
Appeal Decision

Site visit made on 24 July 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/J3720/W/19/3226359

Old Post Office Cottage, The Green, Sambourne, B96 6NU

- 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 Peter Taaffe against the decision of Stratford-On-Avon District Council.
 - The application Ref 18/03710/FUL, dated 17 December 2018, was refused by notice dated 21 February 2019.
 - The development proposed is erection of garden studio manufactured by Green Retreats.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garden studio at Old Post Office Cottage, The Green, Sambourne, B96 6NU in accordance with the terms of the application, Ref 18/03710/FUL, dated 17 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan, site layout plan and the floor plans and elevations shown on drawing number 180400254GRS1.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

3. Paragraph 143 of the National Planning Policy Framework (the Framework) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 145 confirms, amongst other things, that the extension or alteration of a building should not be regarded as inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.
4. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (the Core Strategy) is broadly similar to the Framework in terms of restricting

- development in the Green Belt to, amongst other things, small-scale extension or alteration of a building.
5. The Council's decision does not suggest that the proposal would result in disproportionate additions over and above the size of the original building or that it would not be small-scale. I would concur with this view. The question is whether or not the proposed outbuilding should be treated as an extension.
 6. Although the Framework is silent on domestic outbuildings, it has been established by case law¹ that these can be regarded as an extension to a dwelling. I attach significant weight to this.
 7. The Development Management Considerations section, beneath the supporting text to Core Strategy Policy CS.10, advises that new curtilage buildings should be within 5 metres of the dwelling. This arbitrary figure, which would only apply to outbuildings in the Green Belt requiring planning permission, is not explained and is not compliant with the Framework or Policy CS.10, both of which refer to buildings as opposed to dwellings. Whilst it provides a useful guide, it is not policy. As such I afford this little weight and have considered the proposal on its own merits.
 8. The appeal site comprises a detached cottage with gardens to the front, side and rear. It is proposed to erect the small, flat roof, timber clad, garden studio at the far end of the side garden, adjacent to the neighbours much larger brick built, pitched roof, detached garage, which is not shown on the submitted plans. Mature trees and hedges bound the site and these together with the large garage, would almost completely screen the development from outside of the site.
 9. The garden studio is exactly the sort of structure that one would expect to find within the domestic curtilage of a dwelling and its use would be closely associated with the use of the house, providing an additional sitting area. The proposal would undoubtedly extend the living space available to occupiers of the dwelling but given the separation distance of approximately 20 metres, it could not reasonably be considered to be an 'extension' to that building in the ordinary meaning of the word.
 10. However, both paragraph 145(c) of the Framework and Core Strategy Policy CS.10 refer to the extension of a building and not the extension of a dwelling. Moreover, the case law referred to in footnote 1 related to the extension of an existing garage. The proposed development would be no more than 1 to 2 metres away from the existing garage that abuts site boundary and would appear as a small scale extension to that building.
 11. I therefore conclude that the development would accord with paragraph 145(c) of the Framework and would not be inappropriate development in the Green Belt. I also find no conflict with Policy CS.10(b) of the Core Strategy, which permits the small-scale extension or alteration of a building. Developments falling within the exceptions listed at paragraph 145(c) of the Framework do not require any consideration of the effect on openness of the Green Belt or the purposes for including land within it.

¹ Sevenoaks District Council v SSE and Dawe [1997]

Other Matters

12. I acknowledge that the site is located within a designated conservation area (CA) and that there is a Grade II listed building, The Green Dragon PH, which is located some distance to the north of the site on the opposite side of the village green. I have had regard to the relevant statutory duties and concur with the Council's findings on page 6 of their report that the design and size of the proposal would not have a harmful impact on the historic pattern of development in the CA or the setting of nearby listed buildings.
13. In addition to the Framework and Policy CS.10, the Council's decision notice refers to Core Strategy Policies CS.5 and CS.9. The proposed building would be constructed of timber and would be simple in form. It would be well screened by the larger adjacent garage, existing mature trees, which are protected by the CA and high hedges. In my view, it would be sympathetic to the character of the surrounding area. I conclude that, in this respect, the development would not have a harmful effect on the character and appearance of the landscape and would be in accordance with Core Strategy policies CS.5 and CS.9, which seek to ensure a high standard of design in development and to protect designated landscapes from development which would harm their distinctive character and appearance.

Conditions

14. As well as the standard time limit condition, I have imposed a condition to ensure that the development is carried out in accordance with the approved plans in the interests of certainty.

Conclusion

15. For the reasons given above I therefore conclude that the appeal should be allowed.

Rachael Bartlett

INSPECTOR