



Appeal Decision

Site visit made on 26 October 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2023

Appeal Ref: APP/J3720/W/22/3298293

Hillside, Warwick Road, Stratford Upon Avon, Warwickshire, CV37 0NP

- 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 Rory Brabant against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/04014/FUL, dated 17 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is for the erection of a detached carport.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The carport is already built on site, with the proposal described as retrospective.

Main Issues

3. The main issues are:
 - Whether the proposed outbuilding would constitute 'inappropriate development' in the Green Belt;
 - The effect of the development on the openness within the Green Belt,
 - The effect on the development on the character and appearance of the area, including the designated Arden Special Landscape Area (SLA).
 - If so, whether there are other considerations which clearly outweigh the harm caused by being inappropriate development so as to amount to very special circumstances.

Reasons

Whether the development would be inappropriate in the Green Belt

4. The proposal is to retain the three-bay pitched roof carport which is located to the front of the cottage known as Hillside. The carport is opposite a garage which is associated with the adjacent dwelling of Golf Cottage.
5. Policy CS.10 of the Stratford-on-Avon Core Strategy (CS) contains a list of development types that are not inappropriate within the Green Belt. This includes small scale extensions or alterations to buildings (none of the other exceptions would apply). This does not include reference to detached new

outbuildings. However, the 'Development Management Considerations' under this policy does allow for a new curtilage building such as a garage, but states that this should be within five metres of the dwelling. The carport is significantly more than the five metres separation distance. Furthermore, this is a large outbuilding with the three bays width, lean-to log-store and pitched roof. As a domestic addition, I would not consider this to be small scale.

6. On this matter, paragraph 149 (c) of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt is 'inappropriate development' unless it is an extension or alteration to a building that does not result in disproportionate additions over and above the size of the original building. To my mind, none of the other exceptions in this Framework paragraph apply to the proposal.
7. However, as stated above, this is not an extension or alteration, with there being a clear separation distance (of over 5m) between dwelling and carport. The size of the carport is large, with a footprint which is comparable to the dwelling Hillside, and so I would not consider this as a proportionate structure in terms of size in relation to the associated Hillside cottage.
8. It has been brought to my attention that there is planning permission to extend the existing dwelling. However, I have come to my conclusions on this matter based on the circumstances I observed on site. It may be that no further extensions are built, even if there is permission. Furthermore, if the approved extension was built there may be an issue with the cumulative additional volume of both extension and outbuilding. This is because both CS.10 and the Framework refer to the assessment of whether additions are disproportionate compared to the 'original' building.
9. I would conclude that the carport would not meet with any of the development types considered as not inappropriate in the Green Belt, under either policy CS.10 or in the Framework. I conclude therefore, that the proposals would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would also fail to accord with policy CS.10 as it would not meet with any of the small-scale development exceptions.

Effect of the development on the openness of the Green Belt

10. Though the outbuilding does not result in urban sprawl, openness is an essential characteristic of the Green Belt. The outbuilding is large for such a domestic building and is a new-build development. It has introduced new development into what was a more open area to the front of Hillside. There is a small loss of openness to this part of the Green Belt as a result of the outbuilding.
11. I note the felling of the leylandii but this is a form of vegetation and not development. The fact that the plot is spacious and the carport is set back from the main highway of Warwick Road is taken into consideration. However, overall there is a clear loss of openness, albeit to a limited degree.
12. The proposed development would therefore conflict with national and local policy to protect the openness of the Green Belt.

Character and Appearance

13. The carport is to the front of the cottage and therefore is visible from Warwick Road, although only at a distance and with the dwelling in the background. There is also the garage for Golf Cottage opposite, which is similar in some ways to the carport. The use of oak frame and timber cladding also reflects the rural setting. Also, being a carport, it is of a scale that would have limited visual presence in the landscape and would not be prominent.
14. As such, the visual impact within the wider rural setting is not harmful. There would also be no harm to the character of the adjacent dwellings by this carport.
15. The site is within a sensitive Arden Special Landscape Area (SLA). Policy CS.12 requires that SLAs will be protected by resisting development proposals that would have a harmful effect on their distinctive character and appearance which make an important contribution to the image and enjoyment of the District. Though to the front of the house, the carport is clearly associated with the adjacent dwelling and is not an isolated building. It is also set on a lower ground level than the cottage, thereby reducing the prominence of the carport.
16. In my view, the carport is not harmful to the qualities of the SLA or the general character and appearance of the wider area. It is therefore development in accordance with policies CS.9, CS.12 and CS.20 of the CS. It is also in general accordance with the Development Requirements SPD.

Other Considerations

17. The appellant has set out benefits and positive circumstances that support their case. Firstly, I recognise that the garage is a secure building to store sometimes valuable items, both from criminal activity and also stray golf balls from the adjacent course. Also, there can be electric charging points installed in the garage to support sustainable transport provision.
18. In terms of design, the materials appear to be of good quality and it is similar in position and scale to the neighbour's garage opposite. I have also noted the felling of the non-native trees and the proposal for more landscaping. All benefits and positive aspects of the proposal are considered in the following section, as to whether they constitute very special circumstances.
19. There have been other planning permissions and positive appeal decisions referred to by the appellant, but these may have similar aspects but there are differences in their context and situation also. As such, I give these other cases limited weight and they do not set a precedent to allow this proposal at appeal. I have considered this proposal primarily on its own merits.
20. There has also been mention of a lack of information that the appellants had when they purchased the property about restrictions on building. However, this is not an issue that affects my determination of the appeal. The site is in the Green Belt and so the relevant policies apply.

Planning and Green Belt Balance

21. Though I have concluded the outbuilding does not have a harmful impact to the character and appearance of the area or the SLA, I have found that the outbuilding/carport is inappropriate development in the Green Belt which the Framework states is, by definition, harmful to the Green Belt. This harm must be balanced with the other considerations in this case. 'Very special

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, as set out in paragraph 148 of the Framework.

22. I have taken account of these other considerations, including the security benefits for example. Whilst the carport is beneficial to the appellant these other considerations, taken cumulatively, do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR