
Appeal Decision

Site visit made on 5 November 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/J3720/D/20/3258966

Highfields, Morton Bagot, Studley B80 7EL

- 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 G Plant against the decision of Stratford on Avon District Council.
 - The application Ref 19/03560/FUL, dated 17 December 2019, was refused by notice dated 23 July 2020.
 - The development proposed is extension and conversion of detached garage to ancillary annexe accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the effect of the future sustainability of the agricultural enterprise;
 - If the appeal development 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

Whether Inappropriate development in the Green Belt

3. The appeal site is located within the Green Belt. The Framework, in paragraph 143, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions as set out in paragraph 145 of the Framework. One such exception 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 in paragraph 145 c).

4. Policy CS.10 of the Stratford-on-Avon District Core Strategy (CS) states that the purpose of the Green Belt will be upheld by resisting inappropriate development within it. It provides several exceptions where development is not inappropriate in principle, which includes a small-scale extension or alteration of a building in paragraph b). Whilst this policy does not provide a specific metric in which "small scale" is defined, the explanatory text states that for extensions several key factors need to be taken into account. These include that an extension to a building must not result in a building being disproportionately larger compared with the original building.
5. The appeal site comprises a detached farmhouse located adjacent to Highfield Farm. The proposal seeks an extension to an existing detached garage, and the conversion to an ancillary residential annex. This would include a living room, tea making area, shower and bedroom. The detached garage is located within close proximity to the existing dwelling, with a separation distance of approximately 5 metres. The proposed extension would extend from the rear of the detached garage and provide an increase of approximately 21sqm of floor space.
6. The Courts have held that an extension to an existing detached domestic outbuilding can be regarded as part of the dwelling, and therefore, that an extension to the outbuilding could be regarded as an extension to the house. In this instance, the detached garage is in such close proximity to the farmhouse, and shares such a close spatial relationship that any extension to the garage. It is therefore my view that the proposal can reasonably be considered an extension to the house.
7. As such, the test as to whether an extension is disproportionate must be considered against the size of the original building, which in this instance is the adjacent Farmhouse. The Council have indicated that the Farmhouse has had a number of extensions. These include a single storey pitched roof side extension and the detached garage which is the subject of this appeal. Whilst I have been presented with no plans outlining these extensions, I am satisfied from my observations on site that the original building has been extended substantially from the original building.
8. Whilst I appreciate that the proposal before me is relatively modest in scale, when taken together with the extensions to the original building, it would result in a disproportionate addition. In any event, even if I were to consider the garage separately to the house, the appellant accepts that the floor area of the garage would be extended by some 58%. Given that this figure is more than half of the original building, the extension would be comparatively large and therefore a disproportionate addition to the garage itself.
9. The appellant has drawn my attention to an appeal decision¹ in which the Inspector found that an outbuilding within the curtilage of the appeal property could not reasonably be considered as part of the existing dwelling due to its distance from the house. I have not been presented with the full details of that case so I cannot be certain of the facts which lead the Inspector to that conclusion. In any event, all appeals and applications must be determined on their own merits which is what I have done in this instance.

¹ APP/P1805/D/17/3185338

10. Accordingly, the proposal would be inappropriate development in the Green Belt as it would result in an extension which is a disproportionate addition over and above the size of the original building. It would conflict with Policy CS.10 of the CS, which seeks amongst other things, that the Green Belt is protected from inappropriate development.

Openness

11. A fundamental aim of Green Belt Policy, as set out in paragraph 133 of the Framework is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Green Belt serves five purposes which includes assisting in safeguarding the countryside from encroachment. Openness within the Green Belt has both a spatial and visual aspect.
12. Whilst the proposal before me is relatively modest in scale, it would extend the built form out from an established detached garage into currently undeveloped land. The land around the existing garage slopes steeply away towards the west and as such the proposed extension would be a noticeable addition to the garage. Given the scale of the proposed extension this would result in a small reduction in openness.

Future sustainability of the agricultural enterprise

13. The existing Farmhouse is subject to a condition which limits its occupation to those involved in agricultural activity with and employment at the adjacent farm. Policy AS.10 of the CS pertains to development within the Countryside. Criterion I) states that a permanent dwelling for occupation by a person engaged in an agricultural operation or other form of use that can only reasonably be carried out in the countryside, subject to a functional need being established. The explanatory text for this policy states that sufficient evidence to demonstrate that there is an essential need for a person or persons to be present on the site at all time sufficient to justify the provision of residential accommodation. Furthermore, the future sustainability of the enterprise will be taken into consideration along with established function and financial tests.
14. The proposed extension would measure some 21sqm. I have no information before me in respect of the cost of the extension or the works of conversion. Neither has any information been submitted in respect of how the agricultural enterprise could support the cost of the works and whether the finished value of the property would be commensurate with the agricultural holding. If the costs are disproportionate to the agricultural enterprise, the viability of the enterprise would be under threat.
15. In the absence of detailed evidence, I conclude that there is an unacceptable risk that the proposal would harm the future sustainability of the existing agricultural enterprise. As such there is harm with Policy AS.10 of the CS.

Other considerations

16. The appellant contends that the proposed extension could be considered permitted development. Whether or not planning permission would be required for such an extension is not a matter for me to determine in the context of an appeal made under Section 78 of the above Act and I have no lawful development certificate in this respect before me. Therefore, I give little weight to this argument.

Green Belt Balance

17. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
18. In addition, some harm would arise to openness and the proposal would result in an unacceptable risk to the viability of the agricultural enterprise for which the dwelling was originally granted permission.
19. The other considerations do not clearly outweigh the totality of the substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist. The proposal would therefore conflict with the Framework.

Conclusions

20. For the reasons given I conclude that the appeal should be dismissed.

S Shapland

INSPECTOR