

Appeal Decision

Site visit made on 15 March 2022 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2022

Appeal Ref: APP/T3725/D/22/3291640

Deer Park Farm, Bakers Lane, Knowle, Solihull B93 8PR

- 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 Tony Addison against the decision of Warwick District Council.
 - The application Ref W/21/0495, dated 5 March 2021, was refused by notice dated 12 November 2021.
 - The development proposed is erection of new oak timber framed building to provide garaging and storage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Both parties have referred to the Lapworth Neighbourhood Plan, but I have not been given the relevant policies from the NP. Based on the information before me the NP has not been adopted nor does it appear to be at an advanced stage in the plan making process. Consequently, the NP has not been determinative in my recommendation.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies
 - the effect on the openness of the Green Belt
 - the effect of the proposal upon the character and appearance of the dwelling and the area
 - 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 required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

5. The Framework establishes that the construction of new buildings within the Green Belt would be inappropriate subject to a number of exceptions set out in paragraphs 149 and 150. Policy DS18 of the Warwick District Local Plan 2011-2029 (LP) (adopted 2017) states that the Council will apply national planning policy to proposals in the Green Belt.
6. The exception in paragraph 149 c) allows for the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The courts have held that words should be given their ordinary meaning, but also that in some circumstances, detached outbuildings are capable of being considered as extensions to dwellings.
7. The proposal would be located 5 metres from the flank wall of the dwelling and would be used for parking and domestic storage which are typical domestic uses. However, it is also proposed to provide storage for feed and other items associated with the appellant's alpacas and ponies as well as to shelter them on occasion. These would go beyond what would usually be associated with a domestic outbuilding, even in a rural area. The proposed building would be almost as wide to the dwelling, and while it would have a somewhat lower ridge height, as a one and half storey building it would be only moderately smaller in scale than the dwelling itself.
8. Consequently, while close to the dwelling, due to its scale and uses I consider that it would not be a 'normal domestic adjunct' to the host dwelling and therefore, is not capable of being considered as an extension to the dwelling.
9. Furthermore, even if I had found otherwise on this point, due to its size and scale in relation to the host dwelling, it would be a disproportionate addition to the original building, particularly when combined with the existing orangery extension. Therefore, the proposal would not fall within Framework paragraph 149 c).
10. The proposal would not fall within any other exceptions in the Framework and, accordingly, it would be inappropriate development in the Green Belt and contrary to LP Policy DS18.

The effect upon the openness of the Green Belt

11. There is little built development in and around the appeal site other than the host dwelling and The Stables holiday let some distance away. At my visit I saw a storage container as well as various cars parked in the same location as the proposed garage. The appellant's photographs also show building materials and a tractor. These are transient items however and are not permanent structures. Moreover, these items are spread out around the site and even taken together, are relatively small items compared to a permanent building. Therefore, they have a very limited impact upon the visual openness of the Green Belt.
12. The proposal would be significantly taller than the existing items and a comparatively large, permanent building alongside the dwelling. Consequently, it would harmfully erode the visual openness of the Green Belt, albeit the harm

would be limited and localised due to its location away from public viewpoints. It would also introduce new built form in the Green Belt where there currently is none. As a result, the proposal would harmfully erode the openness of the Green Belt in spatial terms.

13. Consequently, the proposal would adversely affect both the visual and spatial openness of the Green Belt and have a significantly greater impact on openness than the existing situation.

Character and appearance

14. The site is located along a long private driveway in an area with sporadic outbuildings and barns alongside larger farmhouses and little other development. This gives the area an open, relatively undeveloped and rural appearance. Nevertheless, in principle, an outbuilding associated with a dwelling would not be unusual in such a location.
15. Whilst the scale of the proposed building would not be subordinate to the dwelling, standalone outbuildings and barns are not uncommon in the area and the materials used would be appropriate for the area. Furthermore, given the area of the land associated with the dwelling and the proximity of the proposal to the dwelling, the cumulative built development would not overdevelop the site and the area would retain its generally open rural appearance.
16. Consequently, the proposal would not harm the character and appearance of the dwelling or the area. As a result, the proposal would accord with Policy BE1 as well as the Residential Design Guide Supplementary Planning Document. These collectively seek high quality development that responds positively to the character and quality of the environment.

Other Considerations

17. The proposal would provide secure storage, hobby space and shelter for the animals on site, which would provide benefits for the appellant's health and wellbeing and for the welfare of animals. However, I have very limited information provided in relation to the appellant's health and it has not been demonstrated that these needs could not be met by existing accommodation or smaller buildings without the harm to the Green Belt that this proposal would cause. Therefore, I afford these benefits limited weight.
18. The storage container and the various materials left around the dwelling are unsightly and do not contribute positively to the character and appearance of the area. Nonetheless, these are not permanent structures, and I cannot be certain that they would be removed if the proposal were built. Therefore, I give their removal very limited weight.
19. The proposal would not harm the character and appearance of the dwelling and the wider area, but this would be expected of any development and carries neutral weight.
20. Given the location and scale of the proposal it would not harmfully affect the five purposes of the Green Belt as set out in paragraph 138 of the Framework. Nevertheless, I have found that it would harm the openness of the Green Belt which the Framework identifies as one of its essential characteristics.

Whether very special circumstances exist

21. The proposed development would cause harm to the Green Belt by reason of inappropriateness and the reduction in the openness of the Green Belt and I attach substantial weight to those harms. The proposal would conflict with LP Policy DS18 and the Framework in this respect. Whilst the proposal would not harm the character and appearance of the dwelling or the area this is of neutral consequence. The other considerations of the scheme do not, either individually or cumulatively, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

22. Due to the identified conflict with the development plan as a whole and the Framework, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

1. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR