



Appeal Decision

Site visit made on 26 April 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/T3725/W/22/3290090

The Mill, Unit 7, Mill Lane, Little Shrewley CV35 7HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Greg Diffen against the decision of Warwick District Council.
 - The application Ref W/21/0977, dated 17 May 2021, was refused by notice dated 25 November 2021.
 - The application sought planning permission for amendments to planning permission ref: W/18/0067 (Conversion (with minor extensions and alterations) of craft workshops building to 1no. house, including ancillary business use) without complying with a condition attached to planning permission Ref W/18/2148, dated 3 January 2019.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PAL013, PAL015, PAL017, PAL018, PAL019, PAL05, PAL06, PAL08, PAL09 and PAL014, and specification contained therein, submitted on 12th January 2018 and 7th February 2018.
 - The reason given for the condition is: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appellant named above differs from the applicant named on the planning application form. However clarification has been sought from the applicant, confirming that the appeal should proceed in the name of Mr Greg Diffen. As such I am content that the appeal has been properly made.
3. Planning permission was granted in January 2019 for the conversion of a craft workshops building to a dwelling, including ancillary business use (Ref W/18/2148) (the 2019 permission). That permission was a variation to the original planning permission (Ref W/18/0067). A non-material amendment to the 2019 permission was granted in May 2021 (Ref W/18/2148) relating to replacement of the garage doors on the main building, and changes to fenestration on the outbuilding.
4. The application subject of this appeal seeks a minor material amendment to part of the 2019 permission relating to the outbuilding, comprising an increase in the roof pitch and eaves height, addition of a window at first floor level, and alteration to roof lights. The appeal seeks the removal of the condition

specifying the approved plans and replacement with a condition specifying the plans that reflect the amended design.

5. Evidence has been provided to confirm that the 2019 permission has been implemented and as such, it is highly likely that the development would occur in the event that this appeal were unsuccessful. The 2019 permission therefore represents a valid fallback position to which I afford considerable weight.
6. The site is located within the Green Belt where Policy DS18 of the Warwick District Local Plan 2011-2029 (September 2017) (Local Plan) requires proposals are determined in accordance with national Green Belt policy. Therefore, the first main issue is whether the proposal constitutes inappropriate development in the Green Belt with respect to paragraph 149.c) of the National Planning Policy Framework (the Framework). This states that an extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building should be regarded as an exception to inappropriate development in the Green Belt. A second, related main issue is the effect of the proposal on the openness of the Green Belt.
7. To summarise, the main issues are:
 - whether the proposed development as amended would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - the effect of the proposed development as amended on the openness of the Green Belt;
 - the effect of the proposed development as amended on the character and appearance of the existing building and surrounding area; and
 - whether the harm from the proposed development as amended 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 appeal.
8. In granting the 2019 permission the Council concluded that that proposal did not amount to disproportionate additions or harm to openness, as set out in the delegated officer report for that decision. I note the appellant's view therefore that Warwick District Council did not determine the proposals subject of this appeal in an impartial manner, having concluded that this scheme would amount to disproportionate additions and harm to Green Belt openness. Nevertheless, I have determined the appeal fairly, on its own merits, on the submitted evidence.

Reasons

Inappropriate Development

9. The exception under paragraph 149.c) of the Framework requires consideration of whether the proposed extension to the office building, in combination with any other extensions to the original building, amounts to disproportionate additions. Original building is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

10. With reference to a historic map from 1951-1980, the Council considers that the original outbuilding measured approximately 14.3m (broadly from the northern to the southern elevation), and that it has since been extended by approximately 11.5m through construction of the single storey garages. The appellant has indicated that the Council's measurement of the original building incorrectly incorporates part of the Millside property, which the appellant measures at 4.5m. Taking off that building would leave an original building measuring 9.8m in length (14.3m - 4.5m).
11. On that basis, the length of the existing extension in the form of the garages (11.5m) would be more than double the length of the original building (9.8m), amounting to a sizeable increase in length. Alternatively, if I were to accept the appellant's measurement of the original building totalling 12.9m, comprising the store (6.8m) and office (6.1m), the additional garaging still represents an extension of considerable building length.
12. I note the photographic evidence indicating that there was a pitched roof on the former store building adjoining the office. Therefore, it is likely that that part of the original building would have been taller than the existing garages, though with a considerably smaller footprint. As the eaves of that former building do not appear substantially higher than that the existing garages, it is unlikely that it included floor space at first floor level. Whereas, the proposed extension would have eaves in line with the office building in order to create useable floor space at first floor level.
13. The appellant makes reference to a 30 per cent guide contained within the supporting text to Policy H14 of the Local Plan, whereby proposals that would result in an increase to the gross floor space of the original dwelling of more than 30 per cent are likely to be considered disproportionate. The appellant's evidence indicates that the 2019 permission would increase floorspace by 17.9 per cent, which would increase to 23.86 per cent through the appeal scheme.
14. However, it is unclear whether that increase is from the existing buildings on site (which include the garages) or from the original building as defined in the Framework. Details of floorspace figures used are not before me. Without floorspace figures for the original building and existing extensions, and comparative floorspace figures for the proposed extension, the percentage increases given are inconclusive. As reasoned above the building length of the existing extension in all likelihood amounts to notably more than a 30% increase in comparison to the original building.
15. Consequently, I conclude that the proposed first floor extension in combination with the existing extension of the original building comprising the single storey garages, would amount to a disproportionate addition over and above the size of the original building. No robust evidence is before me to indicate otherwise. Therefore the proposal would be inappropriate development in the Green Belt.

Openness

16. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. The proposal would not increase the footprint of the existing building. The volume of the existing building would be increased through the proposed first floor extension alongside the retained office building. Therefore there would be a relatively small spatial reduction in openness.

17. The appeal building is set back from Mill Lane behind The Mill, a sizeable two storey building. It adjoins an existing house on one side and extends across the site up to the boundary with Mill Farm. Another building is positioned to the rear of the appeal building and is visible over the single storey garages. Whilst the proposed first floor extension would result in a visual reduction in Green Belt openness, its context within a complex of other buildings limits the extent to which this would be perceptible from its surroundings.
18. The appeal scheme represents a slightly taller building than the fallback scheme with a ridge height that would be 400mm higher. It would also have a shallower roof pitch as a result of raising the eaves height to match the adjoining office building. In spatial terms, the appeal scheme would result in a very small reduction in openness in comparison to the fallback scheme. Moreover, the extent to which this would be perceived from the surrounding area would be limited.
19. As such, taking into account the fallback position, the proposal would result in a very limited degree of harm to Green Belt openness.

Character and Appearance

20. The site is located in an area with a rural character. Houses on Mill Lane are set back from the road to varying extents, with a predominance of pitched roofs but of varying designs which in itself is a pleasant characteristic. The appeal building comprises an existing office and adjoining garages. It is situated to the rear of The Mill, which is a substantial building located in a prominent position close to Mill Lane. The office building is two storey but of a smaller scale than The Mill and therefore appears subservient to it. It has a functional appearance with a pleasing simplicity of form, comprising a pitched roof with front facing gable, limited window openings and green painted external doors. The adjoining run of single storey garages appears as a more modern addition. Its flat roof design appears somewhat out of place given the predominance of pitched roofs in the immediate vicinity.
21. In the proposed first floor extension, the absence of front facing windows at first floor level and the use of small roof lights would avoid creating an overtly domestic appearance. Matching the eaves height of the extension to that of the office building would tie in the design of the proposal with the form of the existing building. The ridge line of the extension would be positioned well below that of the office. It would also be slightly set back from the existing building line of the office. As such, it would appear subservient to it and would retain its subservience to The Mill.
22. The proposal would replace a section of flat roof garage which is not consistent with the general character and appearance of the locality, although the majority of the garages would remain. In addition, the extent to which the proposed development would be visible in the locality would be highly limited by its position behind The Mill.
23. In comparison to the fallback position, the proposal comprises a relatively small increase in ridge height and eaves height in the same location as the appeal scheme and for the same use. Therefore, the effect of the fallback scheme on the character and appearance of the building and surrounding area would be very similar.

24. I therefore conclude that the proposal would have a limited positive effect on the character and appearance of the existing building and surrounding area. As a result, it would accord with Policy BE4. Amongst other matters, this seeks to retain and respect special qualities of traditional rural buildings. It also seeks to ensure that proposals to convert rural buildings protect, and where possible, enhance the character and appearance of the countryside. It would also accord with Policy BE1 of the Local Plan which overall seeks to ensure that new development makes a positive contribution to the character and appearance of the locality.

Other Considerations

25. The proposal would make efficient use of a previously developed site, the principle of which is supported by the Framework. There would be short term benefits to the local and wider economy during the construction process. Given the scale of the proposal such benefits would be limited. The proposal would provide more useable floorspace which represents a small private benefit to the appellant and therefore attracts only limited weight.

26. Notwithstanding the private benefit to the appellant, the appeal scheme would have very similar effects in comparison to the fallback scheme, however it would have a marginally greater effect on openness of the Green Belt.

Conclusion

27. I have identified that the proposal would be inappropriate development and by definition would harm the Green Belt. Taking into account the fallback scheme it would also result in a very limited degree of harm to openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt, therefore I afford substantial weight to this harm.

28. Although it would make use of a previously developed site, resulting in a limited benefit to character and appearance, small, short term economic benefits during construction, and a private benefit to the appellant, the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt have not been demonstrated. The proposal consequently conflicts with Policy DS18 of the Local Plan and the Framework in respect of development in the Green Belt.

29. For the reasons given, the appeal should be dismissed.

Rachel Hall

INSPECTOR