



Appeal Decision

Site Visit made on 9 February 2021 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/K3415/W/20/3262000

Bleak House Farm, Ironstone Road, Burntwood, WS7 1YL

- 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. Bradshaw, Bradshaw Bros. Ltd. against the decision of Lichfield District Council.
- The application Ref 20/00970/FUL, dated 21 July 2020, was refused by notice dated 14 September 2020.
- The development proposed is described as erection of extension to existing café / farm shop.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of extension to existing café / farm shop at Bleak House Farm, Ironstone Road, Burntwood, WS7 1YL in accordance with the terms of the application, Ref 20/00970/FUL, dated 21 July 2020, subject to the following conditions:
 1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the location plan and Dwg. No. V234/5 Revision A.
 3. Notwithstanding any description/details of external materials in the application documents, the development shall be constructed of the following materials, and retained as such for the life of the development.

Elevations: vertical Yorkshire boarding,

Roof: profiled brown sheeting to match existing,

Windows: UPVC, coloured sage green.

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 West Midlands Green Belt (GB). Accordingly, the main issues in this case are:

- whether the proposed development 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;
- the effect on the character and appearance of the host property; and
- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal is inappropriate development.

4. The proposal would result in a disproportionate extension to the original building, when taken with previous extensions and as a consequence would represent inappropriate development in the GB, as defined in the Framework.

The effect of the proposal on the openness of the Green Belt.

5. Openness is an essential characteristic of the GB. The appeal proposal would result in the addition of a small extension and includes a parapet across the frontage which would raise the height of the building when viewed from the south west. It would occupy space that is currently devoid of development and consequently would affect openness in that it would be reduced. Whilst in isolation this reduction in openness would be modest, harm to the GB would result.

The effect on the character and appearance of the host property.

6. The appeal proposal would introduce a small single storey extension to the front of the existing café and farm shop. A parapet wall would extend across the proposed building and an existing flat roofed extension resulting in a gabled façade to the buildings, with the resultant building having a timber clad finish. It would result in a unified design approach to the frontage of the building. Moreover, it would screen the existing roofs, which vary in size, materials and gradient thereby providing a more cohesive appearance to the host property. Consequently, the proposed development would improve the visual appearance of it.
7. I acknowledge that the parapet wall, and the roofs that it is designed to screen, could be seen from the south east and north west. However, these views would be from a considerable distance and be seen against a background of buildings set in a rural landscape that incorporates a number of hedgerows. Consequently, the proposal would not appear as a prominent addition that would detract from the character and appearance of the area.
8. I acknowledge that an alternative development, incorporating a new roof that extends over a significant proportion of the café and farm shop has been granted planning permission¹ by the Council. Whilst that development meets with the approval of the Council it does not preclude consideration of

¹ 20/00571/FUL

alternative proposals, such as that which is subject to this appeal, which has been considered on its own merits.

9. In light of the above, I conclude that the proposed development would respect the character and appearance of the host building in accordance with Policy BE1 of the Lichfield District Local Plan Strategy 2008 - 2029, which supports new developments that have a positive impact on the public realm, whilst delivering high quality, inclusive design. Moreover, I find that it would not conflict with the design aspirations of the Framework as set out in chapter 12, which amongst other matters, seeks to create high quality buildings and places that are sympathetic to local character.

Whether very special circumstances exist

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 extant consent for an extension to the property is of a larger size than the proposal before me. Accordingly, this extension would have a greater impact on openness than the appeal proposal because of the bulk of that extension and would be even more disproportionate in size as a result. I am mindful that this could still be constructed.
12. Given these matters, and my findings in respect of the effect of the proposal on the character and appearance of the property, I conclude that the impact of the appeal proposal on the Green Belt would be less and accordingly this amounts to the very special circumstances necessary to justify the development. Accordingly, the proposal does not conflict with Policy NR2 of the Lichfield District Local Plan Strategy 2015 (LDLP) or the Framework.

Other Matters

13. The site is located within the 15 kilometres of the Cannock Chase Special Area of Conservation (SAC). This area is one of the best areas in the United Kingdom for European dry heath land and the most extensive in the Midlands region. It is also an important habitat for invertebrates and important bird species including Nightjar, which are vulnerable to disturbance from ramblers, dogs, cyclists and horses. Atmospheric pollution and water abstraction are also likely to have a significant effect on the SAC.
14. Given the nature of the proposal, I consider that it would be unlikely to increase recreational pressure upon the SAC or increase vehicle movements through the SAC area. The proposal does not include plans for water abstraction. Accordingly, the proposal would not have either a direct or indirect effect upon the integrity of the SAC and accords with LDLP Policy NR7. No mitigation is therefore necessary in this case.

Conditions

15. The Council has suggested several conditions it would wish to see imposed in the event that the appeal was allowed. I have considered these against the

guidance on conditions set out in the Framework and the Planning Practice Guidance.

16. To ensure that the development is undertaken as approved, a condition referring to the approved plans is necessary.
17. The Council has suggested a condition requiring specific materials to be used in the construction of the proposed development, notwithstanding these were not specified on the application form or submitted plans. The appellant has confirmed that he agrees with the use of these materials and accordingly I have included the suggested condition.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR