



Appeal Decision

Site visit made on 11 January 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/J3720/W/21/3281331

Preston Bagot End, Old Road, Preston Bagot, B95 5EF

- 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 and Mrs J Danter against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01700/FUL, dated 20 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is the demolition of existing dwelling and outbuildings, removal of storage container, erection of replacement dwelling, garage building and all associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs J Danter against Stratford-on-Avon Council. This application is subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect on the character and appearance of the area;
 - if the proposal is inappropriate development, 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 required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal proposal seeks to demolish the existing dwelling and other associated outbuildings and structures on the land and erect a replacement dwelling with detached garage. The site is located within the West Midlands Green Belt. Policy CS.10 of the Stratford-on-Avon Core Strategy 2011-2031

(CS) sets out that national Green Belt Policy will be applied to the area within which the appeal site is located.

5. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, it states that the construction of new buildings is regarded as inappropriate in the Green Belt except for in several specified exceptions (paragraph 149). One such exception is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. The appeal proposal would be the same use therefore passing the first test. The second test is a matter of judgement based on the evidence of each case as the Framework does not define 'materially larger'.
6. The appellants argue that the replacement dwelling would not be materially larger than the existing building. This view is based on the calculation that the proposal would result in a 2.5% reduction in volume and a 1.7% reduction in footprint from that of the existing dwelling and outbuildings. The proposed replacement dwelling however would be approximately 2 metres greater in height, which the Council calculates as being an increase of around 36%. The height of the proposed detached garage would also exceed the height any of the existing outbuildings.
7. Consequently, whilst there would be a negligible reduction in terms of its overall volume and footprint, I find that by virtue of its significant increase in height, the proposal would be materially larger than the existing dwelling to be replaced. The development would therefore be inappropriate by definition under the Framework.

Openness

8. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. It follows that openness is defined by an absence of buildings or other forms of development. Openness has a visual and spatial dimension.
9. Whilst the footprint and volume of the proposed development would be broadly similar to the total footprint and volume of the buildings which currently exist on site, the proposal 'consolidates' the built form and includes the removal of several outbuildings and a metal storage container from within the curtilage. The removal of these structures would have a positive impact on the openness of the Green Belt.
10. With regards to the effect of the proposed development, there would be an unavoidable reduction in terms of openness by virtue of the increase in height between the existing and proposed dwellings. Notwithstanding this increase in height, the site is relatively low lying and does not occupy a particularly prominent position. The site also benefits from a relatively large amount of screening, particularly to the rear of the appeal site, with hedges and trees somewhat obscuring the dwelling from the wider public realm.
11. There would therefore be a limited negative effect on the openness of the Green Belt's openness by virtue of the increased height of the proposed dwelling. Whilst some of this harm would be absorbed by the removal of the

various outbuildings within the curtilage and the consolidation of the built form, there would remain some limited harm in this respect.

The effect on the character and appearance of the area

12. Both parties agree that the existing property could be described as 'sprawling', with the development spreading across a significant portion of the width of the site. It appears that the property has been significantly altered over the years which has resulted in there being little cohesiveness in terms of its design and appearance.
13. The site also includes a metal storage container and a number of dilapidated outbuildings which would be removed as part of the proposed development. The removal of these structures and outbuildings would undoubtedly be to the betterment of the character and appearance of the area.
14. From the evidence before me, including the Landscape & Visual Appraisal submitted on behalf of the appellants and from my own observations during my site visit, I find that the proposed replacement dwelling would incorporate local character and be of a similar appearance and design to other properties in the locality. The proposed development would therefore represent an improvement on the existing dwelling which is of little architectural merit and consists of various extensions and additions which negatively impact on its appearance.
15. I noted that there are buildings incorporating a range of different styles, designs and appearances within the local area, with the vast majority of these being two storey properties. The appellant also brought to my attention examples of new build dwellings of comparable size and design within the Preston Bagot area, some of which I witnessed during my site visit. Whilst I am not aware of the specific backgrounds to these properties, they nevertheless contribute to the prevailing character and appearance of the area.
16. I therefore conclude that the proposal would not result in any harm to the character and appearance of the area, or result in any detrimental impact on the Arden Special Landscape Area. Consequently, I find no conflict with Policies CS.5, CS.9, CS.12, CS.20 and AS.10 of the CS.

Other considerations

17. The appellant has put forward a fall-back position in the form of a single storey side extension, single storey rear extension, new porch and a detached outbuilding all of which could take place without the need for planning permission. The lawfulness of these developments has been confirmed by a lawful development certificate issued by the Council on 25 September 2020 (Ref 20/01152/LDP).
18. The appellant states that the implementation of the fall-back scheme would result in a 44% increase in volume, 32% increase in floorspace and a 44% increase in footprint. The fall-back scheme would also result in further additions extending from the property, and an increase in the spread of built development across the site. The appeal scheme however involves a more traditional and confined rectangular built form.
19. As the fall-back scheme comprises only single storey additions, I consider that it would produce less bulk resulting in it having less of an impact on the openness and character of the Green Belt than the proposed development.

Whilst the proposed dwelling and garage would result in a more confined and consolidated built form and represent an improved design, it would nevertheless have an additional negative impact on openness due to its increased height. I do not consider therefore that significant benefits to the openness of the Green Belt would arise by avoiding the fall-back scheme, and consequently I afford this consideration limited weight.

20. The appeal site is located within the setting of Preston Bagot Farmhouse, which along with its threshing barn and stables, are Grade II listed. Although the Council has raised no concerns regarding the impact of the proposed development on the setting of these Grade II Listed Buildings, I am nevertheless required to have regard to the statutory duty to consider the proposal on such asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty upon a decision maker to give special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses.
21. The appellants' Heritage Impact Assessment submitted in support of the proposal states that the existing property at Preston Bagot End lacks historical or architectural significance, and that the appeal site does not contribute towards the significance of the setting of the listed buildings. Furthermore, reciprocal views between the appeal site and the listed farm buildings are somewhat limited. Consequently, I find that by virtue of the existing dwellings lack of architectural significance, and the separation distance between the appeal site and the listed buildings, the proposed development would preserve the setting of the listed buildings at Preston Bagot Farmhouse.
22. A further Grade II listed building, Preston Bagot Manor, is located approximately 140 metres to the west of the appeal site. However, given the significant distance and lack of views afforded between the properties, I do not consider that the proposed development would have any impact upon the listed building, therefore preserving its setting.
23. For these reasons I conclude that the proposed development would preserve the setting of the nearby listed buildings and would not detract from their significance. It would therefore comply with Policy CS.8 of the CS.
24. The appellants have set out the condition of the existing property, which amongst other things, is said to have none or minimal insulation and a lack of damp-proof courses in places which overall result in the property not complying with current Building Regulations. As with all new dwellings, energy efficiency is a requirement and in this instance a number of improvements to energy efficiency are proposed as part of the appeal scheme. These include a higher level of insulation being used than is required by Building Regulations, natural ventilation and window positioning for solar gain. However, notwithstanding the above no compelling evidence or reasoning has been provided to demonstrate why the energy efficiency of the existing building could not be improved and the same benefits achieved. Consequently, I afford this consideration little weight.
25. The proposed dwelling would result in an increased finished floor level (FFL) of the replacement dwelling, with the FFL being approximately 0.25m higher than the existing dwelling. Whilst the raising of the FFL along with associated flood resistance and flood resilience measures represent minor benefits of the appeal proposal, they merely avoid any further harm or flood risk arising from the

proposed development. As a result, this is a neutral outcome insofar as it would not result in any harm being caused.

Conclusion

26. The proposal would represent inappropriate development in the Green Belt that would reduce openness. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful. The Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
27. Against this harm the benefits identified by the appellant, including the improved appearance of the proposed dwelling, afford moderate weight in favour of the proposal. However, the Framework sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt. Therefore, very special circumstances necessary to justify the proposal do not exist.
28. The proposed development would not accord with the development plan, and there are no material considerations to outweigh that finding. Therefore, for the reasons given above, the appeal is dismissed.

David Jones

INSPECTOR