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# Appeal Decision

Site visit made on 1 November 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 November 2022**

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**Appeal Ref: APP/C3430/W/22/3299104**

**Mitton Manor, Penkridge, Staffordshire ST19 5QW**

- 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 Richard Barnfather against the decision of South Staffordshire District Council.
  - The application Ref 21/00959/FUL, dated 12 August 2021, was refused by notice dated 22 November 2021.
  - The development proposed is the replacement of swimming pool marquee with single storey structure with changing facilities and garden/pool room.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are:
  - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
  - The effect on the openness of the Green Belt; and,
  - Whether the 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

### *Whether Inappropriate Development*

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
4. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include appropriate facilities for outdoor sport or recreation, so long as openness and the purposes of including land within the Green Belt are not harmed. Policy

GB1 of the Core Strategy Development Plan Document (the CS) sets out a similar list of exceptions and in particular allows for, appropriate small-scale facilities for outdoor recreation which preserves the openness of the Green Belt and does not conflict with its purposes. It is clear that, in as far as it is relevant to the appeal before me, CS Policy GB1 is consistent with the Framework and that both support outdoor recreational development only where it does not adversely affect the Green Belt.

5. The proposal includes the provision of a building providing a family room, wet room and steam room, associated with the existing outdoor pool. I consider that for the purposes of the Green Belt exceptions set out above, the existing pool is outdoor recreation. I find that space for activities such as changing, washing and drying before, and after, the use of the pool would be directly related to the use of the pool and that space to achieve this would constitute an appropriate facility.
6. However, although the proposal would accommodate these activities it would also provide a significant amount of space beyond what, in my mind, would be reasonably related and appropriate to the pool. In particular, the presence of the steam room and family room do not appear to directly relate to the use of the pool, especially at the scale proposed. Although it has been suggested that the family room would be used as a space to change, given the pool would be private for the appellant and family, I do not find that it would be necessary for it to be so spacious. Therefore, I do not find the proposal would result in the provision of appropriate facilities for outdoor recreation.
7. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The openness of the Green Belt has both a spatial and visual aspect and the absence of intrusion in one aspect does not mean that there is no impact on openness where an intrusion is found via the other aspect.
8. Although within a somewhat screened location, as a result of the dwelling and garden hedgerows, the proposed building would nevertheless have a physical presence. This would have a greater impact on the openness of the Green Belt than the existing open area of patio given the resultant height and massing of the proposed building. Whilst it is a small building relative to the Green Belt as whole, and therefore the loss of openness would be more limited, harm to the Green Belt would nevertheless occur. This matter therefore carries substantial weight.

#### *Other Considerations*

9. The appellant has made reference to the existing marquee that is present on site. Although I have been mindful of it, I note that it is a temporary structure that does not have planning permission. I note also that the appellant accepts that it has not been in place long enough to potentially receive a certificate of lawfulness. Therefore, I have not considered the proposal in comparison to the existing marquee, and it has not been determinative in my consideration.
10. Similarly, although the proposal may meet the measurements appropriate for outbuildings under permitted development, I understand that these rights have been removed under a 2008 planning permission. As permitted development rights do not apply to the site, it is not necessary for me to consider the appeal against these.

11. I note that the host dwelling is not a listed building, and that the proposal would not result in any harm to the character and appearance of the surrounding area, other than that resulting from the impact on the Green Belt. However, a lack of harm is not a benefit in itself and as such this matter carries neutral weight in my decision making.
12. The appellant has raised their intention to attach rainwater butts to the building and to ensure that it provide disabled access. These matters would provide benefits with regard to the environmental sustainability of the appeal site and the accessibility of the site for those with reduced mobility. Nevertheless, given the scale of the proposal and that it is for private use only, I attach these matters only limited weight.

#### *Green Belt Conclusion*

13. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most I have attached limited weight to the considerations in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with CS Policy GB1 which, amongst other matters, limits development within the Green Belt. The proposal would also conflict with the Green Belt aims of the Section 13 of the Framework, and in particular Paragraphs 147 to 151.

#### **Conclusion**

14. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR