



Appeal Decision

Site visit made on 5 August 2020

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/J3720/C/18/3215384

The Oak (formerly known as 'The Warwick' or 'The Royal Oak'), Stratford Road, Hockley Heath, Solihull B94 5NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr P Owens (of Westbourne Leisure Ltd) against an enforcement notice issued by Stratford-on-Avon District Council.
 - The enforcement notice was issued on 1 October 2018.
 - The breach of planning control as alleged in the notice is: *without planning permission the erection of an extension in the approximate position hatched black on the Plan.*
 - The requirements of the notice are:
 - a) Demolish the extension, insofar as it falls on land within the jurisdiction of Stratford-on-Avon District Council (to the south-west of the yellow highlighted and dashed line); and
 - b) Remove from the land any materials arising from 5.a) above, OR
 - c) Reduce the size of the extension to accord with the plans approved under permission reference 16/00451/FUL dated 3 March 2017.
 - The period for compliance with the requirements is 8 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a),(d) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought under ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an extension falling wholly within Stratford-on-Avon District Council on land at The Oak (formerly known as 'The Warwick' or 'The Royal Oak'), Stratford Road, Hockley Heath, Solihull B94 5NW, subject to the conditions set out below:
 - 1) Within 3 months of the date of this decision or within the first available planting season for any soft landscaping works, the landscaping details as shown on drawings N0343-(96)001B dated 17/12/15 and (01)100 B dated 22/12/15 (submitted with this appeal for the purposes of identifying the landscaping works only) shall be carried out in full. If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting as originally approved, unless the Local

Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March Inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 2) Visibility splays shall be provided and maintained to the main vehicular access to the site (the northern access onto the A3400) with an 'x' distance of 2.4 metres and 'y' distances of 106 metres to the near edge of the public highway carriageway. No structure (including temporary advertising signs), tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 3) The former secondary vehicular access to the site (the southern access onto the A3400) shall remain permanently closed and within 3 months of the date of this decision or within the first available planting season for any soft landscaping works, the area shall be restored in accordance with the landscaping details as shown on drawings N0343-(96)001B dated 17/12/15 and (01)100 B dated 22/12/15 (submitted with this appeal for the purposes of identifying the landscaping works only).

Procedural Matters

2. Since the appeal was lodged, and following agreement between the parties, the appellant has withdrawn appeal ground (d). As a result, the procedure for determining the appeal has been changed to Written Representations.
3. A revised National Planning Policy Framework (the 'Framework') was published in February 2019 after the issue of the enforcement notice (the 'notice'). Although dated May 2020 parts of the Council's Statement still refer to paragraphs from the July 2018 version of the Framework. However, the Council has submitted a list of updated Framework paragraphs. As any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.
4. At the time of my visit the premises had been re-named "Hockley House". This was evidenced by the signage outside and verbal clarification with a member of staff who arranged access for me.

Background and Planning History

5. The appeal property pre-dates 1974 and is a two storey 'Arts and Crafts' style roadside pub on land within the West Midlands Green Belt. The administrative boundary of two local authorities, Stratford-on-Avon District Council (Stratford DC) and Warwick District Council (Warwick DC), passes through the land.
6. A number of extensions have been granted permission and built in the past, as described in the Statement of Common Ground (SoCG). The building is in use as a pub, restaurant and hotel.
7. The alleged three storey extension extends across the administrative boundary and contains 43 bedrooms (including 1 staff room) to create a 62-bed hotel (that includes 2 staff bedrooms). The majority of this appeal

extension sits within the jurisdiction of Stratford DC - I shall refer to this as the 'Stratford part'. The far end of the appeal extension, with attached external metal fire escape, sits within Warwick DC's area - I shall refer to this as the 'Warwick part'.

8. Planning permission 16/00451/FUL was granted on 3 March 2017 by Stratford DC for a smaller three storey extension to provide 27 bedrooms that would create a 44 bedroom hotel. The notice provides the option of compliance with this scheme as an alternative requirement should the appellant choose not to demolish the entire unauthorised extension. The approved scheme falls wholly within Stratford DC's jurisdiction.
9. There is no dispute that what has been built, with part of the extension sitting on land within Warwick DC's jurisdiction, does not accord with the approved plans. The appeal extension is longer, extends beyond the gable bay, has more bedrooms and crosses the administrative boundary.
10. The appellant has referred to planning permission W/18/0805 granted on 18 July 2018 by Warwick DC for an extension falling within its jurisdiction. This extension was to be attached to a larger extension that Stratford DC refused¹ for a 60-bedroom hotel. It is not clear whether or not this Warwick planning permission relates to what is actually on the ground.
11. The building operations comprised in the erection of the alleged extension amounted to a single act of development and the extension should be regarded as a single entity. The fact the appeal extension was not built in accordance with the plans approved by Stratford DC is enough to make the extension unlawful as a whole. However, Stratford DC could only take enforcement action against what is on the land in their jurisdiction.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issues

12. As the site lies within the West Midlands Green Belt, the main issues are:
 - Whether the appeal extension would be inappropriate development in the Green Belt having regard to the Framework and the development plan and the effect of the extension on the openness of the Green Belt and purposes of including land within it;
 - The effect of the appeal extension on the character and appearance of the surrounding rural area;

Whether the appeal extension is appropriately related in scale and nature to the use of the appeal building as a public house, restaurant and hotel;

and

- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to very special circumstances required to justify a grant of planning permission for the alleged development.

¹ LPA ref: 18/00312/FUL refused 19 July 2018

Reasons

Whether inappropriate development in the Green Belt

13. The Framework states at paragraph 133 that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
14. Accordingly, paragraph 143 states that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CS.10 of the Stratford-on-Avon District Core Strategy seeks to protect the Green Belt in accordance with national planning policy.
15. Paragraph 145 of the Framework provides that the construction of new buildings should be regarded as inappropriate development in the Green Belt. But there are exceptions including c) – 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, and g) – limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
16. Starting with paragraph 145c), there is no definition in the Framework or the Council's development plan policies as to what is a 'disproportionate addition'. A common dictionary definition is whether something is too large or too small in comparison with something else. In this case I find the assessment requires consideration of the size of the alleged additions and how they look in relation to the building itself.
17. Over time the original building has been extended. From the SoCG, the appeal extension results in a total floorspace of 2,412 sqm, a 432% increase from the 1974 floorspace, and a volume of 7,384 cubic metres that equates to a 133% increase. In my view this represents a substantial spatial increase.
18. The extant scheme granted a three storey extension perpendicular to the main building that extends the elevation facing the main car park to create an 'L' shaped form to the building. However, the appeal extension considerably increases and elongates the elevation facing the car park. This changes the relationship and proportions between the frontage and extension, such that the extension now appears as the visually dominant element and distorts the low-lying steeply roofed and linear form of the original 'Arts and Crafts' building.
19. As a result, the appeal extension appears as a disproportionate addition over and above the size of the 'original' pre-1974 building and therefore does not fall within the exception in paragraph 145c) of the Framework.
20. Turning to the exceptions described in Framework paragraph 145g). The appeal extension sits between the existing building and the Warwick part. However, the extension was built as a single act of development and sited at the end of what was the existing building and contiguous with it – it was not designed or built to fill a gap between the existing building and another

separate building. Therefore, I find the appeal extension is not 'infill' development.

21. The erection of the development did involve demolition of previous extensions over part of the footprint of the building and there is an existing building on the site. Therefore, the appeal site can be regarded as PDL.
22. Nonetheless, the test in paragraph 145g) is that development on PDL must not have a greater impact on openness than the 'existing development'. As the notice requires compliance with the extant permission it is logical that the 'existing development' for the purposes of paragraph 145g) is taken as the building as it would be with the extant extension.
23. Openness requires consideration of both spatial and visual aspects² and consideration of the impact or harm, if any, wrought by the change³. The appeal extension is physically present and reduces openness of the Green Belt in a spatial sense, when compared to the existing development of the extant extension, because it is bigger in both floorspace and volume. Furthermore, as the appeal extension is visible, from the road and car park, it also causes a loss of visual openness. Thus, the appeal extension does not fall within the exception in paragraph 145g) of the Framework.
24. The appellant has suggested a condition could be imposed on any permission granted to ensure that the site is landscaped in accordance with a scheme to be submitted to and approved by the Council, in order to screen the building from the site entrance. Landscaping would mature over time but it would be difficult to screen the building completely from view so as to reduce the openness of the Green Belt. However, whether it was screened or not, the development would still be physically present and reduce openness of the Green Belt in a spatial sense.
25. In addition, whilst the appeal extension is still within the boundary of the site, the extension takes the built form of the building further into the countryside. As such it fails to safeguard the countryside from encroachment, in conflict with one of the purposes of including land within the Green Belt, as described in paragraph 134 of the Framework.

Conclusion on inappropriate development in the Green Belt

26. I find the alleged extension does not fall within the exceptions set out in paragraphs 145c) or 145g) of the Framework and is therefore inappropriate development in the Green Belt.

Character and Appearance

27. The site occupies an open and prominent roadside location, albeit setback behind a landscaped lawn with shrubs and trees. There is a large car park to the northern side of the building with trees around its perimeter. The site is located approximately 1.5 kms south of the settlement of Hockley Heath and 5.5kms north of Henley in Arden. From the open land surrounding the site, it is not located within a defined settlement and occupies a countryside location, which is not disputed.

² Supreme Court ruling on *Samuel Smith Old Brewery (Tadcaster) and others (Respondents) v North Yorkshire County Council* [2020] UKSC 3, endorsed paragraph 14 of *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466.

³ *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin)

28. The site is located within the 'National Character Area 97: Arden' and within the regional 'Arden Character Area'. The appellant undertook a Landscape and Visual Appraisal as part of the 2018 planning application. Due to its vegetated enclosure the site was found to be of relatively low sensitivity. The Council found the proposal in accordance with its landscape protection policies and the proposed landscaping would see a net planting gain to mitigate views into the site.
29. The extension is congruous with the existing building and has been designed to match the existing building in style and detailing. The Council has no objection to the design of the extension and I have no reason to come to a different view. Whilst I have found the extension to be disproportionate to the building as a whole with regard to the Green Belt assessment, the building is nonetheless set within extensive grounds and car park, such that it does not unduly detract from the character and appearance of the building or the surrounding area.
30. I find there is no harm to the character and appearance of the area. Accordingly, I find no conflict with Core Strategy Policies AS.10, CS.1 and CS.24 in so far as they seek to ensure that development relates well, and contributes, to the character and appearance of the area. It also accords with paragraph 83 of the Framework that expects sustainable rural tourism and leisure development to respect the character of the countryside.

Appropriate scale of development in the rural area

31. Policy AS.10 seeks to maintain the vitality of rural communities and a strong rural economy by making provision for a wide range of activities and development in rural areas. All proposals are expected, amongst other things, to minimise their impact on communities and environmental features; avoid a harmful increase in traffic to rural areas, and prioritise the re-use of brownfield land and existing buildings. The policy then sets out a long list (a) to (v) of acceptable forms of development and uses in the countryside. Under (t), purpose-built visitor accommodation to tourism and leisure uses is acceptable provided it is directly associated with it and related in scale and nature to the existing use. Tourism and leisure-related schemes are also to be assessed against the provisions of Policy CS.24.
32. Policy CS.24 requires all forms of large-scale tourism and leisure proposals to take account of seven criteria that include benefits to the local community and wider economy; the highway network and accessibility by existing public transport. The policy also requires large-scale visitor accommodation in rural areas to be directly associated with, and genuinely ancillary to, a major tourist, recreation, conference or other business use. Development must also be sensitive to the character of the area and designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services.
33. The premises are an existing and established public house and restaurant that has been operating since before 1974. It has been extended over time to provide bedroom accommodation to become a hotel, which also caters for various functions, weddings and conferences. These extensions indicate to me the Council's willingness to see the business develop and change. The parties do not dispute that the appeal extension is directly related to the existing

lawful use, and the Council accepts it would be unreasonable to expect the business to relocate in order to expand.

34. As I understand it, the Council's main concern lies with the scale and nature of the appeal extension and with it being in excess of what the Council considers would be proportionate to the existing activities on site, and would result in a change in the use of the site that would not be sensitive to its surroundings. Much of the Council's argument for this is centred around viability, and what is needed to justify the extant 44-bed hotel scheme expanding to a 62-bed hotel (includes 2 staff bedrooms), when considering the existing tourism leisure use on the site began as a roadside pub.
35. Policies AS.10 and CS.24 are used to assess a wide range of tourism and leisure related activities, some of which may not have any visitor accommodation currently associated with them. I acknowledge the Council's need to ensure that rural visitor accommodation proposals remain proportionate to the primary use of the business. Furthermore, some consideration of scale and nature of use would be necessary to ensure that visitor accommodation is suitably located to achieve sustainable patterns of development, as advocated by national policy.
36. To support their case, both parties have commissioned viability appraisals by independent professionals and analysed each other's submissions. These conclude differently and use different assumptions and factors to calculate what is viable and profitable. Viability appraisals were submitted to support the 2016 applications (62 and 44-bed schemes), as well as the amended and refused 2018 scheme (60 beds).
37. By the Council's own admission in its committee report for the refused 62-bed application 16/00450/FUL it stated that *'operating a viable business in this location has been challenging'* and at the time it considered there was a *'reasoned argument for a larger hotel'*. The Council agreed that the as-built extension represented a viable hotel scheme but was not a persuading factor in its Green Belt and planning balance. This led the Council instead to grant planning permission for the extant 44-bed scheme. In its delegated report for the later refused 2018 scheme the Council again reiterated its view that there was some justification for a larger hotel on the site but stated that this did not immediately suggest the need for a 60-bed scale hotel.
38. The Council's various viability reports and latest analysis⁴ of the appellant's management accounts and occupancy figures conclude, that whilst a large hotel may be more profitable, it is not essential in making the hotel operation viable. There is further conclusion that a 44-bed hotel would be very profitable and based on historic occupancy levels would do well as a business. The Council finds *"that the inconsistent approach to costs and the application of a discretionary £81,000 management fee are the primary reasons that the appellant's projections suggest that the 44 bed scenario would not be viable. In addition, had the applicant adopted costs on a consistent basis with the management accounts, relative to turnover, the 44 bed scenario would have been shown to be viable"*.

⁴ Lambert Smith Hampton dated 19 August 2019; updated 25 June 2020 and letter dated 28 July 2020

39. The appellant submitted various viability appraisals to support its previous planning applications in 2016 and 2018, and has also reviewed the Council's viability responses⁵. The appellant concludes the LPA's viability work and analysis is flawed and based on some fundamental misunderstandings and that *"Reliance solely on management accounts is not an accurate representation of level of profit. Further profit does not equate to viability.....and that profitability does not take into account any return on investment, which is a key consideration for viability."* The appellant acknowledges that the hotel is performing below the level that was projected in 2016 and that in both scenarios (44-beds and 62 beds), based on 2019 trading, would probably have a market value considerably below the original investment. It concludes that *"62 bedrooms remains the only scenario that offers the opportunity for [the appellant] to achieve a modest return on investment in the medium term"*. The appellant therefore maintains that viability remains a relevant matter.
40. The UK has been subject to lockdown in response to the Covid-19 pandemic and various restrictions are still in place that are limiting business and tourist activities, as well as weddings, conferences and other social gatherings. This may mean that the hospitality and tourism sectors could take several years to recover and return to pre-Covid levels. This demonstrates that unforeseen circumstances can affect any business.
41. The differing evidence and arguments indicate that viability is not an exact science. I therefore have to use my judgement from the evidence presented to draw a conclusion on this matter. Paragraph 80 of the Framework attaches significant weight to the need to support economic growth and productivity, taking account both local business needs and wider opportunities for development. Both the extant 44-bed scheme and the 62-bed scheme would do that. And both would be viable and profitable.
42. It is not unreasonable, in my view, for the appellant to want to expand an existing pub/restaurant/hotel business to maximise profits and be allowed to seek a return on their investment, with the associated benefits this has for the local economy, jobs and the wider community. I find the appellant would be best placed to know what is best for its business.
43. The Council has already allowed the premises to alter its format and built form to become a 44-bed hotel with pub and restaurant. Hosting weddings, functions and conferences can occur with the 44-bed scheme. Introducing fewer than 20 extra guest bedrooms would not, in my view, fundamentally change the use, nature or scale of the business and site. From my visit, I found the restaurant/pub to be the main and most prominent part of the business. Indeed, the main entrance is through this accommodation and once inside one was not overly aware of the bedroom accommodation. Furthermore, the prominent roadside location, its low-lying 'Arts and Crafts' design and landscaped lawns with tables and chairs laid out, ensure the premises stills retain a 'small pub' feel.
44. In addition, the site is within easy access of junction 16 of the M40 motorway, and in between Solihull and Henley-in-Arden. The site is also well located for visiting business and tourist attractions in Stratford-upon-Avon, Birmingham

⁵ Letters from Avison Young 6 July 2020 and 18 August 2020

and the wider area. There are bus stops outside the site for a regular bus service between Solihull and Henley-in-Arden and beyond. It therefore offers a genuine choice of transport modes for both business and tourist visitors as encouraged by paragraphs 102 and 103 of the Framework. I have no reason to believe that its location and facilities would not make it attractive to users and that it does not have the potential to be successful.

45. The existing business employs up to 30 full-time equivalent job opportunities for local people. Whilst this amounts to the creation of only 3 extra full time jobs over the extant scheme, this very modest increase nonetheless counts in favour of the development. The development and its expansion also support the local economy, local services and communities, and those involved in the supply chain in the wider area, in accordance with paragraph 83 and 84 of the Framework⁶.
46. I accept that viability can be a factor in determining how much a business decides to expand. Whilst the submitted viability appraisals and reviews from both parties conclude differently, there is nothing inherent in either party's submission to definitely conclude that the business should not be allowed to expand and grow. Therefore, I am not persuaded by the Council's argument that just because the 44-bed scheme is viable, that it shouldn't be allowed to expand further, or that such expansion would be of an inappropriate scale and nature. Nor am I persuaded by the Council's claim that the appeal extension would alter the use of the site.
47. I find there would be no unacceptable harm and the appeal extension would be of an appropriate scale and nature to the existing tourism use in this rural location. Accordingly, it would meet the type of development supported by Policies AS.10, CS.1 and CS.24 whose aims have been outlined above. It would also accord with the Framework's support for a prosperous rural economy within paragraphs 83 and 84, as aforesaid

Other Considerations

48. The extant planning permission by Stratford DC is a realistic fallback position, and indeed the notice allows for what has been built to be modified in accordance with the fallback. Hence the principle of extending the premises with a three storey extension for additional bedroom accommodation in the Green Belt has already been accepted by the Council. The differences between what is alleged and what is approved are sufficient to take the alleged development outside of the terms of the planning permission, but the *merits* of the two schemes are not very different and so the fallback position is a consideration in favour of the appeal.
49. The notice, however, only relates to the Stratford part. The notice cannot require that the whole extension is demolished and raises the prospect of the Warwick part being left standing and causing visual harm. It may be doubtful that the appellant would wish to leave the Warwick part standing on its own, but there is no evidence before me that Warwick DC will enforce against it. The extant planning permission granted by Warwick DC indicates that they are comfortable with *an* extension to this building crossing the administrative boundary.

⁶ *Siekiewicz v South Somerset DC* [2013] EWHC 4090 (Admin), Lewis J

50. Any notice which requires removal of part of an extension causes uncertainty to the appellant and uncertainty in planning terms because there is a theoretical possibility that enforcement action will be taken against the Warwick part. While Stratford DC is entitled to enforce against unauthorised development in its area, it would clearly have been preferable if the Council had taken a conjoined approach with Warwick DC, instead of stand-alone action against only part of the extension. The extant planning permission, together with the difficulties arising from the notice, amount to significant considerations in favour of a grant of planning permission for the appeal extension. Furthermore, the Warwick part is small compared to the Stratford part and could presumably be easily modified to accord with the extant Warwick planning permission. Accordingly, allowing the appeal would not result in unacceptable uncertainty to the parties or in planning terms.
51. I accept that the site could fall into disrepair and the appearance of the site could detract from the character and landscape if the appeal is dismissed and the business ceases to operate. However, this argument could be advanced for any scheme, and the business can cease to operate for a range of reasons not necessarily associated with planning permission.
52. The appellant has drawn my attention to other appeal decisions relating to 'infill' development in the Green Belt. One is for a drive-thru coffee shop with other associated development at Hopwood Park Services⁷ and the other for a drive-thru bakery and sandwich shop at Family Farm Service Station⁸. However, none present the same relationship and context, and as I have found the appeal scheme is not infill, they are not directly comparable to the appeal extension before me. Moreover, I must consider the appeal on its own merits.
53. I am aware of third party representations from the Parish Council and the CPRE opposed to the appeal extension because it is inappropriate development in the Green Belt and granting permission retrospectively would damage confidence in the planning system. I also note that a local councillor and a number of other third parties are in support of the existing business and its expansion.
54. There are no technical objections to the appeal extension in terms of highways, ecology, drainage and heritage.

Green Belt Balance

55. The Framework states that 'inappropriate development' is harmful to the Green Belt by definition and should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
56. I have found harm to the Green Belt and paragraph 144 of the Framework requires me to give this substantial weight. The development is also at odds with at least one purpose of designating land inside the Green Belt, which is a serious planning objection.

⁷ APP/P1805/W/15/3084336 dated 18 December 2015

⁸ APP/C3105/W/18/3210498 dated 9 May 2019

57. On the other side of the balance, I give significant weight to viability and supporting economic growth and job creation taking account of local business needs, and the associated social and economic benefits this would have to the local economy, community, local services and supply chain. Whilst there would be modest job creation of 3 jobs, the business already supports 27 existing full-time equivalent jobs, and I regard this as an important consideration that weighs in favour of the development.
58. I also attach significant weight to the environmental and social benefits arising from the business being accessible by public transport, advocated by national planning policy.
59. I attach significant weight to the fallback position of the extant planning permission and the fact that Stratford DC has already deemed it appropriate to allow the extension of the premises with a three storey extension, albeit smaller and for fewer bedrooms. This is in spite of the theoretical possibility of Warwick DC taking enforcement action against their part.
60. Conditions may only be imposed where necessary to make development acceptable, and so I can only attach very little weight to the benefits that might accrue from landscaping because that could only be required to the extent of neutralising the visual impacts of the alleged development.
61. I have found that the appeal extension would not cause unacceptable harm to the character and appearance of the area and the highway network. But these are neutral in the balance. I also attach little weight to the site falling into disrepair if not allowed to be extended in this way.
62. I find these other considerations in support of the appeal taken cumulatively clearly outweigh the totality of the harm, both Green Belt and other, that I have identified. Therefore, looking at the case as a whole I consider that very special circumstances exist which justify the appeal extension. Accordingly, the appeal proposal would not be in conflict with CS Policies CS.1, CS.10, CS.24 and AS.10, and the Development Plan and Framework taken as a whole.

Conditions

63. Both parties have agreed to the imposition of three conditions, which are set out in the SoCG. Any conditions would have to meet the statutory tests and be necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects as required by the Framework and the Planning Practice Guidance.
64. One would see the implementation of a landscaping scheme using plans that were submitted with the 2016 application, the need for which has been discussed above. The other two are highway and access conditions, suggested by statutory consultees to provide the necessary visibility splays to the existing access and the need to be permanently stop up the secondary access, which I noted was not in use on my visit, and landscape it so it integrates into the overall landscaped site frontage. I am satisfied that it is reasonable and necessary to impose the suggested conditions.
65. However, the conditions refer to drawings submitted and linked with a refused planning application 16/00450/FUL. On my request these drawings have been

submitted. To remove confusion and doubt I have therefore amended the conditions to remove reference to the other planning application.

Conclusion

66. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.
67. The appeal on ground (g) does not therefore need to be considered.

K. Stephens
INSPECTOR