



Appeal Decision

Site Visit made on 5 July 2021

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/J3720/W/21/3272084

Pathlow Farm, Featherbed Lane, Pathlow CV37 0ER

- 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 James Mahon & Sons against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01942/FUL, dated 14 July 2020, was refused by notice dated 18 December 2020.
 - The development proposed is an extension to provide additional unit in Use Class D2.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the site lies in the Green Belt, the main issues in this case are
 - a) whether the scheme would be inappropriate development in the Green Belt that harmed its openness and, if it would,
 - b) whether the potential harm to the Green Belt is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

Effect on the Green Belt

3. The *National Planning Policy Framework* (the Framework) states that keeping land permanently open is a fundamental aim of the Green Belt. It says that the construction of new buildings in the Green Belt should be regarded as inappropriate and, by definition, harmful. Paragraph 149 then gives some exceptions to this, one of which, criterion (c), is 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. This is reflected in Policy CS.10(b) of the *Stratford-on-Avon District Core Strategy*.
4. The appeal site concerns a steel-clad building of an agricultural appearance, which currently comprises 2 adjoining elements, each with a ridge running from north to south. I have not been told that it has been extended already, so I am treating what is there now as being the original building for the purposes of Framework paragraph 149(c).
5. It is proposed to add a third element onto the western end of the building, which would be finished in materials that matched the existing and would also have a ridge running from front to back. It would be used for indoor recreation.

6. The scheme would increase the area of the building by some 43%. In the absence of any strong policy guidance to the contrary, to my mind this would not be a small-scale, limited or modest enlargement. Rather, despite its lower ridgeline, it would be of sufficient size to constitute a disproportionate addition over and above that of the original building, and so it would represent inappropriate development in the Green Belt when assessed against Framework paragraph 149(c).
7. The appellant has also contended the proposal would comply with another exception, namely criterion (g) of Framework paragraph 149. This allows for limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Again, this is echoed in Policy CS.10(c) of the Core Strategy.
8. However, the scheme is not infilling in any meaningful sense, because it would not be in a gap in the built form as there would be open fields beyond. I accept that it would be built on what could be defined as previously developed land. To my mind though just because it is adjoining an existing building it does not follow that it will not harm openness. Rather, I consider that the scheme would have a greater impact on the openness of the Green Belt when compared to what is there now, despite its sympathetic design, its matching materials and its agricultural appearance. This is because of its significant area and volume, and also because it would result in an appreciable increase in the length of the southern and northern elevations. Moreover, it stands away from other development, on the south side of the lane, and so the works would not be read as part of any wider built form.
9. In coming to these findings, I accept that views of the development from the public domain may well be limited, but I see no reason why the Green Belt's openness should be protected from such vantage points only. I have been mindful too of the *Turner* judgement cited by the appellant, which confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. As a result, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. I therefore see nothing in that judgement to lead me to find differently.
10. Accordingly, whether considered under criterion (c) or criterion (g) of Framework paragraph 149, or under criterion (b) or criterion (c) of Core Strategy Policy CS.10, I conclude this would be inappropriate development that failed to preserve the openness of the Green Belt.

Other considerations

11. The Framework says that substantial weight should be given to harm to the Green Belt. It adds that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such 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.
12. The Framework places significant weight on the growth of existing businesses and developments that promote healthy lifestyles, and so these considerations weigh in favour of the indoor recreation extension proposed. However, clearly this has to be balanced against other guidance in the

Framework that might be more restrictive. The extent of the benefits for the business have not been specified by the appellant. Furthermore, the acceptance of development allowing business growth and healthy lifestyles is not highlighted in the section of the Framework referring to Green Belts, and I see no reason why, in this instance, these points should outweigh the substantial weight given to the Green Belt harm that I have identified.

13. It was also said that the development was needed to adapt the business to the COVID-19 restrictions. However, those are anticipated to be only temporary, and so do not justify this permanent development before me.
14. Whilst it was contended there were environmental benefits by reusing previously developed land, the Framework states it should not be assumed that the whole of a building's curtilage should be developed. In any event, the extension would be built on a parking area that is not particularly unsightly at present and has a limited visual effect on the wider area. I also consider the site is not readily accessible by means other than the car, with the routes to the nearest bus stops and railway station being of significant length along relatively fast roads with limited street lighting and pavements.
15. I have noted the wording of Core Strategy Policy AS.10(m) and (n). As I have found that there would be reliance on the private car to get to the site, I consider the scheme does not accord with criterion (m). In any event, the policy closes by saying if the site is in the Green Belt the specific provisions of Core Strategy Policy CS.10 will be taken fully into account, and that policy makes no reference to economic development overriding the substantial weight that should be given to Green Belt conflict.
16. Similarly, Core Strategy CS.22 promotes businesses in sustainable locations. It too states that business development in the countryside should accord with Policy AS.10 (which, as I have stated, then refers to Policy CS.10), and supports the expansion of businesses subject to accessibility, the location of the site and to the impact on the character of the area (amongst other things). Given my reasoning above this policy too does not offer a support for the scheme that outweighs the substantial Green Belt harm.
17. As a result, I find that these considerations, even if taken together, should not be afforded sufficient weight to outweigh clearly the identified harm to the Green Belt.

Conclusion

18. Accordingly, I conclude this would be inappropriate development that would detract from the openness of the Green Belt. In the absence of any other considerations that clearly outweigh this harm the development would conflict with guidance in the Framework, and Core Strategy Policy CS.10. The appeal should therefore be dismissed.

JP Sargent

INSPECTOR