



Appeal Decision

Site visit made on 16 February 2023

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/J3720/D/22/3298318

Primrose House 9 Kings Lane, Snitterfield, Stratford-upon-Avon CV37 0QB

- 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 Mrs Rebecca Gidney against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00007/FUL, dated 27 December 2021, was refused by notice dated 2 March 2022.
 - The development proposed is the erection of a car port including store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A site visit was arranged for the 16 February and, although no-one was present at the time of my visit, I was able to sufficiently see the site from my walk along the driveway and from the entrance gate.

Main Issues

3. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt; and
 - (iii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. Paragraph 137 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 149 and 150, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
5. Paragraph 149c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the

original building. In this context, original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later). As the existing building has been previously extended, this needs to be taken into account in any consideration of the size of the building.

6. The Framework does not define what would be classed as a disproportionate addition, but the overall size of the building (either in terms of footprint, floorspace or volume) are clearly important factors.
7. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (CS) largely reflects the provisions of the Framework in respect of the Green Belt, but also sets out in a Development Management considerations section that a new curtilage building, such as a garage (or as in this case a carport), should be within five metres of the dwelling.
8. Notwithstanding that, the carport and store proposed could be considered to be a normal domestic adjunct and I note the appellants comments that should the previously permitted conversion of the existing garage (and associated link) be implemented then the carport would be within 5 metres of the host dwelling. As such, I consider that whether the carport is within 5 metres of the dwelling is not a significant factor in this case.
9. However, further guidance contained in Policy BE3 of the made version of the Snitterfield Neighbourhood Development Plan 2011-2031 sets out that extensions to buildings shall not normally exceed 30% of the volume of the building as it existed at the time when the Green Belt was established in 1975, or when built (if later).
10. The size of the carport and store (which the proposed plan shows as being 9 metres by 8.05 metres and 5.37 metres high) is not an insubstantial structure when taken in isolation. However, and more significantly, taking account of the previous extensions at the property the proposal would be around 130% larger than the original dwelling¹. The appellant has not disputed this figure and I have no reason to disagree with that assessment.
11. Taking all of the above into account, the proposal would result in a sizeable addition to the dwelling when compared to the original property. In my view the extent of the proposal, taken cumulatively with the existing extensions, would result in a disproportionate addition to the dwelling.
12. To that end, the proposal would not accord with the exemption outlined at paragraph 149c). Consequently, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 149 or 150 of the Framework. It would also be contrary to Policy CS.10 of the CS which seeks to set out where permission would be granted for not inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

13. One of the five purposes of a Green Belt, outlined at paragraph 138 of the Framework, is that it should assist in safeguarding the countryside from encroachment.

¹ From the Council officers' report

14. The proposal would introduce a further element of built form to the site albeit that it would not be an entirely enclosed structure as it would be open to the front and partially to both sides. Nevertheless, it would introduce a new structure which would inevitably lead to the loss of openness. Whilst this would be seen in the context of the existing dwelling, it would still be seen as a notable addition to the built form in the area.
15. In coming to that view, I acknowledge that the property is set on a large plot and has a degree of screening from public vantage points in the area. That said, the screening does not overcome the loss of openness as a result of the additional built form.
16. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment, contrary to the Framework.

Other matters

17. The appellant has outlined that the conversion of the garage in order to provide additional residential accommodation has left the property without any storage for even basic garden maintenance equipment or for covered parking. It is also stated that a considerable amount of money has been spent on repairs to a vehicle damaged by bird excrement.
18. Whilst the need for some storage space may well be required, I am not convinced that the appeal proposal is the only way this could be provided. Furthermore, whilst desirable, it is not essential for covered accommodation to be provided for motor vehicles and very little information has been provided in relation to the circumstances over the damaged vehicle.
19. My attention has also been drawn to other examples of car ports in the area. However, I have only been provided with very limited details of these and it is not clear as to the reasons why these have been approved, or indeed whether they needed planning permission or have it. Moreover, each proposal must be considered on its individual merits.

Green Belt balance

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
21. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the openness of the Green Belt.
22. Taking into account all of the other matters raised, it is clear that the proposal would have some small-scale benefits in that it would provide a garden storage facility and would partially shield parked vehicles and give protection against damage. However, to my mind, these factors only provide limited weight in favour of the proposal in the overall balance.
23. Therefore, in considering the substantial weight given to the Green Belt, I am of the view that the very special circumstances necessary to justify the

development do not exist. As such, the proposal would conflict with the Framework, and Policy CS.10 of the CS.

Conclusion

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

Chris Forrett

INSPECTOR