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## Appeal Decision

Site visit made on 14 May 2019

**by E Griffin LLB Hons**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 July 2019**

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**Appeal Ref: APP/J3720/W/19/3223540**

**Langmoor Farm, Langley Road, Claverdon CV35 8PJ**

- 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 R Richardson against the decision of Stratford on Avon District Council.
  - The application Ref 18/03196/FUL dated 29 October 2018 was refused by notice dated 22 February 2019.
  - The development proposed is change of use of agricultural land for a tennis court.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. In Part E of the appeal form, the appellant states that the description of the development had changed from that used in the application form. I note that the Council suggested a more detailed description but the consent of the parties to the change has not been provided. On the basis that I am dismissing the appeal, I have used the original description of the proposed development from the application form.

### Main Issues

3. The main issues are:
  - Whether the proposal would be inappropriate development within the Green Belt, including its effect on the openness of the Green Belt;
  - The effect of the appeal proposal on the character and appearance of the area; and
  - If it is inappropriate development, 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

4. The appeal site is part of an area of open countryside in a rural location largely surrounded by mature trees and hedging outside the centre of Claverdon. It is separated from the garden of Langmoor Farm by a timber fence and is accessed through a field gate. The appeal proposal would include the demolition of a field shelter, change of use of the land from agricultural to

residential use and the construction of a hard surface tennis court. Cut and fill is required to provide a level playing surface although the appeal proposal would be located where the level of undulation of the wider area is minimal. The tennis court would have a surrounding green chain link fencing and the retaining walls would be grey.

*Whether Inappropriate Development in the Green Belt*

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The appellant has referred to the exception contained in Paragraph 145(b) of the Framework which relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. Paragraph 146 of the Framework lists other forms of development which are not inappropriate in the Green Belt. They are also subject to the same test as Paragraph 145(b) in terms of preserving Green Belt openness and not conflicting with the purposes of including land within it. Paragraph 146(e) includes material changes of use such as outdoor sport and recreation and Paragraph 146(b) refers to engineering operations. As the appeal proposal involves a change of use and a hard surface tennis court with fencing, Paragraphs 146(b) and 146(e) are most applicable. My conclusions on its effect on the Green Belt openness and purposes, will therefore determine whether or not the development is inappropriate.
8. The appeal proposal would replace an area of agricultural land with a domestic addition of a tennis court with associated features. The related proposed fence would be around 3 metres at its highest and around 1.1 metres above ground level towards the house. The field shelter is modest, close to mature trees and hedging and the type of building usually found in an agricultural field. The size, location and design of the field shelter do not therefore, make it comparable to the appeal proposal in terms of openness. Although the appellant refers to the fence surrounding the tennis court as being transparent, it would be visible particularly at the highest end of the fencing.
9. There are no other visible structures within the wider area around the appeal site. The size and nature of the appeal proposal particularly the fencing would lead to a significant loss of openness and would impact on the related Green Belt purpose of safeguarding the countryside from encroachment.
10. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (the Core Strategy) states that the purposes of Green Belt will be upheld by resisting inappropriate development within it. As this Policy is broadly consistent with the Framework, I can attach substantial weight to it.
11. The appeal proposal would be inappropriate development as it does not satisfy all of the criteria to fall within the relevant exceptions contained within the

Framework as the proposal does not preserve openness in the Green Belt and conflicts with the purposes of including land within it.

### *Character and Appearance*

12. The appeal proposal is within one of four Special Landscape Areas which is a designation covering landscape in the district judged to be of high quality. The appellant considers that the design is intended to provide minimum impact within the landscape, for example the surrounding fence is of differing heights and the topography is used by sinking the tennis court into the ground.
13. Nevertheless, the appeal proposal would introduce a new form of development within the existing largely natural landscape causing an urbanising effect and eroding the contribution that the agricultural land makes to the open countryside. Whilst the appellant refers to the landscape designation covering a wider area and that there would be instances where minor development would cause no harm, I do not find that to be the case here.
14. Consequently, the development would harm the character and appearance of the area. It would therefore be contrary to Policy CS.12 of the Core Strategy which, amongst other things, seeks to resist new development which fails to take into account the intrinsic and special value of the landscape. It would also be contrary to Policy CS.5 of the Core Strategy, which also seeks to ensure that development minimises and mitigates impact and where possible enhances the landscape. The proposal is also not one of the types of developments that Policy AS.10 of the Core Strategy, which refers to countryside and villages, considers to be acceptable in principle. It would also be contrary to Policy CS.9 of the Core Strategy which, amongst other things, refers to development reflecting the character and distinctiveness of the locality.

### *Other Considerations*

15. I acknowledge the appellant's comments concerning the appearance, design and siting of the appeal proposal. I have considered these matters under the relevant main issues and give them limited relative weight given the importance given by government to the protecting of the Green Belt.
16. The appellant has referred to the appeal site representing 5% of the agricultural land owned by the appellant and that the appeal site is not of good quality for agricultural purposes. However, the relevant policies and Framework tests such as openness and the character of the appeal site are not related to a percentage test or the quality of the land for a specific purpose.
17. The appellant has questioned whether Policy AS.10 of the Core Strategy is relevant to the appeal proposal in view of its size. However, the Policy clearly states the instances where it does not apply, and the appeal site does not fall into any of the categories listed as exceptions. The lack of objections is noted but does not alter my findings.

### **Conclusion**

18. I have found that the appeal proposal would be inappropriate development in the Green Belt and would therefore by definition be harmful to the Green Belt. It would also result in a significant loss of openness, contrary to the Green Belt purpose of safeguarding the countryside from encroachment. The Framework establishes that substantial weight should be given to any harm to the Green

Belt. I have also found that the appeal proposal would harm the character and appearance of the area. The other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist and as such that proposed development would also conflict with Policy CS.10 of the Core Strategy.

19. For all the reasons given, I conclude that the appeal is dismissed.

*E Griffin*

INSPECTOR