



Appeal Decision

Site visit made on 13 December 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th January 2023.

Appeal Ref: APP/J3720/W/22/3304281

Priory Barn, 3 Spennall Hall Court, Spennall Lane, Spennall, Warwickshire B80 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Jeremy Ellis and Mrs Suzanne Ellis against Stratford-on-Avon District Council.
 - The application Ref 22/00550/FUL, is dated 21 February 2022.
 - The development proposed is demolition of conservatory and construction of replacement rear extension, new dormer window to east elevation of bedroom 1, and new outbuilding.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which more accurately describes the development than that used in the planning application form. The appellants have used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced.
3. The Council's second putative reason for refusal referred to the location of the development within Flood Zone 2 and the absence of a Flood Risk Assessment. As part of the appellants' appeal submissions, further flooding information was provided. The Council has now confirmed that it is content for this matter to be left to a planning condition, and I see no reason to disagree. As such, I will not consider this matter further.

Main Issues

4. The appeal results from the failure of the Council to determine the application within the prescribed period. However, its Statement sets out the reasons why it would have refused permission. On this basis, I consider that the main issues 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, including the effect of the proposal on the openness of the Green Belt,
 - The effect of the proposal on the character and appearance of the host building and its setting, and

- If the proposal is inappropriate, 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

Inappropriate Development

5. The site lies within the West Midlands Green Belt. Paragraph 147 of the Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt. Framework paragraph 149 states that new buildings in the Green Belt are inappropriate development, unless they comply with one of its exceptions. One such exception, at Framework paragraph 149(c), is for 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.
6. Policy CS10 of the Stratford-on-Avon Core Strategy (SACS), adopted July 2016, also resists inappropriate development within the Green Belt. It states that the small-scale extension to a building is not inappropriate in principle, taking into account a range of criteria. Amongst other things, these include the removal of existing buildings and the cumulative effect of previous development, and that the proposal must not result in a building disproportionately larger than the original building.
7. The Policy also states that a new curtilage building should be within five metres of the dwelling. I share the view of the Inspector in the appeal at Studley¹ that this intends that a domestic outbuilding must be within that distance to be considered an extension to the property. The Framework does not make an exception for detached buildings, but I also agree with the Studley Inspector that they can be considered as an extension to a dwelling under Framework paragraph 149(c).
8. The building consists of a former barn, extended and converted into a dwelling, and located with other barn conversions around a central courtyard. There is an existing rear conservatory which I understand was erected without planning permission, but which may have achieved immunity from enforcement action through the passage of time. Even so, there is no dispute that it is not part of the original building, which the Framework defines as what existed on 1 July 1948 or, if built after that date, what was there originally.
9. SACS Policy CS10 does not impose a maximum percentage threshold and instead requires assessment of what is disproportionate on a case-by-case basis. Nevertheless, the appellants calculate that even excluding the conservatory, the proposed increase in volume of the dwelling, including the outbuilding, would be less than 30%, which they describe as a good initial benchmark of what is disproportionate.
10. However, these figures do not appear to include the two-storey double garage and first floor bedroom above. These were an addition to the building when it was converted, and so are not original. Whilst a satellite photograph suggests that structures were there previously, I have no substantive evidence of their size, volume or when they were built. Therefore, taking into account the

¹ APP/J3720/C/16/3159691

previous extensions, the proposal would result in a much larger building compared to the original building.

11. SACS Policy CS10 makes clear that maintaining the openness of the Green Belt and the prevention of urban sprawl is of the utmost importance. This accords with Framework paragraph 138, which states that the essential characteristic of the Green Belt is its openness and permanence. The Planning Practice Guidance² advises that openness can have both visual and spatial aspects.
12. In assessing openness, the site has little visibility from public viewpoints and the proposal would be seen against the backdrop of the existing buildings. However, because of their position closer to the site boundary than the current building, both the extension and outbuilding would be slightly more visible when seen from their surroundings. As such, their visual impact would be greater than is currently the case.
13. Furthermore, spatially, the complex is relatively isolated, and the proposal would extend the envelope of built form into the countryside. It would also result in a building of a greater size and mass than currently. For these reasons, the proposal would therefore result in a loss, albeit small, of the openness of the Green Belt here. This loss, together with the cumulative effect of the proposal and the previous development at the site, means that it would result in a disproportionate addition to the original building. It would also not therefore accord with the exemption provided by Framework paragraph 149(c).
14. For these reasons, the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies and would harm the openness of the Green Belt. As such, it would conflict with SACS Policy CS10 and the Framework as a whole in this respect.

Character and Appearance of the building

15. The conversion of the barn to a dwelling has resulted in a number of domestic additions to the building, including the conservatory, windows and rooflights. Nevertheless, its form, design and materials, together with those of the other converted barns nearby, mean that it retains the attractive appearance of a former agricultural building.
16. Parts G7 and G8 of the Development Requirements Supplementary Planning Document, adopted December 2018 (SPD), relate to the conversion of traditional agricultural buildings. The SPD makes clear that conversion should involve a minimum of change to maintain the agricultural character of the building and its setting.
17. The design of the extension has been influenced by a desire to improve energy efficiency and thermal performance. It would have a contemporary and simple design. Its height aims to create a robust detail where the buildings join, whilst providing sufficient internal headroom. The flat roof design also seeks to overcome possible drainage issues and to maintain light to rooflights behind.
18. Even so, it would also conflict with the advice of the SPD that extensions to such barns are not normally acceptable, including after conversion has taken place. Furthermore, the height of the extension means it would have a large, bulky appearance. This effect is harmfully accentuated by its position breaking

² Paragraph: 001 Reference ID: 64-001-20190722

the eaves lines of its host. The form of the extension would have a box-like appearance and would have a side window of rectangular design. These features would fail to reflect the large agricultural pitched roofs of the existing barn or its more traditional patterns of fenestration.

19. The materials of the proposal would minimise carbon use and could if necessary be varied through a planning condition. I saw examples of timber cladding within the wider complex, albeit using horizontal rather than vertical boarding. However, the introduction of a new material for the external walls of the building, instead of the predominant brick, would further jar with the appearance of the existing building. In doing so, it would conflict with the advice of the SPD that external materials should match existing, and different materials should not be combined on the same building.
20. The proposed dormer would enable better use of the first floor of the building. However, it would be a domestic feature not normally found on traditional agricultural buildings and none have been brought to my attention within the complex of converted barns here. It would disrupt the roof profile of the barn and so conflict with the advice in the SPD in respect of dormers.
21. The outbuilding would have a simple design, similar to the extension, but with a pergola structure and a pitched roof which allows for the installation of solar PV panels. However, the outbuilding would nevertheless be a further clearly domestic addition that would undermine the agricultural appearance and setting of the building.
22. The Council states that the proposal would not harm the wider visual landscape of the Arden Special Landscape Area (SLA) within which it lies, and I see no reason to disagree. Nevertheless, for the reasons given above, the proposal would give the building a domestic appearance that would diminish its legibility as a former barn. As such, the proposal would have a harmful effect on the character and appearance of the host building and its setting.
23. Therefore, it would conflict with SACS Policy CS20, which requires alterations to existing dwellings to be of an appropriate scale, to preserve and enhance the character of the locality and to achieve high quality design. For similar reasons, the proposal would also conflict with the requirement of SACS Policy CS10 that the design and materials are appropriate, as well as the SPD and the requirement of the Framework for a high-quality standard of design. However, in light of my findings above, I find no conflict with SACS Policy CS12 in respect of the SLA or with Policy AS10 regarding landscape impact.

Other Considerations

24. The proposal seeks to reduce operational energy use and carbon emissions, and to take into account carbon use over the life of the development. The Framework is clear that the planning system should support the transition to a low carbon future in a changing climate, and so provides support for these aims.
25. However, in light of the Government's emphasis on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for proposals to be designed to high environmental standards. In relating to just a single dwelling, the extent of these benefits is necessarily limited. Furthermore, some of these benefits are not inherently

reliant on the scheme before me and may be achieved at least to some extent by other means. As such, I give only moderate weight to these benefits.

26. The existing conservatory has an unsympathetic, domestic appearance and the proposal would be more energy efficient than it, including because of its simple form. However, the position of the conservatory below the host's eaves, its use of matching brick and its smaller overall size mean that it is preferable to the proposal and so the benefit of its removal carries only limited weight.
27. When permission³ was granted for the conversion, I understand that no restriction was placed on future changes to the external materials. That said, with the exception of the conservatory, brick remains the predominant material of the existing dwelling and I am not aware of any proposal to change this. As such, the extent of control available to the Council provides little reason to introduce new materials that would result in the harm I identify above.
28. The fact that the proposals require planning permission does not of itself make them unacceptable. I am also told that the condition (number 3) removing Class E permitted development rights when the building was converted only did so referring to the amenity of the area, rather than the effect on the Green Belt or the appearance of the building. A similar reason for the imposition of a condition formed part of a finding of very special circumstances in an appeal decision at Water End⁴ in respect of an outbuilding.
29. However, in that case the outbuilding was associated with a chalet bungalow, rather than a barn conversion, so the circumstances were different. Unlike in the current appeal, the other Inspector found no harm to the openness of the Green Belt. Furthermore, my concerns here relate not just to the outbuilding but also to the extension and dormer. Regardless of the intent of condition 3, there is no dispute that the appeal proposals require planning permission. I have considered them against the Development Plan as a whole and relevant material considerations and found conflict.

Planning Balance and Conclusion

30. The proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. I also attach significant weight to the harm to the character and appearance of the building and its setting.
31. For the reasons given above, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. I have found conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

³ LPA reference 00/01925/FUL

⁴ APP/A1910/D/21/3280747