



Appeal Decision

Site visit made on 4 August 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29.09.2023

Appeal Ref: APP/T3725/W/23/3317686

Ribbons, Rowington Green, Rowington, Warwickshire CV35 7DB

- 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 Gardner against the decision of Warwick District Council.
 - The application Ref W/22/1594, dated 4 October 2022, was refused by notice dated 8 December 2022.
 - The development proposed is the erection of detached 1.5 storey 'Granny Annexe'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework and any other relevant development plan policies and the effect of the proposal on the openness of the Green Belt; and
 - 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 development.

Reasons

Inappropriate Development and Openness

3. The National Planning Policy Framework (Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. Relevant exceptions include paragraph 149 (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 and paragraph 149 (g) limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

5. Policy DS18 of the Warwick District Local Plan 2011-2029 adopted September 2017 (WDLP) confirms that the Council will apply national planning policy to proposals within the Green Belt. Policy H14 broadly conforms to the general thrust of the Framework in so far as it allows for the possibility of extensions, including within the Green Belt unless they would result in disproportionate additions to the original dwelling, subject to certain other criteria. The explanatory text highlights that the original dwelling is defined as the dwelling granted permission if built since 1948 and if built prior to 1948 it will be the building that stood at 1 July 1948. The explanatory text also explains that while each case will be considered on its merits as a guide and taking account of any previous extensions, additions that represent an increase of more than 30% to gross floor space of the original dwelling within the Green Belt are likely to be considered disproportionate.
6. I turn first to consider whether the proposal would amount to an ancillary annexe. The proposed development would include a single garage and an open plan living space at ground floor level and two bedrooms to accommodate both sets of parents at first floor level.
7. My starting point is that the proposal is for a granny annexe and the appellants have not made an application for a separate dwelling. Although the parents would have their own living and sleeping accommodation and there would be parking for one car, the annexe would share several facilities with the main house, including vehicular access and the garden. It would also be much smaller than the main house and would be near it with easy access between the proposed building and the main house. Further, there would be no kitchen facilities and the appellants confirm that the intention would be that their parents, who require assistance with day to day living, would be dependent on the main house for cooking and laundry. Based on the available evidence, I am satisfied that the proposed building would be an annexe to the main house, and I have determined the appeal on that basis.
8. The Council has indicated that in the event that the proposal was considered to be an annexe, it should be considered as representing a disproportionate addition over and above the size of the original building as they highlight that the main house has been extended extensively and when taking account of the previous extensions the proposal would represent an increase in the footprint of approximately 158% of the footprint of the original dwelling. The appellant does not appear to dispute this figure, but rather indicates that the proposal should be considered in the context of paragraph 149 (g) of the Framework as the partial redevelopment of previously developed land.
9. Before turning to that exception, and for the avoidance of doubt, I find that the proposal would not only increase the footprint of buildings on the appeal site, but it would also introduce a 1.5 storey building which would significantly increase the volume of buildings. When taken together with the previous extensions, the size of the property would be increased by a substantial amount which I find would be a disproportionate addition over and above the size of the original building.
10. I turn now to consider paragraph 149 (g) of the Framework. I accept that the appeal site is currently part of the residential garden of the main house which is not within a built-up area. Consequently, the appeal site meets the definition of previously developed land. It therefore follows that the proposal would

amount to the partial redevelopment of previously developed land which potentially engages the paragraph 149 (g) exception of the Framework. However, before I can conclude whether the proposal amounts to inappropriate development in the Green Belt, it is necessary to consider whether the proposal would preserve the openness of the Green Belt.

11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. I accept that the proposal has been well designed and would not harm the character and appearance of the area. However, spatially, the introduction of a building of this size would result in a significant increase in floor space and volume. The footprint of building on the appeal site would also be increased and by occupying space that was previously undeveloped, the proposed development would harmfully reduce the openness of the site.
12. Visually, although there is an existing front hedge as the proposal would be set forward of the front elevation, the upper storey of the proposed development would have a significant presence in public views from Rowington Green. Overall, there would be a significantly greater impact on the openness than the existing development which would result in considerable harm to which I give substantial weight.
13. Given my findings above that no relevant exceptions under paragraph 149 of the Framework can be relied on, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with policies DS18 and H14 of the WDLP and the associated policies of the Framework as set out above. The Council also cited Policy H1 of WLDP in their reasons for refusal. However, given my finding that the proposed annexe would be ancillary to the main house, this policy which deals with new housing is not relevant.

Other Considerations

14. During the planning process, the appellant has been granted a Certificate of Lawfulness for an outbuilding (CoL outbuilding) that would allow the bedrooms and living area for the appellant's parents to be contained within the current garage wing of the main house and the existing uses within the main house that would be displaced, including a double garage and the existing home office/studio space, to be accommodated in the outbuilding. I am satisfied that there is a greater than theoretical possibility that the CoL outbuilding proposal might take place and therefore it is necessary to consider whether the CoL outbuilding proposal or the proposed annexe would have a greater impact on the openness of the Green Belt.
15. Although I accept the CoL outbuilding would have a larger footprint and volume it would be set back from the front elevation of the main house and would be significantly lower. As outlined above, openness has spatial as well as visual aspects. Notwithstanding that a mature tree would need to be removed, I do not agree with the appellant that the rearward position of the CoL outbuilding would have a greater impact on the openness of the Green Belt or that it would be more visually prominent. As highlighted, the upper storey of the proposed development would have a significant presence in public views from Rowington Green. That would not be the case for the single storey CoL outbuilding which would be sited to the side and set behind the front elevation of the main house. As a result, I consider that the proposed annexe would have a significantly

greater impact on openness than the alternative CoL outbuilding and this significantly lessens the weight I give the fallback position.

16. In the event that the appellant constructed the CoL outbuilding, I am not persuaded the prospect that they would then look to replace it using the exception under paragraph 149 (d) is anything more than a theoretical possibility. I therefore give this possibility limited weight.
17. The appellant makes the point that the CoL outbuilding has an inferior design as it is required to meet the limitations of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and there would be no requirement to use materials that would match the existing property. However, to a large extent the architectural design of the CoL outbuilding and the materials to be used are matters for the appellant's discretion. I see no reason a high quality designed single storey outbuilding using appropriate materials that would meet the requirement of the GPDO could not be constructed at the appeal site and I therefore give the possibility that the appellant would construct a poorly designed building using incompatible materials limited weight.
18. The appellant points out that there is common ground with the Council that the proposed annexe is well designed. Further, they point out that the harm to the Green Belt is definitional harm only. However, for the reasons set out I consider that the harm to the Green Belt and to openness attracts substantial weight, and the lack of other harm does not carry positive weight in favour of the proposed development.
19. I accept that the proposed annexe would provide suitable accommodation for both sets of the appellant's parents that would allow them to receive support and assistance for day to day living. However, the construction of the CoL outbuilding would also free up space in the main house to accommodate the needs of the parents and this significantly reduces the weight I give to this consideration.

Green Belt Balance

20. I find there are no other considerations in this case that clearly outweigh the substantial weight to be attached to the harm the development causes to the Green Belt by virtue of inappropriateness and to openness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

21. The proposed development conflicts with the development plan and the Framework and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and having had regard to all other considerations raised the appeal is dismissed.

S Rawle

INSPECTOR