



Appeal Decision

Site visit made on 16 September 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2019

Appeal Ref: APP/C3430/W/19/3232500

Robins Nest Farm, Dirty Foot Lane, Lower Penn WV4 4UQ

- 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 Ivor R Dring against the decision of South Staffordshire Council.
 - The application Ref 18/00412/FUL, dated 16 May 2018, was refused by notice dated 25 January 2019.
 - The development proposed is the demolition of existing dwelling and agricultural building and construction of replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed dwelling would be inappropriate development in the Green Belt, having regard to policies of the development plan and the National Planning Policy Framework (The Framework);
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

3. The appeal site is within the West Midlands Green Belt. The Development Plan for the district consists of the South Staffordshire Core Strategy – Development Plan Document 2012 (DPD). Strategic objective 1 of the DPD seeks to protect and maintain the Green Belt. Furthermore, Policy GB1 lists development that would be permitted in the Green Belt. Policy GB1.A(d) relates to the replacement of an existing building where the new building is not materially larger than the building it replaces. The Council's Supplementary Guidance¹ for new dwellings in the Green belt explains that it would generally permit a floor

¹ Green Belt and Open Countryside - Supplementary Planning Document (2014)

area increase of 10-20%. However, it also states that all cases would be judged on their own merits on a case by case basis.

4. The Framework explains that the Government attaches great importance to the Green Belt. Paragraph 133 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 145 establishes that new buildings would be inappropriate unless they fall within one of the listed exceptions. Exception (d), relates to "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces". Inappropriate development is by definition harmful to the openness of the Green Belt and substantial weight is to be afforded to any harm. Such development should only be approved if very special circumstances exist.
5. The site consists of a farmhouse, a two-storey barn, three outbuildings and a sizeable area of hardstanding. The appellant's floor-space calculations are uncontested by the Council. Submitted plan shown that the floorspace of the existing dwelling to be around 107m² and the proposed dwelling to be around 351m². The proposed dwelling would therefore be materially larger than the building it replaces in footprint and floorspace terms.
6. Accordingly, the proposal would be contrary to policy GB1 of the DPD, which seeks to prevent a replacement dwelling that would be materially larger than the building it replaces. Moreover, the proposed dwelling would be inappropriate development and therefore not accord with the exception of paragraph 145(d) of the Framework.

Openness

7. The courts have ruled that the openness of the Green Belt has both spatial and visual dimensions. The proposed dwelling would be located to the rear of the site framed by substantial trees behind. It would look out towards the general fall of the site and on to the distant countryside. The proposal would consolidate the majority of existing farm buildings and hardsurfaced areas into a reduced area of the site.
8. However, the proposal would nevertheless be of a substantial size. The existing farmhouse and associated buildings include many single-storey components. These are also diffused across the site. In contrast, the proposal would present a tall and singular rectilinear form. It would be parallel to the gradient of the local landscape and thus emphasize its effect on long views. The site is relatively exposed with limited boundary screening and therefore presents a prominent aspect. This effect would also be magnified due to the mass of the proposal and it being a single focussed component of built form. As a consequence, the proposal would also result in significant harm to the openness of the Green Belt.

Other Considerations

9. The site is subject to a certificate of lawfulness² granted in 2018. This showed permitted development (PD) extensions amounting to 86m² consisting of two single-storey side extensions and a two-storey rear extension. This would result in a dwelling with a floorspace of around 182m². The fall-back position indicates development that would be mainly single-storey additions. There is a

² Certificate of Lawfulness Reference: 18/00234/LUP

reasonable expectation that these would be implemented if the appeal fails. The extensions would have some effect on the openness of the Green Belt. However, in comparison to the proposal, they would have limited further effect on views into the site and on openness. These extensions would therefore not represent a greater harm to the Green Belt than that advanced by the proposal.

10. The large outbuilding 'building 2', has a floorspace of around 108m². The remaining outbuildings (3, 4 and 5) are single storey and not domestic in character or use. The appellant calculates that the proposed replacement dwelling would represent a 21% increase to the floor area of the existing dwelling if this included the PD extensions and 'building 2'. However, consolidating floor-area in this manner fails to consider the visual effect of the conglomeration of built form on the Green Belt. The effect of the combined form would result in a significantly greater visual impact than the existing separate elements. This is due to both the mass of the proposal, its prominence and the exposed nature of the site.
11. Aerial photographs provided in evidence illustrate that the farm previously contained a significant number of outbuildings. Some of these had already been demolished prior to my visit. It is clear that as a working farm, the associated built form and general activity would have been relatively substantial. However, agricultural activity and buildings are not inappropriate in the Green Belt and would therefore have a neutral impact on openness.
12. The proposed dwelling would be of a traditional design and include brick and render panels, tile-hanging and plain tile pitched roofs. The design is of some merit and the Council has not raised an objection to it. Furthermore, the effect of demolition on identified habitats, in the farmhouse and building 2, could be adequately mitigated as agreed by the Council's ecologist. Also, the activity associated with the proposal would be likely to result in a reduction in the volume and scale of traffic associated with the site. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
13. A previous planning application for a replacement dwelling was refused in 2017³. This included a floor-area of 447m². However, although the appellant considers that the proposal fully addresses the concerns expressed, each case must be judged on its own merits.
14. The appellant states that building 2 could be converted into a separate dwelling using PD rights. He also suggests that part of the building has an agreed ancillary residential use. However, it is not in evidence that this building is subject to lawful permission to be used as a separate dwelling. Furthermore, PD rights are subject to conditions and limitations. Accordingly, this assertion has a limited bearing in favour of the proposal.

Whether there would be Very Special Circumstances

15. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development

³ Planning Application Reference: 17/00048/FUL

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.

16. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposed would result in significant harm to the openness of the Green Belt. On the other hand, the other considerations I have identified including the fall-back position and the proposed demolition of the farmhouse and associated buildings and hardstanding are of only moderate weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified. Therefore, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

17. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR