



Appeal Decision

Site visit made on 3 March 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/K3415/D/20/3263957

Keepers Cottage, Packington Lane, Hopwas, Tamworth B78 3AY

- 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 Armstrong against the decision of Lichfield District Council.
 - The application Ref: 19/01531/FUH, dated 31 October 2019, was refused by notice dated 7 September 2020.
 - The development proposed is demolition of stables and construction of new outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework') and development plan policy.
 - ii) The effect of the proposal on the character and appearance of the area; and,
 - iii) If the proposal would be inappropriate development whether the harm by reason 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

Inappropriate development

3. The existing detached building at the appeal site, which is proposed to be demolished is described in the application form as 'stables' but currently this is being used for domestic storage purposes by the owners of Keepers Cottage which is a nearby dwellinghouse and also forms part of the appeal site.
4. The proposal is to demolish the 'stables' building and replace this with two detached buildings. One of these buildings would incorporate a coal and log store, potting area, machinery store and workshop, the other is a double garage. Both are to be used as ancillary buildings for Keepers Cottage. In addition, an area of hardstanding is proposed which would link part of the existing hardstanding at Keepers Cottages to the new buildings. The appeal site is within the West Midlands Green Belt.

5. Policy NR2 of the Lichfield District Local Plan Strategy 2008 – 2029, adopted 17 February 2015 ('LP') reflects the general aims of the Framework in terms of protecting the Green Belt. In particular, the construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the Framework.
6. The Framework states that new buildings in the Green Belt shall be regarded as inappropriate development, and by definition, harmful to the Green Belt. Exceptions to this are set out in Paragraph 145 of the Framework. One such exception, under Paragraph 145 (d) is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. In this case, a single replacement building was originally proposed but during the course of the application this was re-designed as two separate buildings. The size 'test' is based on a comparison between the building as it exists and what is proposed. Taken together, in terms of footprint, volumetric scale and height, the proposed buildings would be materially larger than the building to be replaced. Therefore, irrespective of whether or not the proposed buildings are in the same use as the existing building, because they would be materially larger than the one being replaced, the proposal fails the size test and therefore does not meet the exception under Paragraph 145 (d) of the Framework.
8. Another exception for new buildings in the Green Belt is set out under Paragraph 145 (g) of the Framework, which supports the limited infilling or the partial or complete redevelopment of previously developed land ('PDL'), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. The creation of the area of hardstanding would be an 'engineering operation'. The Framework advises that this type of development is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.
9. There is disagreement between the main parties as to whether the 'stables' building and the area proposed to be developed is PDL. Nevertheless, even if I were to accept that this is PDL, for the proposed development to pass under the exception of Paragraph 145 (g), I need to be satisfied that it's redevelopment would not have a greater impact on the openness of the Green Belt than the existing development.
10. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Case law, as cited by the main parties, has established that rather than treating any change as having a greater impact on openness of the Green Belt, the correct approach is to consider the impact or harm, if any, brought by the change. Furthermore, whether or not any change will have an adverse impact, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
11. The appeal site is in a countryside location and with the exception of Keepers Cottage and the building proposed to be demolished, it is largely open. The 'stables' building is set back from the lane used to access Keepers Cottage and is located behind a verdant frontage. It is single storey, with a flat roof form and occupies a narrow, linear footprint which runs parallel with the north west

boundary of the site. Most notably, this building, in part, is recessed into a steep, partly wooded embankment which is contiguous with this boundary. Consequently, the existing building is of a modest scale which is settled within its extensive landscaped and rural context and therefore has a limited impact on the visual and spatial openness of the Green Belt.

12. In contrast, the two proposed buildings and associated hardstanding area would result in a significant increase in the spatial footprint of development at this site. The extent of the new buildings would generally be taller with a greater massing than the building being replaced. The substantial area of hardstanding could also support external storage and parking. In particular, the new built development would extend closer to the lane than the building being replaced and would be located on relatively open and elevated ground. For these reasons, the extent of development proposed would dominate this part of the site, making it more visually conspicuous from the surrounding area than the existing 'stables' building.
13. For the above reasons, the introduction of the proposed development would result in an appreciable erosion of the visual and spatial openness of the Green Belt. This would have a greater and adverse impact on the openness of the Green Belt than the extant development. Therefore, the proposal cannot be supported under the exception of Paragraph 145 (g).
14. Drawing all of the above points together, the proposal does not comply with the exceptions for new buildings under Paragraphs 145 (d) and (g) of the Framework. None of the other exceptions listed in Paragraph 145 of the Framework apply. Therefore, having regard to both the development plan and the Framework, it is inappropriate development. The Framework makes clear that inappropriate development is harmful to the Green Belt. The greater impact of the proposed development on the openness of the Green Belt is a further aspect of Green Belt harm.
15. In light of the above and for the reasons given below, the proposal would also fail to assist in safeguarding the countryside from encroachment, which conflicts with one of the purposes of designating land inside the Green Belt.

Character and appearance

16. The area proposed for the new development is largely grassed and open and therefore positively contributes to the rural and scenic quality of the countryside.
17. Notwithstanding some attention to design and materials, cumulatively the extent of development proposed, as outlined above, would result in the considerable encroachment and urbanising of this part of the countryside, which would detract from the rural and scenic quality of the area. Furthermore, the removal of the 'stables' building and some regrading of land as a consequence of this, would not suitably ameliorate the impact of the proposed development.
18. For the above reasons, the proposed development would harm the character and appearance of the area. I therefore find conflict with Policies BE1, NR1 and Core Policy 3 of the LP, which together, amongst other things, seek to protect and enhance the character and distinctiveness of the District, including

protecting the countryside, and require new development to have a positive impact on the natural environment.

Other considerations

19. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case no specific very special circumstances have been advanced on behalf of the appellant.

Other matters

20. Although the Council has indicated that a planning application to regularise the current domestic storage use of the 'stables' building is likely to be supported, this does not alter my findings on the main issues.
21. With regard to considering the effects of the proposal on the Green Belt and area, the appellant has referred to the planning history of the site. However, there is insufficient information before me in respect of this to draw any meaningful conclusions. In any event, each application is determined on its merits.

The Green Belt balance

22. The proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt. It would also conflict with one of the purposes of designating land inside the Green Belt. There would also be harm to the character and appearance of the area.
23. There are no other considerations in this case to clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy NR2 of the LP and the Green Belt provisions of the Framework. The proposal would also be in conflict with Policies BE1, NR1 and Core Policy 3 of the LP as referred to in this Decision.

Conclusion

24. For the above reasons, I conclude that the appeal should fail.

M Aqbal

INSPECTOR