



Appeal Decision

Site visit made on 7 February 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/T3725/D/21/3285937

The Elms, 75 Chassetts Wood Road, Lapworth, SOLIHULL B94 6EL

- 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 Henry Watts against the decision of Warwick District Council.
 - The application Ref W/21/0989, dated 17 May 2021, was refused by notice dated 31 August 2021.
 - The development proposed is new outbuilding consisting of 4 no. car garage family games room and gymnasium to the rear of the dwelling house (with dwelling previously approved as part of application W/19/1389).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan has been submitted¹ that has removed the originally proposed external staircase. It is not the role of the appeal process to evolve a scheme. However, the amended plan shows a less intrusive scheme, the acceptance of which would therefore not prejudice any party. Furthermore, the revision would clearly address the Council's second reason for refusal. I therefore consider the effect of the proposal, on the living conditions of occupiers of The Limes, has been addressed by this amendment.

Policy background and Main Issues

3. The site is within the West Midlands Green Belt. Policy DS18 of the Warwick District Local Plan 2011-2029 (2017) states that the Council will apply national planning policy to development in the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) establishes that new development would be inappropriate unless it meets a listed exception. It is undisputed between main parties that the proposal would not meet any of these and I see no reason to disagree with this view. Consequently, the proposed outbuilding would be inappropriate development which is, by definition, harmful to the Green Belt.

¹ Application drawing: 5604/02B

4. Accordingly, the main issues in dispute are:

- The effect of the proposed outbuilding on the openness of the Green Belt; and
- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Effect on openness

5. The openness of the Green Belt has both spatial and visual dimensions. The plot is on the edge of the settlement within a dispersed group of buildings. The site is partially enclosed on its frontage by mature tree and hedge screening but otherwise provides open views of the countryside to its side and frontage. The rear garden of the dwelling is also slightly elevated from the highway.
6. The proposed outbuilding would be visible from the countryside to the side of the plot. Its visual impact would be exacerbated by being set away from nearby built form and being a tall and wide structure. Furthermore, due to its substantial size, whilst subservient in scale and position to the main dwelling, it would have a significant spatial effect on its surroundings. Due to its recessive position, and location among existing built form, the proposed building would result in some, but moderate, harm to the openness of the Green Belt.

Other considerations

7. The Appellant suggests that one or two outbuildings, constructed under Permitted Development (PD) Rights, would have a greater effect on the Green Belt than that proposed. However, a fallback position has not been shown to exist through a Lawful Development Certificate. Furthermore, whilst there is a greater than theoretical prospect that PD works might take place, such development would have a significantly reduced height to that proposed, with a likely lesser effect on the openness of the Green Belt. PD additions would therefore not clearly be of greater harm to the openness of the Green Belt. Moreover, the site offers the physical possibility of both the proposal and any 'fallback' development to be undertaken. This conglomeration of built form would negate the visual and clustering benefits advanced by the Appellant.
8. The benefits of additional space for the Appellant would be a private gain. It is unclear why this form of storage would be fundamental in this location. Furthermore, a smaller outbuilding would be likely to provide the required secure storage sought by the appellant. As a result, the security needs of the appellant are therefore of limited weight in favour of the proposal.
9. The Appellant informs that the site is within the settlement boundary of Chessetts Wood. Nonetheless, the site is also within the Green Belt and not therefore within an inset settlement. As such, national policy regulates the suitability and scale of development notwithstanding the recent approval of a replacement dwelling on site. This is therefore of neutral weight in the planning balance.

Whether there would be Very Special Circumstances

10. Paragraphs 147 and 149 of 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.
11. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would result in moderate harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
12. On the other hand, the other considerations I have identified are of limited weight in favour of the proposal. Furthermore, satisfying design matters and having no adverse effect on neighbour's living conditions can only be considered as neutral factors in the planning balance. As such, the other considerations in this case do not clearly outweigh the harm that I have identified. Therefore, the very special circumstances necessary to justify the development do not exist.
13. Consequently, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

14. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding.
15. Accordingly, for the reasons given, the appeal should not succeed.

B Plenty

INSPECTOR