



Appeal Decision

Site visit made on 18 October 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2022.

Appeal Ref: APP/T3725/D/22/3295394

Fernwood Farm, Fernwood Barn, Rouncil Lane, Beausale CV8 1NN

- 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 Deep Toor against the decision of Warwick District Council.
 - The application Ref W/22/0047, dated 11 January 2022, was refused by notice dated 19 February 2022.
 - The development proposed is a single storey annexe to existing barn.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the revised 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 building and surrounding area, and
- If the proposed development constitutes inappropriate development in the Green Belt, whether any 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

3. The appeal site, Fernwood Barn, lies in open countryside in the Green Belt and comprises a brick barn that was granted approval for conversion into a residential dwelling in 2005 (hereafter the 'brick barn conversion'). It forms part of a complex of former farm buildings at Fernwood Farm that have also been converted to residential use. In 2014 planning permission was granted to replace the storage barn at Fernwood Barn into ancillary residential use. A glazed link between the brick barn conversion and the replacement storage barn was allowed on appeal in 2015.
4. More recently, as part of a consolidation of previous planning permissions, planning permission was granted in 2021 for the erection of a new ancillary outbuilding to replace the storage barn (hereafter the 'replacement barn'). The appellant's submitted plans show the pitched-roof replacement barn would

have a gym, games and play area and an outside terrace. In the basement there would be a pool and spa area. On my site visit I saw that the replacement barn and glazed link are both well under construction. The replacement barn no longer includes a basement level for the pool and spa area for reasons of cost.

5. The appeal proposal seeks to erect a single storey, flat roof annexe building that would join to the south east corner of the replacement barn with a link corridor (hereafter referred to as the 'annexe'). It would be built over the ruins of former livestock pens and utilise a brick wall that forms the western side of them. The annexe is intended to be a home-office for the appellant. According to the appellant, the proposed annexe with linked corridor would have a floor area of about 72 sqm. The Council does not dispute this figure.

Whether the scheme is inappropriate development in the Green Belt

6. The fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions set out in paragraphs 149 and 150.
7. The exception under paragraph 149c) allows for 'extensions or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building¹'. The appellant also refers to exception 149g) for the '...the partial or complete redevelopment of previously developed land which would not have a greater impact on openness of the Green Belt than the existing development'.
8. Policy DS18 (Green Belt) of the Warwick District Local Plan (the 'Local Plan') seeks to prevent urban sprawl in the Green Belt and applies national Green Belt policy. Other Local Plan policies expand on the various exceptions of inappropriate development. In the absence of a definition of 'disproportionate additions' in the Framework, Local Plan Policy H14 (Extensions to dwellings in the open countryside) provides numerical guidance that additions to dwellings in the Green Belt should not increase the gross floor space of the original dwelling by more than 30%. I am satisfied that these policies are broadly compliant with the national Green Belt policy in the Framework, even though the Framework refers to buildings and Policy H14 to dwellings.
9. There is a wide disparity between the parties as to the percentage increase in floor area that would arise from the proposed annexe. The appellant considers it would be about an 18% increase and the Council considers it would be about 41%. The difference arises from the starting point each party uses for the assessment.
10. The appellant considers it unreasonable to assess the proposal as purely an addition to the replacement barn when this building is now attached to the brick barn conversion by a glazed link. Based on caselaw² the *replacement* barn

¹ In the Framework glossary 'original building' is defined as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally."

² *Sevenoaks District Council v SSE and Clarke* [1997] and *Brentwood Borough Council v SSETR and Churley* [1999]

[my emphasis] can be the starting point for the 'original building' when assessing Green Belt additions. The floor area of the replacement barn, excluding the unbuilt basement, is about 198sqm.

11. The appellant then goes on to consider the 'original building' to also comprise the brick barn conversion (about 296sqm) plus the livestock pens (about 45sqm) as they are pre-1948 structures. The previously approved glazed link (about 26sqm) and the proposed annexe the subject of this appeal (about 72sqm) would be the additions for the purposes of Framework paragraph 149c) and would total about 98sqm. The appellant calculates these two additions would amount to an 18% increase of the original building and hence numerically would fall well below the threshold guide of 30% set out in Policy H14.
12. The livestock pens may well have once formed part of the overall pre-1948 larger farm complex and may be 'original' in terms of the Framework glossary definition based on date alone. However, they are located some distance from the brick barn and separate from the replacement barn, and in my view should not be included as part of original building for the purposes of paragraph 149c) calculations. Nonetheless, removing the livestock pens from the appellant's calculation of original floorspace would make little numerical difference to his calculations, and would still be well below the policy threshold.
13. I agree that the brick barn conversion is an original building. I also agree that the storage barn that was replaced (now the replacement barn) is an original building – it was a separate building and did not form part of the brick barn conversion but was a later project that sought to replace a previous stand-alone outbuilding. Therefore, I consider there are two original buildings. However, this does not mean that different original buildings can be added together to create a 'super-sized' original building based on their pre-1948 credentials, even if those buildings are now joined by a glazed link and the two buildings are being used as part of the same dwelling unit. They remain separate building entities for the purposes of Green Belt policies. The proposed annexe is an extension to the far end of the replacement barn – it is clearly not an extension to the brick barn and is significantly distanced from it. There is nothing substantive before me to suggest it was within the same curtilage as the converted barn at the relevant date. I therefore agree with the Council that the starting point is to consider the replacement barn (198sqm) as the original building that is being extended for the purposes of this appeal and Framework exception 149c).
14. The glazed link has already been added. The proposed annexe would be a further addition of about 72sqm. It is unclear how the Council arrives at a 41% increase as no calculations are provided. The appellant has undertaken his own calculations using the Council's starting point and arrives at about 36% increase in floor area. The different percentage figures matter not in this instance as both parties' calculations would result in a floor area increase that would exceed the Policy H14 guide of 30%. Therefore, numerically the proposed annexe would amount to a disproportionate addition to the replacement barn.
15. Whilst numerical or percentage markers in development plan policies are useful, there still needs to be some form of qualitative assessment of whether the proposal would result in a disproportionate addition to the original building

in terms of size, when taken in combination with any previous additions and its effect on openness. Policy H14 provides further assistance with this by listing a number of factors to take in account.

16. The replacement barn, which is already a sizeable building, is rectangular in form and the proposed annexe would also be rectangular. From looking at the plans, the length of the proposed annexe would be more than half the length of the replacement barn. This is not an insignificant enlargement and would result in a substantial amount of linear built development that would be viewed in one plane, extending down the plot away from the brick barn conversion. The link corridor serves to exacerbate the elongated linear addition. The expanse of flat roof would further accentuate the proposed annexe as a large addition. The combined form, bulk and massing of the proposed annexe, tenuously linked to the replacement barn by a narrow link corridor so as to place the proposed annexe off centre to the replacement barn, represents a very sizeable addition. Together with the numerical percentage increase I find the proposed annexe amounts to a disproportionate addition to the replacement barn, the original building. Given my findings regarding the size and extent of the extension, even if I were to take the appellant's case regarding the lower percentage addition the extension would still amount to a disproportionate addition. Consequently, the proposed development does not fall within the exception set out in paragraph 149c) of the Framework and is inappropriate development in the Green Belt.

Openness

17. Openness is one of the essential characteristics of the Green Belt. Whilst there is no definition of openness in the Framework or the development plan, the courts have held that it requires consideration of both spatial and visual aspects. Regardless of whether the proposed development is visible from public vantage points, it is still capable of affecting openness.
18. The openness of the Green Belt is clearly evident both within the spacious plot itself and around the appeal site with surrounding open countryside. The proposed annexe would build over the ruins of the livestock pens. The annexe would also occupy space on the ground that is not currently built on, as it would occupy a bigger footprint than the existing livestock pen ruins, as shown by dotted lines on the submitted plans. The annexe would have taller walls than the height of the existing low ruined walls. There would also be new walls and floors. A roof, albeit flat, would be added to enclose the space, which is currently open to the sky. The proposed annexe would introduce a sizeable footprint, more than 30% increase, together with increased volume and massing where none currently exists. Hence the proposed annexe would reduce spatial and visual openness. The large, glazed areas on the field-ward side would not lessen this.
19. The appellant considers the proposed annexe would also fall under Framework exception 149g) as it would represent the partial or complete redevelopment of previously developed land (in this case the livestock pens). This particular exception carries with it the proviso that there is no greater impact on openness of the Green Belt than the *existing* development [my emphasis]. The existing development for comparative purposes is the ruined livestock pens, which comprise only a length of tall brick wall and overgrown low-level block-work walls in a poor state of repair. From what I have already described above

it is clear that the proposed annexe would have a greater footprint, volume and massing than the ruined livestock pens and hence would have a greater impact on openness than the existing development.

20. Regardless of whether assessing openness for exception 149c) or 149g) the proposed annexe would result in a reduction of openness of the Green Belt. Even if I were to find the livestock pens now fell into residential use, this would not alter my findings on openness.

Conclusion on inappropriate development in the Green Belt

21. Drawing all the above points together, the proposed annexe would represent a disproportionate addition to the original building and hence the development does not fall within the exception set out in paragraph 149c) of the Framework. It would also reduce openness. It is therefore inappropriate development in the Green Belt for the purposes of Policies DS18 and H14 and the Framework. Even if the proposal involved previously developed land, the proposed development would have a greater impact on Green Belt openness than the existing development.

Character and appearance

22. The livestock pens cannot be reused to form the proposed annexe without extensive rebuilding and alterations. From my reading of Policy BE4 it does not cease to be relevant once the main building has been converted. Subsequent proposals to extend rural buildings as part of their conversions are also relevant. Nonetheless, the proposed annexe, which utilises the location of the livestock pens, is part of the ongoing conversion of the brick barn as a residential property. The livestock pens cannot be considered, by any stretch of the imagination, to be of a permanent and substantial construction, or of a condition suitable for re-use or adaptation, or can accommodate the proposed use without extensive re-building or alterations to its external appearance. Furthermore, the proposed annexe is not essential to secure the retention of the barn and livestock pens. In addition, Policy H14 refers to any extensions to barn conversions being unlikely.
23. I accept that the proposed annexe is set some distance from the brick barn conversion and would not be directly adjoined to it, and that one could argue it would not disrupt the integrity of it. The annexe would be a modern design that would continue that of the replacement barn and provide some design continuity. The use of reclaimed brick and the retention of part of the existing wall by the livestock pens would help settle the annexe building into its rural location. Nonetheless, it would be an addition to the already extended brick barn conversion and replacement barn and would further disrupt the form and massing and significantly elongate the now created 'L' shape form. As a result, the simple linear form of the brick barn would be lost and it would become an even more subservient part of Fernwood Barn.
24. The proposed link corridor would help set the annexe away from the existing replacement barn. However, it is unduly long and serves only to extend the amount of continuous built development projecting out from the brick barn, distorting the overall pattern and form of built development on the former courtyard barn complex. The annexe also presents a blank elevation to the currently enclosed part of the garden, turning its back on the brick barn

conversion and disrupting the relationship between the buildings and further reducing the physical and design connection.

25. The resulting effect of these various factors would combine to create an annexe that would harm the character and appearance of the property and the surrounding area. Accordingly, the proposed development would be contrary to Local Plan Policies BE4 and H14 whose aims have already been outlined above. It would also be contrary to general design guidance and ethos in the Council's Supplementary Planning Document: Agricultural Buildings and Conversions – Barns.

Other Considerations and Green Belt Balance

26. The development represents inappropriate development in the Green Belt and I have found harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt, and paragraph 148 of the Framework requires that substantial weight must be given to any harm. In addition, the development would cause significant harm to the character and appearance of the building and the surrounding area and this weighs against the proposal. These are serious planning objections. Therefore, inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
27. On the other side of the balance, the proposed annexe would allow for a home office to facilitate home working and contribute to a sustainable pattern of development. This is laudable and there would be some environmental benefits arising from this, but as it relates to a single house I afford it moderate weight. Nonetheless, I find this does not clearly outweigh the totality of the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

28. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR