
Appeal Decision

Site visit made on 6 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/J3720/D/21/3289477

Bearley Farm, Church Lane, Bearley CV37 0SL

- 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 N K H Davies against the decision of Stratford on Avon District Council.
 - The application Ref 21/00806/FUL, dated 5 March 2021, was refused by notice dated 29 October 2021.
 - The development proposed is erection of a side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that during the course of the appeal application the proposal was amended to delete the provision of a new garage, however the Council's decision notice does not reflect this amendment. I have therefore amended the description of development and dealt with the appeal on this basis.
3. During the course of the appeal application, the proposal was amended in response to discussions with the Council. In their decision notice, there is no identification of the plans against which the Council took their decision. However, in their submission, the appellant has clarified that the latest plan is Drawing No. 746-002B. The Council have confirmed this to be the plan against which they determined the appeal application. I have therefore determined the appeal on this basis.
4. Having reviewed the wording of the first reason on the Council's decision notice, I do not consider that this amounts to a reason for refusal and I have therefore determined the appeal on this basis.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (The Framework) and development plan policy;
 - The effect of the proposal on the openness and the purposes of the Green Belt;
 - Whether the proposal would have an adverse effect upon protected species, in particular bats; and

- If the development is inappropriate, 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 necessary to justify the development.

Reasons

6. The appeal site comprises a detached dormer bungalow. The surrounding land is predominately open and undeveloped, with the exception of a number of outbuildings located to the north-east of the appeal property. Within the garden, is the above ground remnants of a former reservoir. The site is set away from the village and is accessed via a single-track driveway.

Whether the proposal is inappropriate development

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Development should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in the Framework. Paragraph 149 c) of the Framework identifies that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the existing building as one such exception.
9. With regards to the Development Plan, Policy CS.10 (Green Belt) of the Stratford-Upon Avon Core Strategy 2011-2031, reflects the guidance offered in the Framework, supporting small-scale extension or alteration of a building. Policy BNE4 (Neighbourhood Design Guidelines) of the Bearley Neighbourhood Development Plan 2011-2031, requires proposals to preserve and enhance Bearley and, in relation to the Green Belt, to not exceed 30% of the volume of the building as it existed at the time of the Green Belt designation.
10. With regards to the size of the additions, I note that the Council, in their Committee Report, consider that the extensions would increase the volume of the existing dwelling by around 61%. Whilst I accept that the Applicant has sought to reduce the size of the extensions, no detailed calculations are before me to contradict the position of the Council.
11. In contrast to the existing building on site, the proposed extensions would result in the provision of a substantial dwelling. Due to the size of the proposed extensions, when compared with the existing dwelling, I consider that they would be considerable additions, and, in this respect would represent disproportionate additions over and above the size of the existing building. Furthermore, considering their size and the overall percentage increase, I do not consider that they would fall within the definition of a small-scale extension.
12. Paragraph 150 identifies that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. The appeal proposal does not fall within any of the identified forms of development contained within this paragraph.

13. It has not been put to me that the appeal scheme would not be inappropriate development in the Green Belt for any other reason, and I have not found any reason to believe that it would meet any of the other criteria of paragraphs 149 and 150 of the Framework. On that basis, therefore, when assessed against relevant sections of the Framework and the adopted policies in the Development Plan, the proposed development would represent inappropriate development within the Green Belt.

Openness

14. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development.
15. The majority of the land immediately around the appeal site is currently open and undeveloped, with the appeal site set away from the village of Bearley. As a result, public viewpoints of the appeal site are limited both by distance and intervening topography and landscaping. However, whilst the appeal site is screened from public views, the overriding characteristic of the appeal site is one of openness, with wide and far reaching views across the open countryside. Therefore, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. This would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness. Therefore, the proposed development would cause harm to the openness of the Green Belt, although due to the lack of views of the appeal site, this harm would be limited.

Bats

16. Policy CS.6 of the Stratford-Upon-Avon Core Strategy 2011-2031 requires development proposals to minimise impacts on biodiversity.
17. No supporting ecology study was submitted with either the appeal application or the appeal submission to assess the impact of the proposal upon protected species, in particular bats. On the basis of the lack of evidence and given the high level of protection afforded to bats, I am therefore unable to conclude that significant harm to protected species from the development can be avoided. Given their protected nature, it is not a matter that can be addressed via a planning condition.
18. I therefore conclude that the proposed development would adversely impact upon protected species and, in this respect, is contrary to Policy CS.6 of the Stratford-Upon-Avon Core Strategy 2011-2031 and paragraph 180 of the Framework.

Green Belt balance

19. When assessed against the Framework and the relevant development plan policies, the proposal is inappropriate development within the Green Belt and would require very special circumstances to justify the harm caused by inappropriateness. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In

addition, the scheme would also cause limited harm to the openness of the Green Belt.

20. I note the submissions of the applicant with regards to current issues with the internal arrangements of the dwelling, in particular the suitability of rooms within the roof space. I also note the reference to permitted development rights to extend the property. However, such permitted development rights are largely universal, with the vast majority of properties afforded the right to extend without the need for planning permission, as such this carries only limited weight.
21. Given the national importance to protecting the Green Belt, relative to the modest, largely private benefits that would accrue from the appeal development, and the limited weight carried by the permitted development rights, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development.
22. By reason of the harm caused to the Green Belt, the proposed development is contrary to Policy CS.10 of the Stratford-Upon-Avon Core Strategy 2011-2031, Policy BNE4 of the Bearley Neighbourhood Development Plan 2011-2031 and Chapter 13 of The Framework.

Conclusion

23. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR