached building in terms of footprint, volume and height. As such it would be materially larger than the one it would replace and so would not satisfy the conditions of that exception category in this respect. The appellant refers to two larger previous buildings having been on the site. However, there is no longer any evidence of those buildings on the site and as such it is disputed by the parties as to whether they could be considered in terms of being replaced. Notwithstanding this, the appellant states that they were both used for agricultural storage, whereas the proposed building would be at least partially used for domestic car parking. It would therefore not be in the same use and so would, in any case, not meet the conditions of this exception category.
 8. There are no other exception categories referred to by the parties and, based on the submitted evidence, I have no reason to consider otherwise.
 9. For the purposes of the Framework, the proposed development must therefore be regarded as inappropriate development in the Green Belt which would by definition be harmful to the Green Belt, to which substantial weight should be given, and contrary also to Policy 2 of the SWDP.

Openness of the Green Belt

10. Openness, as highlighted in the Framework, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area.
11. The existing house is set within a large plot which, other than the dwelling, largely comprises garden and driveway areas which currently contribute to the openness of the Green Belt in this location. This is regardless of the situation when there were those previous, now removed, outbuildings on the site. The proposal, despite being partially open sided, would introduce a substantial outbuilding onto that land in terms of its footprint, volume and height, including a large steep sided roof area, that would therefore materially impinge on that current openness. This would be regardless of the limited extent to which it would be seen from public vantage points, although it would be clearly seen when viewed along the driveway from the road.
12. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the openness of the Green Belt.

Other considerations

13. I acknowledge the appellant's desire to store a tractor and equipment for his small holding in a secure building. However, I have received insufficient substantive evidence as to the extent of any security risk to persuade me to apply anything other than little weight to this factor. Furthermore, whilst it is not unreasonable for the appellant to want to park his cars under cover, where there is not currently any such provision, I have not received any substantive evidence to indicate a necessity for this. Again, I have therefore applied little weight to this factor.
14. The appellant highlights the factor that no objections have been received from local residents or the Parish Council, nor from the Council's Landscape and Natural Heritage Officer, and that no effects on adjacent properties or any highway or drainage issues have been identified. However, I have determined this appeal on its planning merits taking into account all material considerations, and have given little weight to this factor which does not concern either any benefits or dis-benefits of the proposed development.

Conclusion

15. I have found that the proposed development would cause unacceptable harm to the Green Belt by reason of inappropriateness and loss of openness, to which substantial weight should be given. Furthermore, I have not found there to be any other considerations with sufficient weight to outweigh that harm. The very special circumstances needed to justify the proposed development do not therefore arise.
16. I therefore conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR