

Appeal Decision

Site visit made on 7 November 2016

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/T3725/D/16/3159013

Sandford, Offchurch Road, Hunningham, Leamington Spa, Warwickshire CV33 9DR

- 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 and Mrs Robert Parker against the decision of Warwick District Council.
 - The application Ref W/16/0735, dated 16 April 2016, was refused by notice dated 30 June 2016.
 - The development proposed is the erection of a single storey extension to an existing outbuilding.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal was amended during its consideration by the Council. I have therefore used the amended description of the proposal given on the appeal form in my heading above.
3. I note that in 2015 planning permission was granted for alterations and an extension to the host dwelling, and for the conversion of the garage to a gym and home office. The appellants set out at paragraphs 2.17 to 2.24 of their statement the nature of the business that would be conducted from the outbuilding. Although I have considered representations regarding the business use, the use of the proposed extended building did not form any part of the Council's reason for refusal. Based on the submitted information I am satisfied that the use would be ancillary to the residential use of the dwelling.

Main Issues

4. The main issues are:
 - i) whether or not the proposal constitutes inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the host building and the area; and

- iv) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The site is located within the Green Belt where the National Planning Policy Framework ('Framework') states at paragraph 87 that inappropriate development is, by definition, harmful, and should not be approved except in very special circumstances. At paragraph 89 it regards the construction of new buildings as inappropriate, unless, amongst other things, it is 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. It defines the 'original building' as the building as it existed on 1 July 1948 or, if constructed later, as originally built; but does not define 'disproportionate additions'.
6. In addition to the Framework, the Council's decision refers to policy RAP2 of the Warwick District Local Plan 1996-2011 (2007) ('LP'). That policy pre-dates the Framework. In such circumstances the Framework sets out that due weight should be given to the policy according to the degree of consistency with it.
7. Policy RAP2 refers to house extensions both in and outside the Green Belt. It sets out that extensions will be permitted unless they would result in disproportionate additions to the original dwelling. At paragraph 8.25 it continues that each case will be considered on its merits but that as a guide extensions which represent an increase of more than 30% to the gross floor space of an original dwelling in the Green Belt are likely to be considered disproportionate. Although this proposal would be for the extension of an outbuilding rather than a dwelling I consider that guide to be a useful starting point in this appeal.
8. The Council states that the existing outbuilding is 7m long with a floorspace of 22.05sqm, and that the proposal would add a further 9m length, resulting in a total floorspace of 50.4sqm. That it states would represent an approximately 129% increase. The appellants have not challenged those figures, and the floorspace increase would be well in excess of the guidance in LP paragraph 8.25. Consequently, although the maximum height and width of the extension would be the same as the existing building, and there would be a break in the ridge line, given its significant length and its overall size relative to the existing building, the extension would constitute a disproportionate addition.
9. I note that policy RAP2 also considers matters such as the impact on openness, and the impact on the design and character of the original dwelling. However, those are not matters which are addressed in the relevant bullet point at paragraph 89 of the Framework. In those regards, and in its references to 'dwellings' that policy is inconsistent with the Framework. Consequently, although I have had regard to its guidance on floorspace increases, I have given that policy limited weight in my decision. Nevertheless, for the above reasons, the scheme would be a disproportionate addition as set out in the Framework, and would therefore be inappropriate development. I give that harm substantial weight.

The effect on the openness of the Green Belt

10. The Framework sets out at paragraph 79 that the essential characteristics of Green Belts are their openness and their permanence. The appellants state that the extension would not be seen from the road and that it would be sited within a tight knit cluster of buildings, including dwellings and extensions, which is devoid of any real sense of openness.
11. Given the scheme's location, and the presence of other buildings, I agree that it would be well screened from public view. However, although the appellants state that the proposal would be located within a dense core of development, it would extend into an undeveloped area of garden and would project further to the rear than the nearby buildings on adjacent plots. For those reasons, and given its size, this extension would have a harmful effect on the openness of the area. That adds to the harm that I have found by reason of the scheme's inappropriateness.

Character and appearance

12. The proposed extension would be designed to reflect the style and form of the existing outbuilding, and it would be faced with matching materials. Consequently, although it would be a significant addition to the building, I am satisfied that its design would be acceptable, and that it would broadly respect the character and appearance of the host building. In the context of other built development of varied form and proportions nearby, and its screening from public viewpoints, the proposal would not harm the character and appearance of the host building or the area. Although the Council's decision refers to LP policy RAP2, given that that policy refers to dwellings it is of limited relevance on this matter.

Other considerations

13. The scheme would provide additional space for the appellants to operate their business. Given the Framework's general support for enterprise in rural areas and for flexible working practices that is a matter in favour of this scheme.
14. The appellants have also provided details of a Lawful Development Certificate application which has been made for an outbuilding on the plot ('LDC'), and which they state would have a materially greater impact on the openness of the Green Belt when compared to the appeal scheme. They also refer to an allowed appeal where a Lawful Development Certificate was considered as a fallback position and a significant material consideration which outweighed the harm to the Green Belt. However, even if it is found to be lawful, the LDC is for an outbuilding on another part of this plot, and I have concerns that should the appeal be allowed both schemes could be implemented. That would result in an even greater impact on the Green Belt's openness.

Other matters

15. I have considered representations regarding matters including the scheme's impact on amenity and living conditions. However, those additional matters have not been determinative in this appeal.

Conclusions

16. I have concluded that the scheme would be inappropriate development in the Green Belt and would cause additional harm by virtue of its impact on the Green Belt's openness. In accordance with the Framework I have given those harms substantial weight. Whilst I appreciate the appellants' desire to extend their property, and I acknowledge the benefits arising from the work space that would be provided, that does not clearly outweigh the totality of the harm that I have found. Consequently the very special circumstances necessary to justify the development do not exist. Having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR