

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: 01 December 2016

Appeal Ref: APP/K3415/D/16/3157350

The Long Barn, Abnalls Lane, Lichfield, Staffordshire WS13 8BW

- 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 Biggs and Mr Bond against the decision of Lichfield District Council.
 - The application Ref 15/01426/FUL, dated 9 December 2015, was refused by notice dated 3 June 2016.
 - The development proposed is detached cart shed/log store, single storey rear extension and 5 no. rooflights.
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Decision

1. The appeal is dismissed insofar as it relates to the cart shed/log store. The appeal is allowed insofar as it relates to the single storey rear extension and 5 no. rooflights and planning permission is granted for a single storey rear extension and 5 no. rooflights at The Long Barn, Abnalls Lane, Lichfield, Staffordshire WS13 8BW in accordance with the terms of the application Ref 15/01426/FUL dated 9 December 2015 and the plans submitted with it insofar as relevant to that part of the development hereby permitted.

Procedural matters

2. The proposed development constitutes three parts; the installation of five rooflights, a single storey rear extension and a single storey detached building to serve as garaging/log store. The Council raised no objection to the rooflights proposed. The Council's concerns for the single storey rear extension related to the effect of the proposal on the nearby listed buildings and with regards to the single storey detached building, the effect this would have on the Green Belt. I have dealt with the appeal on the same basis.
3. At the time of my site visit, the development 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 and, if so, whether the harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations; and,
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- ii) the effect of the proposal on the setting of the listed buildings.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The appeal site is within the Green Belt. Paragraph 89 and 90 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.
6. The single storey detached building, to serve as a garaging/log store does not meet any of the exceptions listed in paragraphs 89 and 90 of the Framework. The development is therefore inappropriate development within the Green Belt. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt.
7. The Framework (paragraph 79) indicates that openness is an essential characteristic of the Green Belt. Openness derives from an absence of built form. The building is a solid structure in a place where there would be no development. The building, therefore, reduces the openness of the Green Belt. Whilst the garage/log store is within a secluded location and well screened by landscaping, this does not diminish its effect on the openness of the Green Belt. In light of paragraph 88 of the Framework, substantial weight must be given to the harm to the Green Belt identified.
8. The building screens a large and unsightly Calor gas tank and domestic wheelie bins for the appeal property. The building also provides a sheltered area for parked vehicles. Together with the materials proposed the development respects the character and appearance of the area and has no adverse impact on local amenity, trees, ecology or biodiversity. Whilst these benefits are welcome, they carry limited weight in the overall consideration of this appeal given the limited size of the building and therefore the overall benefits they bring.
9. It is suggested that the building provides additional storage space for items such as outside furniture and gardening equipment given the limited space within the Long Barn. I find nothing on the plans, however, to suggest that the building provides space for the storage of such items. Furthermore, I am not convinced from the evidence before me, or from my observations on site, that storage space is so limited that additional space for these purposes would amount to a benefit that would overcome the harm identified.
10. It is suggested that a detached single storey store at Pipe Hill Old Barn sets a precedent for a similar development at the appeal site. I note that the store at Pipe Hill Old Barn was granted prior to the adoption of the Framework and its policies on Green Belt. Whilst I have insufficient detail on this case to comment on the decision making process at the time, each case must be decided on its own merits. In considering the current proposal and in conjunction with current planning policy, I have found harm to the Green Belt. On this basis I do not consider that the matter of precedent carries any weight in this appeal.

11. Both parties refer to a planning appeal¹ at Swallow Barn, Hammerwich for an outbuilding. Whilst the context to this appeal differs in that the siting of the outbuilding is within a less secluded location than the development proposed, the appeal was dismissed on the grounds of harm to the Green Belt and therefore carries no weight in favour of this appeal.
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 found that the garage/log store is inappropriate development and is, therefore, by definition, harmful to the Green Belt. I have also concluded that the garage/log store is harmful to the openness of the Green Belt. Substantial weight must be given to these harms.
14. I have found that limited weight can be given to the benefits to the character and appearance of the area and to matters of amenity, trees, ecology and biodiversity. This limited weight does not outweigh the substantial weight which I give to the harm identified. As such the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case. As such the proposal would be contrary to Policies BE1, NR2 and Core Policy 3 of the Local Plan Strategy² which require development to have a positive impact on the natural environment and its character, not least retaining the character and openness of the Green Belt.

Effect on the setting of the listed buildings

15. The Long Barn was formerly part of Pipe Hall and Pipe Hall Old Barn, both Grade II listed buildings. The Long Barn has since been converted to residential use. The form of the building, as a long L-shaped building, maintains the building's architectural and historical merit. However, as the Long Barn is physically separated from the listed buildings by boundary walls and associated landscaping, it is within grounds of its own and therefore it makes a limited contribution to the setting of the listed buildings.
16. The kitchen extension is on the south-east side of building. It is subservient in form, scale and design with the Long Barn and therefore does not detract from the L-shaped form of the barn. As a result the historical reference of the building as former stables is retained. In addition, given the modest scale of the extension and its position some distance from Pipe Hall and Pipe Hall Old Barn, the development does not interfere with the visual setting of the listed buildings.
17. The Council raise concern that should permission be granted for the extension, then a precedent would be set for subsequent developments of a similar nature. However, each development proposal should be assessed primarily on its own merits and alongside the policy framework at that time. The proposal does not necessarily set a precedent therefore.

¹ APP/K3415/D/2176672.

² Lichfield District Local Plan Strategy (2008-2029) Adopted 17 February 2015.

18. In all, I find that the extension is not harmful to the setting of the listed buildings and therefore complies with Core Policy 14 and Policy BE1 of the Local Plan Strategy and the SPD³ which require development to have a positive impact on the historic environment, conserving and enhancing heritage assets.

Conclusion

19. I have found that the single storey detached building to serve as a garaging/log store is inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green belt. In addition there is a loss of openness. The harm arising from inappropriate development and its effect on the openness of the Green Belt is not clearly outweighed by other considerations. Consequently the very special circumstances necessary to justify the development do not exist. For this reason the single storey detached building should not be allowed.
20. I have found that the single storey rear extension does not have a harmful effect on the setting of the listed buildings. Furthermore, as set out within the procedural matters, the Council raised no objection to the rooflights proposed. With no evidence to the contrary, I find no reason to take a different view and therefore the single storey rear extension and 5 no. rooflights should be allowed.
21. The single storey rear extension and rooflights are severable from the garaging/log store and therefore I consider it appropriate to issue a split decision in this respect.

Conditions

22. The Council has suggested two conditions that it would wish to see imposed in the event that the appeal is allowed. However, given that the development hereby approved has already occurred, these conditions are not appropriate.

R Walmsley

INSPECTOR

³ Historic Environment Supplementary Planning Document (December 2015)