



Appeal Decision

Site Visit made on 29 June 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday, 19 July 2021

Appeal Ref: APP/K3415/W/21/3267416

Railway Cottage, Fossey Lane, Lichfield WS13 8JY

- 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 P. Mail against the decision of Lichfield District Council.
 - The application Ref 20/01533/FUH, dated 30 October 2020, was refused by notice dated 4 January 2021.
 - The development proposed is a new detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in respect of this appeal are:
 - whether the proposed development is inappropriate in the Green Belt;
 - the effect of the development on the openness of the Green Belt; and
 - if the development is inappropriate, 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 inappropriate development

3. The appeal site is located in the Green Belt. The development plan, at Policy NR2 of the Lichfield District Local Plan Strategy (2015) (the Local Plan) states that the construction of new buildings in the Green Belt is generally inappropriate. This is consistent with the requirements of the National Planning Policy Framework (the Framework). There are some exceptions to this, which are listed in Paragraph 145 of the Framework.
4. Although the proposal would be a separate structure to the appellant's dwelling, it would be very close to the existing house and would therefore be viewed alongside it. I note that the appellant has suggested that the proposed development should be assessed as being an extension or alteration of a building that does not result in disproportionate additions over, and above the size of the original building.
5. However, even if I were to agree with this suggestion, I would find that the proposed development would result in a significant increase in the overall level

- of built form at the property. In particular, there would be a notable increase in the size of the building, when compared to the existing dwelling.
6. This would mean that the proposed development would result in a significantly elongated dwelling, with development closer to one of the site's side boundaries.
 7. In addition, an element of the development would project further forward of the front elevation of the existing dwelling. This would mean that the proposal would result in a dwelling that is also bulkier than the existing development owing to the creation of a further projecting element. Therefore, the proposal would not represent a proportionate extension to the original dwelling.
 8. In result, the proposed development would create a more urbanised character at the appeal site, which would conflict with the purposes of including land within the Green Belt.
 9. I therefore conclude that the proposal would be an inappropriate development in the Green Belt. The development, in this regard would conflict with Policy NR2 of the Local Plan; the Framework; and the Rural Development Supplementary Planning Document (2015) (the SPD).

Effect on openness

10. The appeal site is located within the countryside. There is a limited number of other buildings in the vicinity, which are used for a variety of purposes. In addition, there is some railway paraphernalia nearby. The boundaries of the appeal site are marked by planting and fencing.
11. The proposed development would result in a sizeable increase in the overall level of built form. Owing to this and due to the development's elongated form, the proposal would lead to an erosion of the spatial sense of openness that is an intrinsic feature of the Green Belt.
12. The appeal site is well-screened, which means that in its current form, the proposed development would not lead to a significant erosion of the physical sense of openness that is a feature of the Green Belt. However, this conclusion is dependent upon the existing trees being retained. As their health may vary over time, there is a realistic likelihood that the screening effect offered by the trees would diminish over time.
13. Should this scenario occur, the proposed development would also lead to an adverse effect on the physical sense of openness of the Green Belt. This would be particularly concerning given that the proposed development would be sited in proximity to a road and therefore would have a notable degree of prominence.
14. I note that the appeal site is near to other buildings, including items of rail infrastructure. However, some of these are of relatively small scale. Furthermore, they would be viewed alongside the proposed development and, cumulatively, contribute to an erosion of the Green Belt's character of openness. Therefore, their presence does not overcome my concerns.
15. I therefore conclude that the proposed development would lead to an erosion of the sense of openness of the Green Belt. The development, in this regard, would conflict with the requirements of Policies CP3, BE1 and NR2 of the Local

Plan; the Framework; and the SPD. Amongst other matters, these seek to ensure that the openness of the Green Belt is maintained; that developments protect and enhance the distinctiveness of the district; and achieve a high quality, sustainable, built environment.

Other considerations

16. The proposed development would result in improved living conditions for the future occupiers of the dwelling. Whilst this is a matter of note, the property features some outbuildings and car parking behind boundary treatments. In consequence, these benefits can only be given a limited amount of weight.
17. The construction process is likely to generate some economic benefits. However, these would be time-limited in duration. In result, they can only be attributed a limited amount of weight.
18. I therefore give the matters cited in favour of the proposal, either individually or in unison, a limited amount of weight

Planning Balance and Conclusion

19. The development plan and the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
20. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
21. The other considerations I have identified individually and collectively carry a limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
22. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR