



Appeal Decision

Site visit made on 22 March 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal Ref: APP/T3725/D/22/3306917

The Barn, Camp Hill Farm, Kites Nest Lane, Beausale, Warwick CV35 7BF

- 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 Simon Grand against the decision of Warwick District Council.
 - The application Ref W/21/2184, dated 3 December 2021, was refused by notice dated 5 August 2022.
 - The development proposed is erection of garden shed and greenhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development used by the Council on its decision notice and the appellant on the appeal form as it describes the development proposed more clearly.
3. Two annotated photographs not available to the Council at the time it made its decision were submitted with the appeal. These photographs supplement the plans submitted to the Council, and do not change the nature of the proposal. No party is prejudiced by their submission, and I have therefore considered them alongside the other information before me.

Main Issues

4. The main issues are:
 - whether the proposed development 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 of the proposed development on the openness of the Green Belt;
 - If the development 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

Whether inappropriate development in the Green Belt:

5. Paragraph 149 of the Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to exceptions, none of which apply to the proposed development. The

proposed development is therefore inappropriate development in the Green Belt.

6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful. Paragraph 148 requires substantial weight to be given to any harm to the Green Belt, and requires very special circumstances to be demonstrated to clearly outweigh any harm to the Green Belt by way of inappropriateness, or any other harm.

Openness:

7. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence.
8. Spatially, the proposed shed and greenhouse would increase the volume of structures in a previously undeveloped area within the Green Belt. It would therefore reduce its openness.
9. Visually, the garden of the converted barn is a relatively large area which the appellant describes as being around half an acre. The land abuts Kites Nest Lane and is on higher ground, with a hedge and trees along the boundary. On the opposite side, a bank and higher land levels afford some seclusion from the adjoining garden. To the rear an open vista, above the boundary hedgerow and below tree canopies, provides a window to fields beyond.
10. The proposed shed would be close to the road and would be visible from it during the winter months. Notwithstanding the existing boundary vegetation, and its proposed black finish, it would visually reduce the openness of the green belt.
11. The proposed greenhouse would be located away from the road. It would be relatively hidden from within the garden, and lower than the adjoining garden. Although the appellant considers it would be invisible from outside the garden, he acknowledges the prolonged exposure to the sun throughout the day in that location. The land to the south is relatively open, and there are views across fields for some distance. There would be similar views into the appeal site of the proposed greenhouse, and reflections from its glass, and it would therefore visually reduce the openness of the Green Belt, even if only to a limited degree.
12. Overall, the development would not preserve the openness of the Green Belt. Unless very special circumstances are found to justify the development it therefore conflicts with Warwick District Local Plan 2011-2029 (2017) (WDLP) Policy DS18, which applies national planning policy to proposals in the green belt, and Chapter 13 of the Framework, which seeks to protect Green Belt land.

Other considerations

13. Camp Hill Barn is a converted 17th century timber-framed barn with red brick infill panels, and is a Grade II Listed Building. The appeal site is also within the Beausale Camp scheduled monument, a multivallate hillfort. Nevertheless, neither the Council's Conservation Officer, nor Historic England have identified harm to the Listed Building or the Scheduled Monument, their settings or significance, and neither have I seen reason to do so.

14. The Council have no objections in relation to the character and appearance of the proposed shed and greenhouse, and consider neither structure would be out of keeping with a residential garden. The absence of harm weighs as a neutral matter in the planning balance. I also note the appellant's concerns at the Council's determination of the proposal, and have made my own decision on the basis of the information before me, and in accordance with national policy and the development plan.
15. In favour of the development, the appellant has agreed with Historic England that the development could include the relocation of a compost heap and the clearance of brambles from the monument's ramparts, which would then be seeded with grass. These measures could be required by planning condition.
16. Permitted development rights have been removed from the land for new structures within the building's curtilage, albeit for heritage reasons rather than in the interests of the Green Belt. As a result, the appellant does not benefit from the permitted development rights that would enable many others with land in the Green Belt to erect certain garden structures. The appellant considers the greenhouse would facilitate sustainable food production and outdoor recreation. The proposed shed would enable the appellant to store garden equipment and machinery, may free the garage to be used for car parking, and enable the bins to be stored out of sight.
17. These matters in favour of the development are weighed in the planning balance below.

Conclusion

18. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations.
19. The development is inappropriate development in the Green Belt, and harms its openness, to which I must attribute substantial weight against the development. The matters in favour of the development attract only limited weight, and the harm to the Green Belt is not clearly outweighed by the other considerations. The very special circumstances required to justify a grant of planning permission therefore do not exist. The development would therefore conflict with WDLP Policy DS18 and Chapter 13 of the Framework, which are described above.
20. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that require a decision to be made other than in accordance with the development plan, and the appeal should therefore be dismissed.

Peter White

INSPECTOR