
Appeal Decision

Site visit made on 28 January 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/J3720/D/19/3239985

Haystacks, Penn Lane, Tanworth-In-Arden B94 5HH

- 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 R and G Monkman against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/00475/FUL, dated 18 February 2019, was refused by notice dated 08 August 2019.
 - The development proposed is replacement extensions and a first floor extension, external improvements and internal alterations to an existing dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Notwithstanding the description of development set out above, which is taken from the application form, the appellant has confirmed that during the determination of the application, the description changed, with agreement from both parties. The revised description of development is the "proposed demolition of existing garage and conservatory and erect new single storey rear extension, two storey side extension, first floor rear extension and new porch. Erection of two 5 bar gates to entrance, fenestration alterations and partial render". The Council dealt with the proposal on this basis and so shall I.

Main Issues

4. The appeal site is located within the West Midlands Green Belt (GB). Accordingly, the main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and

- if the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether Inappropriate Development

5. Paragraph 145 of the Framework establishes that new buildings in the Green Belt are inappropriate, subject to a number of exceptions. The definition of building as set out in section 336 of the 1990 Act includes any structure or erection, such as a wall, gate or fence.
6. One of the exceptions set out in paragraph 145 of the Framework 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. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) is broadly consistent with the Framework in this regard.
7. There is no dispute between the parties that the proposal would amount to an approximate 82% increase in the floor area of the original building. The appellant has calculated that the increase in volume that would result equates to approximately 79%. I have no reason to disagree with these figures.
8. No quantitative guidance is provided in local or national policy regarding what might be considered disproportionate. However, whilst acknowledging that the proposal involves the replacement of existing extensions, it is clear that the increase in size of the original building as a result of the new extensions would be substantial. The proposed extensions would add noticeable bulk and massing to the property and would result in the original dwelling being engulfed by extensions.
9. Consequently, I find that the proposed extensions would amount to disproportionate additions over and above the size of the original building and therefore constitute inappropriate development in the Green Belt for the purposes of the Framework and CS Policy CS.10.
10. Furthermore, the proposed gates do not fall within the exceptions set out in CS Policy CS.10 or paragraphs 145 or 146 of the Framework. They therefore also constitute inappropriate development in the Green Belt.
11. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

12. Openness is an essential characteristic of the Green Belt. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect.

13. The impact on openness as a result of the proposed single storey rear extension, porch and gate would be limited, as would the visual impact of these aspects of the proposal. However, the demolition of the single storey garage/utility room/wc and its replacement with a larger two storey extension would reduce the gap between the property and the neighbouring property, Furlong Field, which would be visible from Penn Lane. As a consequence of its design, this aspect of the proposal would result in a noticeable reduction in the openness of the Green Belt.
14. Whilst taken together the impact of the proposal on the openness of the Green Belt would be limited and localised, harm would result to the Green Belt.

Other Considerations

15. The Framework makes it clear at paragraph 144, that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' 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. The appellant has drawn my attention to developments in Penn Lane, Broad Lane and Poolhead Lane which they submit have resulted in significantly larger properties being developed. I have considered the details submitted and have viewed several of the sites from the public realm. I note that the examples provided relate primarily to the demolition and replacement of dwellings, which is development that is not comparable to the case before me. Moreover, I have not been provided with the individual circumstances of these cases. Accordingly, I can therefore only attach very limited weight to this matter in my consideration of this appeal. Each planning application and appeal is determined on its merits.
17. I have also noted the appellants' desire to extend their house to better meet their future needs as a family. Whilst personal circumstances are a material consideration, they carry only limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant. The absence of harm to the character and appearance of the area is a neutral factor.

Conclusion and Recommendation

18. The proposed development would represent inappropriate development, which is, by definition, harmful to the Green Belt. Additionally, I have found that there would be harm to the openness of this part of the Green Belt in that it would be reduced. The matters advanced in support of the proposal at most carry limited weight and do not outweigh the substantial weight that is given to the harm identified to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with the Green Belt aims of Policy CS.10 of the CS and the Framework.

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR