



Appeal Decision

Site visit made on 13 December 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/M3455/W/22/3290210

Church House, Lightwood Road, Lightwood, Stoke-On-Trent ST3 7NN

- 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 Andy Crook against the decision of Stoke-on-Trent City Council.
 - The application Ref 66789/FUL, dated 1 June 2021, was refused by notice dated 6 September 2021.
 - The development proposed is described as 'Change of Use & Extension to existing garage to form a 2 Bedroom Annexe associated to the dwelling known as 'Church House'.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework).
 - (ii) The effect of the proposal on the openness of the Green Belt, and the character and appearance of the area;
 - (iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal relates to a detached single storey garage that sits within the spacious grounds of a large, 2 storey detached dwelling known as 'Church House'. Church House is located within a small group of detached dwellings that have generous garden spaces and are accessed off Cocknage Road.
4. The appeal site is located in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 149 and 150 of the Framework set out the forms of development that are not considered inappropriate within the Green Belt.

5. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate, subject to a list of specific exceptions. Of these, subsection c) which relates to the extension and alteration of a building, and subsection e) which relates to limited infilling in villages are the most relevant to the appeal proposal. I will deal with each of these exceptions in turn.

Extension or alteration of a building

6. The Council has determined the proposal against the Framework exception paragraph 149 (c) which permits the extension or alteration of a building in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.
7. Given the ancillary function, and proximity to Coach House I consider the existing garage to be a 'normal domestic adjunct' to the dwelling. The proposal has also been described as an 'annexe' in both the application and appeal forms.
8. Whether it would be an annexe, or a separate residential unit is a matter of fact and degree. The proposed floor plans show the layout to include 2 bedrooms, a bathroom, kitchen and living room. However, the plans indicate that the garden area in which the development is proposed to be situated would be undivided, with this area and Church House enclosed by close boarded timber fencing and vegetation. In addition, access to the proposal would be provided via the existing gateway to Church House. The submitted plans also show the footprint of the garage to be extended to the front and rear, with the introduction of a pitched roof. As a result of these factors, I have therefore approached the appeal on the basis that the proposal may be regarded as an extension to the dwelling for the purposes of applying local and national policies.
9. Neither party has clarified what the original building was comprised of. The Framework also does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
10. Nonetheless, from my inspection of the site and having studied the submitted plans and planning history it appears that Coach House has already been previously extended at first floor level. According to the Council's uncontested measurements the proposed development would also increase the volume of the existing garage by approximately 176m³. The Council also calculate this to equate to the garage's volume being increased by approximately 306% and therefore tripling its size.
11. Notwithstanding these figures, assessing proportionality is primarily an objective test based on size. The proposal would add significantly to the bulk of the existing detached outbuilding, and on the basis of the evidence before me, would result in a significant cumulative increase in the floorspace of the original dwelling.
12. As such I consider that adding the proposal to the other extension would result in disproportionate additions over and above the size of the original building. Consequently, the proposal does not fall within the exception at Paragraph 149 (c) of the Framework and would be inappropriate development in this regard.

Limited infilling in villages

13. In making the appeal, the appellant has cited paragraph 149 (e) as a Framework exception that the proposal would fall within. There is no definition of 'village' or 'limited infilling' within the Framework and my attention has not been drawn to any definition within the development plan.
14. The appeal site sits within a small group of properties that have open countryside to 3 sides and are bound by the Lightwood Road highway to the east. This group, and the collection of buildings on the opposite side of Lightwood Road are visually separated from Meir Heath by a more scattered pattern of development that is dominated by spacious gardens, woodland and open fields. As such, it is characterised as lying within the countryside rather than forming part of the village.
15. For these reasons I would not describe the appeal site as being located within a village. Accordingly, it cannot represent limited infilling in a village and would fail to meet the exception set out in paragraph 149 (e). This element of the proposal would therefore also be inappropriate development.

Openness and Character and Appearance

16. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions.
17. Whilst I note the presence of the existing outbuilding, hedgerows and nearby trees, the proposal would be of a substantial footprint and size and would be readily apparent from neighbouring properties and some public vantage points outside of the site. As a result, its increase in mass and bulk would inevitably reduce the openness of the Green Belt in both visual and spatial terms.
18. In addition, the mass of the proposal that would challenge the scale and dominance of the existing dwelling. It would thereby conflict with the design objectives of Policy CSP1 of the Newcastle-Under-Lyme and Stoke-On-Trent Core Spatial Strategy 2006-2026 (2009) and guidance within the Council's Urban Design Guidance Supplementary Planning Document (2010).

Other Considerations

19. The appellant has drawn my attention to a planning permission (Ref: 64761/FULL) where the Council found the development to constitute limited infilling of a village. However, I do not have the details of this scheme before me, including the description of the proposed development. On the evidence presented I therefore cannot be certain that it represents a direct parallel to the appeal proposal.
20. Whilst I also note the appellant's willingness to make further adjustments to the scale of the proposal, I must determine the appeal on the basis of the drawings submitted and the evidence before me. These factors would therefore not add any positive weight in favour of the proposal.

Green Belt Balance

21. I have found the proposal to be inappropriate development in the terms set out by the Framework, and to result in harm to the openness to the Green Belt.

The Framework requires me to give these collective harms substantial weight. In addition, it would have a harmful effect on the character and appearance of the area. No benefits associated with the proposal have been put forward to be weighed against this harm. The other considerations do not therefore clearly outweigh the harm that the proposal would cause. Consequently, the very special circumstances required to justify the development have not been demonstrated. As a result, the development conflicts with Section 13 of the Framework which seeks to protect Green Belt land.

Conclusion

22. The appeal scheme consequently conflicts with the development plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR