



Appeal Decision

Site visit made on 31 May 2022 by Max Webb BA(Hons)

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal Ref: APP/H1840/D/22/3293963

Glebe House, Old Rectory Lane, Hampton Lovett WR9 0LX

- 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 C & Mrs A Beard against the decision of Wychavon District Council.
 - The application Ref 21/02233/HP, dated 17 September 2021, was refused by notice dated 9 February 2022.
 - The development proposed is demolition of existing outbuildings and erection of a garden office and subterranean garage and workshop.
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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.

Main Issues

3. 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 other relevant development plan documents; and
 - if the development is inappropriate, whether any 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 proposal.

Reasons for the Recommendation

4. The appeal site is a spacious plot containing a large dwelling with attached garage and multiple outbuildings. The land near the boundary of the site is raised, with one of the outbuildings positioned there. Another outbuilding is located more centrally in the plot, closer to the driveway that approaches the main dwelling. A public footpath passes the front of the site, which allows views of the raised part of the garden when moving in both directions.

Whether Inappropriate Development

5. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in

very special circumstances. Paragraph 149 outlines exceptions to this, including: the replacement of a building, provided the new building is not materially larger than the one it replaces; and redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development. Policy SWDP 2 C of the South Worcestershire Development Plan (adopted 2016) (Development Plan) allows for replacement buildings in the open countryside, however part E of that Policy seeks to maintain the Green Belt and sets out that development in the Green Belt will be considered in accordance with the Framework.

6. The Council sets out that the proposal would result in 210% increase in floor area compared to the existing outbuildings. The appellants do not dispute these numbers, but suggest volumetric measurements are a better guide, and that the proposal would result in a modest overall volume increase of 15m³. Regardless of which measurement is used, the proposal would result in a larger building than the combination of the existing outbuildings, albeit with the lower part of the proposal being partly below ground level.
7. The lower level of the proposed building would only be partly hidden from view by ground levels and existing screening. From the driveway, the east elevation of both the office and garage sections would be visible, whilst from the public footpath there would be glimpses of the north elevation, with parts of both levels visible past the vegetation and boundary treatments. Therefore, while the south elevation of the proposal would not appear significantly larger than the existing outbuilding, from other angles the proposal would appear significant in size and massing, and greater than the existing outbuildings, which are separated out in different parts of the site, and of smaller scale.
8. As a result, despite some of the proposed building being below ground level, overall, it would be noticeably larger than the existing outbuildings. Although in the same use, it would therefore be materially larger than the buildings it would replace, so would not fall within the exception in Framework paragraph 149d).
9. The proposal would be on garden land outside of a built-up area and on the site of existing development. Therefore, it can be considered redevelopment of PDL. The upper level would be glimpsed from the public footpath and would be clearly visible when moving along the driveway towards the main dwelling. Boundary treatments and landscaping would provide some screening and slightly mitigate the visibility of the proposal. However, it would appear larger than the existing summerhouse in views from the public footpath and driveway, so would reduce the openness of the Green Belt in both visual and spatial terms.
10. Removal of the shed would partly offset this impact by improving openness elsewhere on the site, however that is a small and unassuming structure, so its removal would not fully mitigate the impact of the larger building proposed. The proposal would be used for purposes ancillary to the dwelling and as such is unlikely to increase activity. Planting on the retaining structures would soften their impact but would do little to reduce the visual impact of the building itself. Although the appellants refer to additional tree planting being proposed, I have no specific details of this, so cannot conclude it would reduce the impact of the proposal on openness. Overall, these factors would not fully mitigate for the impacts of the proposed building on openness.

11. The proposal would therefore have a detrimental visual and spatial impact on the openness of the Green Belt. While this would be limited by the partly subterranean design, removal of existing buildings and the limited public visibility, nevertheless the proposal would have a greater impact on the openness of the Green Belt than the existing development. Consequently, the proposal would not fall within the exception in Framework paragraph 149 g) and would be inappropriate development.
12. Framework paragraph 137 sets out that 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. The proposal would not adversely affect the five purposes of the Green Belt; nevertheless, the reduction in openness would result in Green Belt harm, to which I afford substantial weight.

Other Considerations

13. The proposal would provide additional home office space for the appellants, however this would be a private benefit and, as such, I afford it limited weight.
14. The proposal would be a good contemporary design, and in those terms appear more attractive than the existing functional outbuildings. It would have better energy performance than the existing outbuildings and low carbon technology could be incorporated. Given the domestic scale of the proposal however, these benefits carry limited weight.
15. The proposal would be within the former grounds of The Old Rectory, a Grade II listed building which derives considerable significance from its architecture, former function and relationship to associated buildings. Although no longer attached in terms of ownership or function, Glebe House, the former coach house to the Rectory, and the former grounds still contribute positively to the setting of that listed building. However, the proposal would not be seen with or from the listed building and the former grounds would remain relatively open and undeveloped. Therefore, the proposal would preserve the setting and significance of the listed building and the features of special architectural and historic interest which it possesses.
16. Hampton Farmhouse, also Grade II listed, derives considerable significance from its architecture. It is separated from the site by the grounds and drive of The Old Rectory, and therefore the proposal would not affect its setting, special interest or significance.
17. The proposal would appear as a clearly contemporary addition in the grounds of Glebe House. However, due to the good quality design, the separation distance and removal of functional outbuildings it would not harm the setting, and thereby the significance of that curtilage listed building.
18. Any potential impact on archaeological assets from the proposed excavation could be addressed by use of appropriate conditions. The lack of harm to heritage assets is however a neutral factor to be expected from any development. The lack of objections from statutory consultees or third parties is also a neutral factor.

Conclusion and Recommendation

19. The proposal would be inappropriate development and would harm the openness of the Green Belt. Paragraph 148 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The other considerations in this case do not clearly outweigh the totality of the harm identified. Consequently, the very special circumstances needed to justify the proposal do not exist. The proposal would therefore conflict with Policy SWDP 2 of the Development Plan and the Framework.
20. For the reasons given above, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR