



Appeal Decision

Site visit made on 17 May 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2022

Appeal Ref: APP/T3725/W/22/3290377

Barn at Little Manor Farm Barn, Manor Lane, Pinley Green, Claverdon CV35 8NH

- 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 Andrew Townsend against the decision of Warwick District Council.
 - The application Ref W/21/1355, dated 14 July 2021, was refused by notice dated 6 December 2021.
 - The development proposed is a replacement tractor and equipment shed with new timber framed tractor and machinery shed with additional first floor storage, bat loft, and owl and swallow boxes for biodiversity.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans during the planning application process which reduced the scale of the proposed replacement building. I note the Council made their decision on these plans. However, further amended plans were submitted during the appeal process. To consider these latest amendments would deprive those who should have had been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings considered by the Council.

Main Issues

3. The appeal site is within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - The effect on the openness of the Green Belt,
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - 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

Whether Inappropriate Development

4. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special 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.
5. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include buildings for agriculture and forestry and replacement buildings, provided that the new building is in the same use and not materially larger than the one it replaces. Policy DS18 of the Warwick District Local Plan (the LP, September 2017) relies on the policies of the Framework and as such is consistent with the Framework, and I give this policy full weight.
6. The appeal site covers a small area that contains a single building, described by the appellant as a tractor and equipment store. At the time of my visit the building contained a trailer, ride-on mower and various other bits and pieces. To the front of the building was a dilapidated car and a tractor. Other than the tractor I find that none of these items suggested a potential agricultural or forestry use. The building is surrounded by a mixture of fields and woodland which are also within the ownership of the appellant. Nearby is a stable which has permission for conversion to a dwelling¹. Although the appellant may be in ownership of agricultural land and a wooded area, this does not necessarily mean that there is an agricultural or forestry use on site and I did not note any evidence of such activities. Furthermore, I have not been provided with any substantive evidence of such uses being carried out on the site or land associated with it.
7. I note the appellant's reference to the Cawston Spinney/Cawston Fox Covert local wildlife site, which is partially within the appellant's ownership. However, it is not clear how it relates to the appeal site and given the distance of separation, I do not find that it is particularly relevant to the case before me.
8. Lacking any substantive evidence to the contrary, I find that the proposed building would not be for, or connected to, an agricultural or forestry use. In light of this I find that the proposal would not meet the exception of Framework Paragraph 149(a).
9. Furthermore, given that it is not clear what the existing use is, I cannot be certain that the replacement building would be within the same use as the existing building. As a result, the proposal does not meet the exception of Framework Paragraph 149(d) which requires that the proposed and existing buildings are used for the same use.

¹ Permission Reference: W/20/1526

Openness

10. The existing building is a simple and lightweight structure primarily formed of an open metal frame with a corrugated roof. I also note that a few sections of wall were covered in chicken wire, while along the rear of the building was a half-height lean-to with a solid roof and walls. Given its predominantly open nature, views primarily go through the building to the mature trees which bound it on two sides.
11. In contrast the proposed replacement building would have a larger footprint, and would be taller given the higher and steeply pitched roof. The increased size would be further exacerbated by the solid walls to the rear and sides, and a pair of double doors to the front of one bay. As a result, the proposal is significantly larger and more solid in its visual appearance than the existing building and would not preserve the openness of the Green Belt as a result.
12. Although I note that due to the size of the development before me, relative to the Green Belt, this impact would only be limited, a loss of openness would result. Even a limited adverse impact on openness would contribute to the overall harm to the Green Belt and therefore this matter carries substantial weight.

Character and Appearance

13. The appeal site is set between fields and a wooded area within a rural setting characterised by predominantly agricultural development. While there are some residential buildings, these are some distance away and are largely set within clusters of development. The existing building, as outlined above, is simple and lightweight and is, by way of its design, in keeping with its rural context.
14. Whilst timber is a typical material for rural buildings such as barns and stables, the overall design of the building, with regard to its appearance, proportions and detailing is more akin to a large residential garage than a barn. In this way the replacement building would be domestic in appearance and consequently an incongruous feature within the surrounding agricultural context.
15. Whilst I am mindful of the extant permission for the nearby stable, this development has not commenced, and I have not been provided with details of any external alterations. Lacking substantive evidence to the contrary, I find it unlikely that the conversion would so significantly change the character and appearance of the area as to make the proposal before me acceptable.
16. In light of the above, the proposed development would harm the character and appearance of the surrounding area as a result of its domestic appearance and would therefore conflict with Policy BE1 of the LP. Amongst other matters, this policy requires that a development should contribute positively to the character and appearance of its surroundings by way of good design. The proposal would also conflict with Paragraph 130 of the Framework which seeks for developments to be sympathetic to their local character and setting.

Other Considerations

17. Whilst I note that the proposal would provide a space for a bat roost, it has not been demonstrated that the scheme before me is necessary to provide such a roost. Moreover, I find that that the roost would not be a benefit in itself as it would mitigate the loss of the bat roost connected to the nearby stable. Whilst

the proposed owl and swallow boxes would likely provide some limited benefits over the roosts formed within the existing building, it has also not been demonstrated that the appeal development would be necessary to achieve such an improvement. As such I attach these considerations only very limited weight.

Green Belt Conclusion

18. The proposal would amount to inappropriate development in the Green Belt, and in addition, limited harm to the openness of the Green Belt would be caused as a result of the proposal. The Framework is clear that substantial weight should be given to any harm to the Green Belt. Further harm would also be caused to the character and appearance of the surrounding area. For the reasons outlined above, I attach very limited weight to the considerations cited in support of the proposal, this would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with Policy DS18 as it does not meet the exceptions to inappropriate development outlined in the policy. The proposal would also conflict with the Framework in terms of protecting Green Belt land.

Conclusion

19. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR