The Planning Inspectorate

Appeal Decision

Site visit made on 8 December 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/J3720/D/20/3259828
Brock Cottage, Poolhead Lane, Tanworth-In-Arden, Solihull B94 5EH

- 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 J Love against the decision of Stratford-on-Avon District Council.
- The application Ref 20/01591/FUL, dated 19 June 2020, was refused by notice dated 10 September 2020.
- The development proposed is a first floor extension.

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.

Main Issues

3. The appeal site is located within the Green Belt. Accordingly, the main issues in this appeal are:

- whether the proposal 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;
- 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 the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development

4. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, as set out in paragraph 145 of the Framework. The one relevant to this appeal is (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.

5. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (adopted 2016) ('Core Strategy') is broadly consistent with the Framework in that it refers to a small-scale extension or alteration of a building being not inappropriate in principle.

6. The appellant has stated that the proposal would bring forward a 65% increase in volume. However, the Council has provided figures, which have not been disputed by the appellant, estimating that due to the existing property being approximately 160% larger than the original dwelling, the proposal would entail a total volumetric increase of approximately 275% over and above the size of the original dwelling. This would clearly be a very substantial increase, and in my view would not constitute a 'small-scale' extension, with respect to Policy CS.10.

7. It is recognised that the current footprint of the building would not be extended by the proposal and that the mass of the building would not be grossly extended in visual terms in comparison to that which exists. Nevertheless, paragraph 145 c) of the Framework refers to the size of the original building. Whilst reference has been made to nearby properties which may have been subject to significant additional alterations, my assessment is in relation Brock Cottage. Considering the very substantial increase in volume involved, I consider that the proposal would result in a disproportionate addition over and above the size of the original building. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy CS.10 of the Core Strategy. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.

9. Although the increase in visual mass would not be exorbitant, with the change of mass contained within the existing footprint area, the proposal would result in a noticeable change to the bulk and massing of appeal property. This is particularly so as the site is open to the rear, with views of the appeal property possible from the adjacent footpath. Accordingly, the openness of the Green Belt would be reduced, both visually and spatially. The impact would be limited and localised, but harm would result to the Green Belt.

Other considerations

10. 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 resulting from the proposal, is clearly outweighed by other considerations.

11. The proposal would add architectural interest to the property and appropriate materials would be used. These considerations, which would serve to maintain the character and appearance of the area, are neutral factors, which do not weigh in favour of the proposal.

12. The proposal would entail an efficient use of space at the appeal site, and I give limited weight to this consideration. The proposal would improve the living accommodation available to the appellant. However, as this would mainly be a private benefit, this has also been given limited weight.

13. I observed the examples of nearby development referenced by the appellant[1], and I give moderate weight to the contention that increases in visual massing have occurred in the vicinity of the appeal site.

Balancing of considerations and whether very special circumstances exist

14. The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy CS.10 of the Core Strategy, or the Framework, and would therefore be unacceptable.

Conclusion and Recommendation

15. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

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

R C Kirby

INSPECTOR

[1] Including the dwellings in replacement of a property known as Launceston; and the property known as Blythe House