



Appeal Decision

Site Visit made on 14 September 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/J3720/D/20/3253842

10 Grange Road, Bearley, Stratford-Upon-Avon CV37 0SE

- 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 Ms Celia Fulford against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/00210/FUL, dated 14 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is metal shed for the use of storing disability equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form although it omits detailed comments on the need for the development as well as personal information about the appellant. The shed has been erected and this decision is based on my observations as well as the appeal plans.

Main Issues

3. The main issues are:-
 - whether the scheme represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policies; and
 - the effect upon openness; and
 - the effect on the character and appearance of the area; and
 - if the development is inappropriate, 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

Whether inappropriate development in the Green Belt

4. Whilst on a residential street, the appeal property lies in designated Green Belt. Policy CS.10 of the Stratford-on-Avon Core Strategy 2011 to 2031 (CS) defines various forms of development that are not inappropriate in the Green Belt. In these regards, the policy is in general accordance with the Framework.

5. The list under CS policy CS.10 includes small-scale extensions of a building. However, the shed is not attached to the house and so does not constitute an extension, even though it is in the appeal property's garden. There is no claim from the appellant that the development falls within any of the other defined categories as set out under CS policy CS.10 or the Framework. As such, I conclude it represents inappropriate development in the Green Belt.

Openness

6. Essential characteristics of Green Belts are their openness and permanence. The shed is small compared to the nearby houses, but nevertheless it has a volume which reduces the spatial openness of the site. A hedge to the front and side largely obscures the shed from the road and adjacent alley. However, part of it is visible from the pavement over and through a trellis topped fence in front of the house. Therefore, the development causes a visual loss of openness. The overall impact is small but nevertheless, the development harms one of the essential characteristics of the Green Belt.

Character and appearance

7. The houses along Grange Road tend to be flat-fronted and 2 storeys high. Some front gardens include hedges and fences but they are generally vacant of buildings. The street scene has an attractive, open feel, partly due to the dwellings being set back from the highway.
8. The shed is in front of the principal elevation of the appeal property and the attached line of houses. Also, it is near to the pavement and so its positioning is out of keeping with the pattern of buildings. Moreover, the shed is constructed from metal sheets, at odds with the brick houses and timber fences that are prevalent in the street.
9. The shed is lower than the hedge on the front and side boundaries of the property. As such, the development is screened to a significant degree. However, the hedge and fence to the front of the house do not totally conceal the shed as it is seen when approaching from the north east along the road. From this direction, it stands out as an incongruous structure by virtue of its forward position and unusual design and appearance. Furthermore, the planting is not a permanent feature and it cannot be relied upon to hide the building in the long term.
10. For these reasons, the development harms the character and appearance of the area. In these regards, it does not accord with CS policies CS.9 and CS.20 which, amongst other things, seek high quality design and development that protects features that contribute to local distinctiveness.

Other considerations

11. The shed is needed to store disabled persons equipment such as wheel chairs and scooters as I am told there is insufficient storage space in the house. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since there is the potential for my decision to affect the living conditions of persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.

12. A decision to dismiss the appeal could lead to the removal of the shed and so deprive the appellant of the space to store equipment that allows greater mobility. As such my decision could have equality of opportunity implications.
13. However, the submissions fail to demonstrate why a less prominent shed, more in keeping with the character of the area could not be provided. The current building allows easy and convenient access to stored items from the front door and drive but it is unclear why it needs to be so far forward or why it is of uncharacteristic metal construction. A decision to dismiss this appeal does not mean any other alternative would also be unacceptable. As such, I attach modest positive weight to the benefits of the shed in terms of facilitating the appellant's mobility.

Green Belt balance

14. As it represents inappropriate development, the appeal scheme is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
15. Overall, I find the benefits of the scheme and other considerations do not clearly outweigh the harm the development causes to the Green Belt and the other harm I have identified. As such, it does not accord with CS policy CS.10 and the Framework. Amongst other things, these seek to maintain the Green Belt's openness and to resist inappropriate development unless very special circumstances exist.

Conclusion

16. For the above reasons, the appeal scheme would be contrary to development plan policies when read as a whole. Its benefits and other factors are of insufficient weight to justify granting planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR