



Appeal Decision

Site visit made on 29 September 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2021

Appeal Ref: APP/J3720/W/3254919

130 Malthouse Lane, Earlswood, B94 5SA

- 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 Mrs Dorothy Li against the decision of Stratford on Avon District Council.
 - The application Ref 19/01738/FUL, dated 21 June 2019, was refused by notice dated 12 March 2020.
 - The development proposed is an annex for private dance studio, gym and changing room with separate tractor shed to store tractor and mower to maintain paddock and field-all replacing existing larger outbuildings-four stables, former local Girl Guide meeting room and three sheds.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposed development would constitute inappropriate development in the Green Belt and the effect on openness;
 - the effect of the proposal on the character and appearance of the area;
 - 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 the proposal is inappropriate development in the Green Belt and the effect on openness

3. The site is within the West Midlands Green Belt. The appeal site includes a range of dilapidated and rustic outbuildings with simple form, low height and muted materials. The buildings are to the rear of the host property and to the side of an open field.
4. Paragraph 145 of the National Planning Policy Framework (the Framework) affirms the considerations for proposals within the Green Belt. New buildings are precluded although there are certain exceptions.

5. Criterion (d) allows for a replacement building provided it is not materially larger. The appeal site includes several outbuildings which would be removed in the proposal, replaced with similarly sited new buildings. The new buildings would be 38sqm smaller in footprint, however, they would be significantly higher. Moreover, they would not be in the same use which is a requirement for this criterion.
6. Criterion (b) does allow for recreation facilities, but the openness would have to be preserved.
7. Criterion (g) of paragraph 145 allows the redevelopment of previously developed land, if there is no greater impact on the openness. I have not been given a comprehensive history of uses on the appeal site which would be necessary to make a conclusion whether this is previously developed land, but in any event, I consider the openness below.
8. The new buildings would be significantly higher than the buildings they would replace. Given the flatness of the surrounding fields they would consequently be much more visible. As such, whilst their footprints would be cumulatively less than the existing structures, their greater visibility would in my view fail to preserve the openness of the Green Belt. The proposal would be inappropriate development, contrary to paragraph 145 of the Framework.
9. Policy CS.10 of the Stratford-on-Avon District Core Strategy (CS) seeks to avoid inappropriate development within the Green Belt. The proposal would therefore conflict with this policy.

Character and appearance

10. The replacement buildings being taller than the existing would be more imposing on the surrounding fields. The new buildings would have greater presence, spoiling the otherwise unbroken expanse of countryside.
11. One of the existing buildings has been used in the past as a base for Girl Guides. However, that use ceased in 2017, and the building is becoming derelict and barely usable. Indeed, it appeared vacant at the time of my site visit. The other buildings are described on the existing planning layout and in the appeal statement as sheds and stables and their appearance readily suggests countryside uses. In the absence of any other contrary evidence, I therefore conclude that the appeal site is within the countryside. Indeed, the appellant's statement confirms that the site is outside, although adjacent, to the settlement boundary. I note the reference to a high court case which found that various aspects can indicate whether a site is within a settlement or not, but that does not lead me to a different conclusion. Similarly, I have also considered the various submitted appeal decisions, but they are not comparable to the particular circumstances of this proposal on this site.
12. The dance studio would have large windows on the front elevation, which would give a domestic appearance whereas the existing buildings are more rustic. Moreover, the proposal (aside from the tractor shed) would be for domestic use, as reflected in the suggested condition. Consequently, within the red line of the site location plan, domestic use would be permissible. This would be likely to lead to intrusive domestic paraphernalia over a significant area, beyond the garden of the host property.

13. I therefore conclude that the proposal would harm the character and appearance of the area. I attach substantial weight to this harm. Policies CS.5, CS.9 and AS.10 of the CS seek to maintain landscape character and the local distinctiveness of the various landscapes. The proposal would be in conflict with these policies.

Other considerations

14. Whilst the dance studio may be desirable in this location, the evidence is not conclusive that it would be essential here. I also note the intended use of one of the buildings for the storage of a tractor and mower to maintain the adjacent fields which would reflect one of the existing uses, however, the height of this new building has not been justified. I give these considerations limited weight.
15. The Merewood Farm commercial storage units are nearby. However, as I saw on my site visit, these appear distinct from the appeal site which visibly is amongst the countryside. The other commercial units have very limited weight.

Overall Planning Balance

16. I have found that the proposal is inappropriate development that would be harmful to the Green Belt by definition and it would harm the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. I have also attached substantial weight to the harm to the character and appearance of the area. For the reasons given, the weight of the other considerations does not clearly outweigh the Green Belt harm and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

17. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR