



Appeal Decision

Site visit made on 1 September 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/T3725/D/22/3303332

4 Church Lane, Stoneleigh, Warwickshire CV8 3DN

- 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 Ms Amanda Smith against the decision of Warwick District Council.
 - The application Ref W/22/0626, dated 8 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is the erection of a porch, screen walls (with brick and railings) and decorative gates.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether this proposal would be inappropriate development in the Green Belt and, if so, whether its harm by reason of inappropriateness and other harm is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

Is the development inappropriate?

3. Policy DS18 in the *Warwick District Local Plan* confirms that national planning policy will be applied to proposals within the Green Belt. In the *National Planning Policy Framework* (the Framework) inappropriate development is said to be harmful, by definition, to the Green Belt, and the construction of new buildings should be regarded as inappropriate in such an area. Framework paragraph 149 then lists exceptions to this, one of which (criterion c) is

'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

4. The Council said additions to appellant's house, built some 20 years ago, already amounted to an 84% increase over and above the size of the original building. Although the appellant did not know if this figure is correct, no alternative figure has been offered. On an inspection of the plans and the site, the extensions certainly appear to be approaching the size of the older part of the cottage. Therefore, while they may not equate to precisely 84% of the original building and could, indeed, be slightly less, I have no basis to consider the percentage increase they created is not broadly in that region.

5. Beyond the wording of paragraph 149(c) and the definition of '*original dwelling*' found in its Glossary, the Framework does not say what constitutes disproportionate or how it should be measured. Local Plan Policy H14 states, in its supporting text, that it is not possible to define what is considered to be a disproportionate addition. It goes on to say though that, '*as a guide*', in the Green Belt extensions representing an increase of more than 30% of the gross floorspace of the original dwelling are likely to be considered disproportionate.
6. However, Local Plan Policy H14 concerns extensions to houses in the open countryside, and its supporting text specifically states that, for the purposes of the policy, the open countryside is defined as areas other than (among other places) Limited Infill Villages. As the appeal property is in the defined extent of the Limited Infill Village of Stoneleigh, a village that is washed over by the Green Belt, it is therefore not in the open countryside and does not fall under the policy's heading. There is also nothing in the text to imply this guide figure of 30% should be applied to areas in the Green Belt other than those defined as open countryside. I therefore have no reason to consider that this policy and its terms are directly applicable to this scheme.
7. The Council offered no specific figure as to what it deemed to be disproportionate additions to dwellings in Limited Infill Villages. However, on the evidence before me when the porch is taken with the other extensions, I expect that, together, they would equate to additions in the region of 80-85% over and above the size of the original building. To my mind, this is sufficiently great to mean the proposal can be reasonably defined as resulting in disproportionate additions under the terms of Framework paragraph 149(c).
8. In coming to this view, I have had regard to the supporting text of Local Plan Policy H14 and the various factors that it says will influence whether or not a scheme is disproportionate. That is not a closed list though, and other factors could also be relevant, not least of which is the absolute combined size of the proposal and any existing additions. I accept that the porch would have a footprint of just 2.7m². However, to my mind Framework paragraph 149(c) is worded the way it is, with reference back to the size of the '*original building*', because it aims to avoid buildings becoming too large as a consequence of the cumulative effect of a number of extensions, even though those extensions may be, of themselves, relatively small. Therefore, it is quite reasonable to expect there will be a point where even a very small enlargement is deemed to result in disproportionate additions. Moreover, for this reason also I consider it unsuitable to weigh the impact of the works against the existing building for the purpose of this assessment.
9. Accordingly, when taken with the existing extensions, I conclude that the proposal would result in disproportionate additions over and above the size of the original dwelling, and so, when considered against paragraph 149(c) in the Framework, it would be inappropriate development in the Green Belt.

Other matters

10. Keeping land permanently open is one of the fundamental aims of the Green Belt. In this instance its size and its location in the built area of Stoneleigh mean any adverse impact in this regard would be negligible and would not, in my opinion, harm the openness of the Green Belt. Moreover, for these reasons the proposal would not challenge any of the 5 purposes served by the Green Belt.

11. The appeal property is Grade II listed, being a timber-framed cottage with brick infill panels that dates from 17th Century. Its special architectural and historic interest lie, in part, in its detailing and construction method, while its significance is historic and architectural. The porch would be on the large, recent extension, distant from the older part of the dwelling. Given its size and design, and having regard to the effects of the existing enlargements, I find the proposal would not cause harm to the significance of this designated heritage asset and would not fail to preserve its special architectural or historic interest.
12. The significance of the Stoneleigh Conservation Area lies partly in the way it comprises a collection of buildings and intervening spaces that reflect the organic evolution of this historic rural settlement. The character and appearance of this dwelling mean it makes a positive contribution to this significance. Given my findings above in relation to the effect on this listed building, I consider the porch would preserve the character and appearance of the conservation area and not harm its significance.

Other considerations

13. The Framework says that inappropriate development should not be approved except in very special circumstances and substantial weight should be given to any harm to the Green Belt. It adds that very special circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. I have been told that a porch with a slightly larger footprint and slightly lower height than the proposal could be built as 'permitted development'. However, while such a porch may not require specific planning permission, it would require listed building consent. Although I accept such consent has been granted for the scheme before me, given the changes that would be required to make it 'permitted development', it cannot be assumed listed building consent would be necessarily forthcoming for the porch of modified design. The appellant has also not stated that would be an avenue they would pursue if this appeal were to be dismissed. In my planning judgement I therefore cannot conclude there is a real prospect that any such 'permitted development' would be implemented, and this has affected the weight it has been afforded.
15. Although the development would have a negligible effect on openness, may not challenge the purposes served by the Green Belt, and would respect the designated heritage assets, those are separate to the issue of inappropriateness and do not dilute or outweigh that concern. The Council might well have allowed larger extensions in 2016 but I understand that permission has now lapsed, and although there used to be a car port that has now been removed. Neither of these are therefore matters to which I can attach appreciable weight.

Conclusion

16. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt. Given this harm is to be afforded substantial weight, the other considerations cited by the appellant do not clearly outweigh the harm by reason of inappropriateness, and so very special circumstances do not exist. I therefore conclude that the development would be contrary to national Green

Belt policy in the Framework, and Policy DS18 in the Local Plan. The appeal should therefore be dismissed.

JP Sargent

INSPECTOR