The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2023

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/J3720/D/22/3302712
Ayot Bates Lane, Tanworth-in-Arden, Solihull, West Midlands B94 5AP

- 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 Keith Holmes against the decision of Stratford-on-Avon District Council.
- The application Ref 21/03610/FUL, dated 9 November 2021, was refused by notice dated 11 May 2022.
- The development proposed is the alterations and extensions to Ayot, Bates Lane consisting of the provision of an additional garage space to the front and a reduction of existing conservatory to the rear. Internal alterations include the improvement of stair access to the first floor and a re-modelling of the ground floor layout.

Decision

1. The appeal is dismissed.

Main Issues

2. 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

3. 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.

4. 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.

5. 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.

6. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (CS) largely reflects the provisions of the Framework. In the supporting text to this policy, it acknowledges that the Council previously applied a maximum 30% threshold relating to the scale of a house extension, but this no longer applies, and it is more appropriate to consider proposals on a case-by-case basis.

7. The appellant has referred to the Tanworth Neighbourhood Development Plan 2022-2031 (2022) (TNDP). It is claimed that this plan states that proposed developments should not be 30% bigger than buildings constructed prior to 1975. It is indicated that Ayot was built in 1957 and permission was granted to extend the property in 1966 and that the building would not be 30% bigger by volume than this later amended building – which I take to be the extended building. However, I can find no reference within the TNDP to this statement and as such I give this no weight in my decision.

8. From the limited evidence before me, the appeal property has already had extensions to it which have resulted in a 52% increase in the volume of the property. As I understand it, the appeal proposal would increase this to around a 100% increase in volume when compared to the original property. To my mind, this level of increase in size is clearly a disproportionate addition.

9. Incoming to that view I acknowledge that there would not be a significant increase in the footprint or floorspace of the property. However, it is the overall size of the property which is the factor which the proposal must be assessed against.

10. 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

11. 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.

12. As I have found above, the proposal would result in an increase in the size of the dwelling when compared to the original building. Given that the size of the resultant dwelling would be larger than the existing (and original) it would inevitably have an adverse impact on the openness of the Green Belt as a result of its greater size and bulk.

13. Having said that, the proposal would be viewed very much in the context of its village setting with other residential properties either side and across the road.

I also acknowledge that there would be an increase in space between the appeal property and that of Brumhill Cottage.

14. Taking these factors into account, the proposal would only have a very limited impact on the openness of the Green Belt despite the increase in volume of the property when compared to the original dwelling. Nevertheless, some harm would result.

15. 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

16. The appellant has set out that the proposal would remove a huge conservatory which would have a material effect on improving openness, and that this part of the existing building is a monstrosity. It is also stated that the roof pitch has been limited by a flat roof at its apex (which I take to mean the overall roof height), and that the proposal would improve the aesthetics of the dwelling. Additionally, the proposal would address the differing ceiling and floor heights, mis-matched roof forms and heating methods.

17. From what has been presented to me, the appellant has also developed a wildlife habitat which includes a natural pool, has removed invasive species of plant, and through considerable investment ensured the protection of existing watercourses and wildlife and contributed significantly to the maintenance of the green belt.

18. In addition to the above it is submitted that the extensions at the back would be less than the 3 metre projections allowed under 'permitted development' rights. Whilst this may well be the case, this is not the totality of the proposal.

19. The appeal site is also located within the Tanworth in Arden Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

20. The Council consider that the alterations to the dwelling would not detrimentally impact on the character or appearance of the Conservation Area. Given the nature of the proposed works I have no reason to disagree with that view. Consequently, the development would accord with the Conservation aims of the Framework and Policy CS.8 of the CS.

21. The appellant has also raised concerns relating to the timeliness of the determination of the planning application by the Council and that a revised compromise plan was not even considered. Whilst it is clear that there were some delays to the determination of the application, that is away from the planning merits of the case. Furthermore, it is unclear what the compromise plan was or whether it was appropriate for the Council to consider it. In any case, this is not a plan before me.

Green Belt balance

22. 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.

23. 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.

24. Considering all of the other matters raised, it is clear that the proposal would have some small-scale benefits to the property and that works to improve the rear garden area have been beneficial. However, to my mind, these factors only provide limited weight in favour of the proposal in the overall balance.

25. 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 and the proposal would conflict with the Framework, and Policy CS.10 of the CS.

Conclusion

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

Chris Forrett

INSPECTOR