



Appeal Decision

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

Decision by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/J3720/D/20/3258449

The Byre, Hill Farm Barns, Stratford Road, Wootton Wawen, Henley-in-Arden B95 6DE

- 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 Dr and Mrs Coley-Smith against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01487/FUL, dated 9 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is the erection of a double garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a double garage at The Byre, Hill Farm Barns, Stratford Road, Wootton Wawen, Henley-in-Arden B95 6DE in accordance with the application, Ref 20/01487/FUL, dated 9 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: The Byre Location Plan, Proposed Site Plan, A01: Elevations & Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the application form and the Supporting Planning Statement (dated June 2020).

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.

Procedural Matter

3. Although the parties have discussed the potential impact of the proposal on the Green Belt (including its five purposes) and on The Byre, if it were located closer to The Byre, my assessment is based on the proposal before me.

Application for Costs

4. The appellants made an application for costs. This application for costs has been dealt with in a separate decision.

Main Issue

5. The main issue is 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.

Reasons for the Recommendation

6. The Framework makes it clear that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. In this regard, the essential characteristics of Green Belts are their openness and their permanence.
7. 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. 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 criterion b) refers to a small-scale extension or alteration of a building being not inappropriate in principle.
8. The appellants have stated that the proposal would represent a 17.5% addition to the floorspace of the original building, and this figure has not been disputed by the Council. In my view, this increase in floor area, together with the size and bulk of the garage would not result in a disproportionate addition over and above the size of the original building.
9. However, the proposed garage would not be physically linked to the house. Reference has been made to *Dawe*¹, particularly with respect to the Upper Wawensmoor decision², *Dawe* predates the two new iterations of the Framework, and the adoption of the Core Strategy. Also, as noted in appeal decision 3169201³, the Framework makes no explicit reference to outbuildings within residential curtilages to be deemed to be exceptions and, by extension, not inappropriate development.
10. Nevertheless, the supporting text to Policy CS.10 of the CS, clearly countenances new curtilage buildings within the Green Belt. The supporting text of the plan interprets criterion b) for the purposes of development management considerations. This includes a number of criteria to be considered on a case-by-case basis, including that curtilage buildings which can be considered as an extension to a building should be within 5 metres of the dwelling. This requirement is not part of the main body of the policy, nonetheless it is a useful tool in its interpretation. Accordingly, I have had regard to it, as did the Inspector in appeal decision 3159691⁴.
11. As the proposed double garage would be used for the storage of vehicles, it would be functionally related to The Byre, as a residential dwelling. It would be located close to The Byre, with the closest part situated approximately 6.5 metres away. As it would be used for storing vehicles, its positioning and

¹ *Sevenoaks DC v SSE & Dawe* (QBD 13.11.97 CO1322-97)

² Local Planning Authority reference: 16/04060/FUL (Upper Wawensmoor, Wawensmere Road, Wootton Wawen)

³ APP/C1950/D/17/3169201 (17 Carbone Hill, Northaw, Potters Bar EN6 4PJ)

⁴ APP/J3720/C/16/3159691 (Land at Clarkes Green Farm, Hardwick Lane, Clarkes Green, Studley B80 7DX)

orientation in the gravelled area would be congruent with the host property. It would be separated from the front gates and the side pathway of The Byre by only a modicum of intervening land. All these site-specific factors lead me to conclude that the proposal, albeit it would be slightly further away than the 5 metres figure referred to within the supporting text, is consistent with the objective of Policy CS.10 of the Core Strategy, and paragraph 145 c) of the Framework.

Other Matters

12. Appeal decision 2214077⁵ was decided before the current Core Strategy was adopted, and appeal decisions 3220239⁶ and 3197089⁷ involved different local planning policy contexts. Thus, they are not directly comparable. Those decisions and the wider development context⁸ do not change my findings.

Conditions

13. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. I have considered the conditions against the advice on conditions set out in the National Planning Policy Framework and the Planning Practice Guidance. A condition is necessary requiring that the development is undertaken in accordance with the approved plans to provide certainty. A condition is also necessary controlling external materials to secure an acceptable appearance for the development.

Conclusion and Recommendation

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

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

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

Louise Nurser

INSPECTOR

⁵ APP/J3720/D/14/2214077 (130 Shutt Lane, Earlswood)

⁶ APP/R1038/D/19/3220239 (South View, Main Road, West Handley)

⁷ APP/T3725/D/18/3197089 (Merlin House, Haseley)

⁸ Including development at Hill Farm marina and The Chalet