



Appeal Decision

Site visit made on 12 July 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2023

Appeal Ref: APP/J3720/D/22/3310568

Pipers, 2 Church Lane, Snitterfield, Stratford-Upon-Avon, Warwickshire CV37 0LG

- 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 and Mrs P Doherty against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00090/FUL, dated 8 January 2021, was refused by notice dated 30 August 2022.
 - The development proposed is single storey rear extension and decking area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) 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;
 - b) The effect of the proposal on the openness of the Green Belt;
 - c) Whether any 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

3. The appeal property ('2 Church Lane') is a semi-detached dwellinghouse, which has previously been extended to incorporate a first-floor extension over the original garage/utility area.
4. For the purposes of the development plan and the Framework the dwellinghouse is a building. This building is also located within the Green Belt.
5. The Framework states that new buildings in the Green Belt shall be regarded as inappropriate development, and by definition, harmful to the Green Belt. Exceptions to this are set out in Paragraph 149 of the Framework. One such exception is: c) 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. The Glossary to the Framework defines 'original building' as: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

6. At a local level Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 ('CS') relates to development in the Green Belt. This seeks to resist inappropriate development within it, except in cases where very special circumstances are justified in accordance with the provisions of national policy but goes on to set out some exceptions, including: b. A small-scale extension or alteration of a building. The term 'small-scale' is not defined in the CS. However, the supporting text to CS Policy CS.10 advises that the cumulative effect of the proposed scheme together with previous development on the site will be taken into account and the extension should not result in a building disproportionately larger than the original building.
7. Policy BE3 of the Snitterfield Neighbourhood Development Plan 2011–2031 ('NDP') requires that: a) 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).
8. There is no definition of 'disproportionate' in the Framework. However, the supporting text to Policy BE3 of the NDP explains that the 30% volume threshold is to ensure that extensions are not disproportionate and that proposals exceeding this volume threshold must demonstrate very special circumstances.
9. Whilst I do not dispute the general accuracy of the appellants' calculations for individual elements of the existing and proposed development, the volume of the original building has been calculated by including the adjoining semi-detached property known as '1 Church Lane'. This property does not form part of the appeal site, as edged red on the submitted plans and I have not been referred to any judicial authority setting out a requirement to interpret 'building' as meaning, in this case, an adjoining semi-detached dwelling, to be the original building for this purpose. Therefore, in the context of Framework paragraph 149 c) and the development plan, the word 'building' is construed as relating to the individual building to be extended. Accordingly, I do not accept the appellants conclusion that cumulatively, the existing extension and proposal would result in a near 21.36% increase in volume of the original building.
10. Nevertheless, the appellants submissions confirm that in respect of 2 Church Lane, the proposal in combination with the extant extension would result in an increase in volume of about 36.5%, over and above the size of the original building. Having considered the appellants' calculations, I have no reason to dispute this.
11. In addition, the appeal site incorporates a log cabin within the rear garden. Whether a detached structure would amount to an extension of the original building is a matter of fact and degree for the decision maker.
12. The log cabin was constructed to enable the occupants to work from home. Even so, and whilst this structure is sizable, it is relatively small in relation to the area of the rear garden. This structure is also located a considerable distance from, and on lower ground relative to the built form of the dwellinghouse and is also screened from this by established trees. For these reasons and in the absence of any evidence to the contrary, I do not consider this to be an extension for the purposes of paragraph 149 c) of the Framework.

13. For the above reasons, and irrespective of its design and appearance, the proposal along with the existing extension over the garage/utility area would exceed the 30% volume threshold and therefore amounts to disproportionate additions to the original building. For the reasons given below, there are no very special circumstances to justify this increase in volume above the 30% threshold. Accordingly, when considered in combination with the existing extension the proposal would not be small-scale.
14. Consequently, the proposal would be inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt

15. Paragraph 137 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as its spatial and/or visual implications. This is a matter of planning judgement.
16. The proposal would extend the spatial footprint of the original building. This, combined with the overall height and massing associated with the proposed extension would result in some albeit limited reduction in the openness of the Green Belt. As such, there would be some harm the openness of the Green Belt.

Other considerations

17. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
18. The proposal is of an acceptable design and appearance. Nonetheless, this is a local and national policy requirement for all new development.
19. I note that the appellants are parents to a number of young children and that the family would benefit from some additional space. Also, the adults work from home and require a more private area to be able to work efficiently. However, these are personal matters that do not heavily influence the planning merits of the case and the need to make planning decisions in the wider public interest.
20. I have been referred to a number of planning applications dating back to 2012, for developments in Snitterfield, within the Green Belt. On the basis of these the appellants assert that the Council has applied Policy BE3 of the NDP inconsistently. Based on the minimal information available to me, I am unable to draw any meaningful comparisons and conclusions from this.
21. I have also taken account of the Windermere Appeal decision. In that case the proposal was significantly below the 30% volume threshold under Policy BE3 of the NDP. Therefore, the approved scheme is not comparable to the proposal before me.

Green Belt balance

22. I have had regard to the relevant Development Management Considerations in support of CS Policy CS.10. Given that the proposal relates to an existing dwellinghouse in the Green Belt, this would not harm the character of the

Green Belt. Even so, for the reasons stated above, the proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt.

23. Having taken account of all the other considerations raised in support of the proposal, I find that these do not clearly outweigh the Green Belt harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with policies BE3 of the NDP and CS.10 of the CS and the Green Belt provisions of the Framework.

Other Matters

24. In addition to the above matters, the occupiers of the adjoining property have raised concerns about the impact of the proposal on their living conditions. These matters were considered as part of the Council's determination of the application but did not form part of its reason for refusal. I have also considered these matters and I am satisfied that the proposal would not unacceptably harm the living conditions of the occupiers of the adjoining property. Concerns about subsidence resulting from the proposal would be a civil matter between the relevant parties.

Conclusion

25. For the above reasons, I conclude that appeal should be dismissed.

M Aqbal

INSPECTOR