



Appeal Decision

Site visit made on 25 July 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/Y3425/D/23/3319216

Holly Barn, Moddershall Oaks, Moddershall, Stone, Staffordshire ST15 8TG

- 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 & Mrs Holland against the decision of Stafford Borough Council.
 - The application Ref 22/35962/HOU, dated 6 May 2022, was refused by notice dated 23 February 2023.
 - The development proposed is for the construction of a detached garage and associated hardstanding areas.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host property and surrounding area; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

4. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) lists the types of development that are not considered inappropriate in the Green Belt. These include, for the purposes of the appeal, the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building. Whilst
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the proposals are not an extension of the building's fabric, they are an extension of the residential use, providing an incidental function within its curtilage. It is reasonable therefore to consider the appeal scheme under this exception.

5. These aims are reflected by section C of Policy C5 of The Plan for Stafford Borough 2011- 2031 (LP), which relates to residential development proposals outside of the settlement hierarchy including areas of Green Belt. It states that an extension or alteration of an existing building should not result in additions of more than 70% to the dwelling as originally built unless, (i) the existing floor area is less than 41 square metres, where development up to 75 square metres will be acceptable, and/or (ii) the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area.
6. The proposed garage would be located to the north-west of the appeal dwelling and would replace three existing sheds. Both main parties agree that the proposal can be regarded as an extension, which would increase the floor area of the original dwelling by approximately 60%.
7. I note point (i) of part C of LP Policy C5 in that it makes specific reference to the floor area, however this part is not applicable to the proposal given the floor area of the original dwelling and that of the proposal. Policy C5 does not limit the assessment of extensions or alterations to buildings only to the floor area, as it refers to 'additions of more than 70% to the dwelling as originally built'. I have therefore not restricted my consideration of the proposal solely to the floor area.
8. The planning history of the site, as outlined within the officer's report, indicates that a lawful development certificate¹ (LDC) has been granted in 2019 for single storey side extensions to both sides of the dwelling and a two-storey rear extension. At the time of my site visit there were no extensions to the original dwelling, however I am mindful that there is no time limit in regard to a LDC.
9. Whilst the increase in the floor area by the proposal itself would not exceed the 70% threshold, the garage would have a footprint larger than the original dwelling. Given its footprint and height, the garage would also have a significant volume. Accordingly, even when considered by itself, the proposal would be a substantial addition due to its overall size, form, and massing, which I find it would be disproportionate over and above the size of the original building as a result. Consequently, the appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful. It would therefore conflict with LP Policy C5, and the provisions of the Framework.

Openness

10. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would introduce a permanent solid structure that would be substantially and noticeably larger than the sheds that would be removed. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

¹ LPA ref: 19/31042/LDCP

Character and Appearance

11. The two-storey appeal dwelling is a converted barn with a wide façade and pitched roof, located within the countryside. There are no other dwellings within its immediate vicinity, only small domestic outbuildings. The land levels increase towards the north of the appeal site, where the outbuildings that would be replaced by the proposal are currently sited. The dwelling is a good quality example of a traditional brick built former agricultural building with quaint proportions and an assemblage of original features.
12. The proposed garage would be located a few metres away from the house, to the north-west of it, thus it would have an elevated position in relation to the dwelling. It would have a depth greater than that the house and would exceed the footprint of the host dwelling. Whilst it would have a single storey and be lower in height than the appeal dwelling, due to its elevated position combined with its significant size and massing, the proposal would fail to appear subordinate, competing for domination of the plot, detracting from the quality of the host building and how it relates positively to its rural siting.
13. Notwithstanding the use of the garage and its relationship to the host dwelling, due to its significant overall scale the proposal would be harmful to the character and appearance of the host dwelling. Consequently, because the garage would detract from the appearance of the dwelling, the proposal would also have a negative effect on the appearance of the surrounding area, albeit to a limited degree, as the garage would be set back from the road and would be partially screened by the established vegetation. Matching materials would not be sufficient to mitigate this harm.
14. Accordingly, the proposed development would be contrary to Policy N1 of the LP, which requires, amongst other things, for developments to include high design standards and to take into account the local context.

Other Considerations

15. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. Point (ii) of part C of LP Policy C5 allows for larger additions to be considered if the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area. Given my findings above, this would not be the case.
17. Whilst I understand that the size of the development has been reduced in comparison to the initially submitted scheme, these amendments are not sufficient to make the appeal proposal appear proportionate to the original dwelling.
18. The Council found that the proposal would not harm the living conditions of the occupiers of neighbouring properties, trees, or highway safety. From all I have seen and read, I have no reason to disagree. However, these are neutral matters rather than ones that carry positive weight for the scheme.

Conclusion

19. The appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful. It would also cause harm to the openness of the Green Belt and would be detrimental to the character and appearance of the host property and of the surrounding area. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. For the reasons I have set out, it is sufficiently clear that the combined weight that could be ascribed to the other considerations would be insufficient against that which must be attached to the harms to the Green Belt. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policies C5 and N1 of the LP. The aims of which I have set out.

Recommendation

21. For the reasons given above the appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate to the contrary. I therefore recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR