



Appeal Decision

Site visit made on 22 August 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/J3720/W/23/3317016

Waterworks Cottage, The Green, Snitterfield, Warwickshire, CV37 0JE

- 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 James Drew against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/02094/FUL, dated 12 July 2022, was refused by notice dated 8 December 2022.
 - The development proposed is described as “alterations and extensions to Waterworks Cottage and erection of a single storey dwelling and associated and ancillary works.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt;
 - The effect of the proposed development on openness;
 - Whether the proposed development would be in a suitable location, having regard to the relevant policies of the development plan which seek to manage the location of new development and access to services;
 - The effect of the proposal on the character and appearance of the area and Waterworks Cottage;
 - Highway safety; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether these would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

3. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraphs 154 and 155 of the National Planning Policy Framework (the Framework). One such exception is for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness

- of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
4. With regards to extension to buildings, paragraph 154 lists 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 as an exception.
 5. Policy CS.10 of the Stratford-on-Avon Core Strategy (2016) (CS) of the North Somerset Council Core Strategy (2017) (CS) states sets out a number of developments that it considers would not be inappropriate development in the Green Belt. This includes small scale development which meets a housing need in accordance with Policy AS.10, subject to it not being harmful to the Green Belt and the redevelopment or previously developed land where it would not have a materially greater impact on the openness of the Green Belt.
 6. The appeal site lies outside the defined settlement boundary of Snitterfield as defined by the Snitterfield Neighbourhood Plan (2018) (NP). Snitterfield is largely a clearly defined village, however there is some sporadic linear development outside the settlement boundary. When approaching Snitterfield from the west along The Green, the surroundings are predominantly rural in character, with narrow roads with no pavement or lighting, grass verges, boundary hedgerows and agricultural fields. As you get closer to Snitterfield large residential dwellings on large plots are located to the north and south of The Green, before reaching Snitterfield the linear development is broken up by an agricultural field.
 7. The appeal site forms part of the sporadic linear development to the west of the settlement. It has a hedgerow as part of its frontage. Taking all circumstances together, because of the gap in linear development to the east, and the rural characteristics of this part of The Green, the appeal site has a greater affinity and association with the surrounding countryside than with the village. Therefore, the appeal site, when experienced on the ground, falls outside the village for the purposes of considering exceptions under paragraphs 149 of the Framework.
 8. Based on my findings above, the appeal site does not fall with a built-up area. However, the appeal site forms part of the residential garden of Waterworks Cottage. Residential gardens which are not in built-up areas are not excluded from the definition of previously developed land contained within the Framework.
 9. Paragraph 154 (g) of the Framework refers to the partial or complete redevelopment of previously developed land which not have a greater impact on the openness of the Green Belt than the existing development; or, or, would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. The development proposes a new open market dwelling with the existing dwelling becoming an affordable dwelling. Therefore, in order to assess the proposed dwelling, it is necessary for me to consider openness.
 10. With regards to the extension to the existing dwelling, the Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and

above the size of the original building is a matter of planning judgement. NP Policy BE3 states that extensions to buildings shall not normally exceed 30% of the volume of the building as it existed at the time the Green Belt was established in 1975, or when built (if later).

11. The proposal would comprise the demolition of an extension and the construction of a single storey extension to the side of Waterworks Cottage. The appellant has provided a statement advising that the proposed extension would be an increase in 37% over the existing building.
12. There is no defined way of assessing and measuring proportionality, but the Framework refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. The appellant contends the increases would be proportional and would ensure that the house can be upgraded to a suitable standard. However, in this case, the increase in floorspace, and in particular the width and height of the proposed extension, would result in a considerably greater visual mass and bulk. Therefore, I find that the scale of the extension would therefore be disproportionate.
13. The appeal scheme would therefore be inappropriate development in the Green Belt and harmful by definition. This would be contrary to the approach of the Framework which, alongside the aims of CS Policy AS.10 and NP Policy BE3, seek to protect the Green Belt from harm.

Openness

14. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. It can be considered to be the absence of buildings and development. The appeal site comprises Waterworks Cottage, a two-storey detached dwelling, and its residential curtilage. The existing dwelling is located to the rear of the site with a grassed area of garden and mature boundary landscaping.
15. During my site visit I noted that there are currently a number of small structures on the area of land for the proposed dwelling. Like the existing dwelling, these structures are largely located to the rear of the site, along its northern boundary. These structures are small scale and the appellants submission notes that they range in volume from 4.75 cubic metres to 130 cubic metres and have a maximum height of 2.8 metres. The small-scale nature of these buildings combined with their location to the rear of the site and behind mature boundary landscaping and on-site trees mean that they are not visually prominent from the surrounding area.
16. The proposed development would introduce an extension and dwelling into an area where the built form is small single storey structures. Appendix A of the appellants statement details that the existing footprint of the outbuildings and associated hardstanding is 128 square metres, and the existing dwelling 71 square metres (approximate total of 199 square metres). The proposed dwelling would measure 184 square metres with the extended dwelling measuring 98 square metres. (an approximate total of 282 square metres).
17. By comparison with the existing site, the proposed development would be markedly taller and comprised of more solid permanent buildings and spread across the whole of the area of the appeal site. Taking everything together, the appeal proposal would give rise to an intensely developed site, with a

considerably different and greater coverage, footprint, floorspace, height and overall extent of built form compared to the existing situation.

18. The appellant has drawn my attention to an appeal decision¹ where the Inspector stated that substantial harm is a high bar which that appeal fell below. Whilst I have not been provided with full details of this appeal, it appears to deal with a site that would be seen in the context of existing built form with existing housing on two sides on the edge of a settlement. Whilst the Inspector states that the site is well contained by landscaping, somewhat similar to the appeal before me, its location is in stark contrast to this appeal site which is in open countryside, with agricultural land and associated buildings to the north, east and west. The proposed development would not be seen against the backdrop of existing built development. As such, I do not consider that the matters raised are directly comparable and I have dealt with the appeal on its own merits.
19. Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a substantial harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. It would not therefore constitute an exception as specified within paragraph 155 (g) of the Framework and would be inappropriate development. It would also be contrary to CS Policy CS.10 and NP Policy BE3 which, amongst other things, seek to ensure that the purposes of the Green Belt are upheld by resisting inappropriate development.

Access to Services

20. The site is not located within a development boundary and is therefore considered to be in the open countryside. When travelling along the access road to the site the area has a rural character, with agricultural fields, mature trees and hedgerows adding to its rural character. The site is located on a narrow road with no footpaths or street lighting.
21. The site is located near to Snitterfield, which contains a primary school public house and shop, amongst other small-scale amenities. However, the site is more closely aligned with its surrounding rural characteristics than the more built-up area of Snitterfield. During my site visit, I noted that occupiers of the proposal would need to travel in excess of five hundred metres along the unlit road with no pavement. As you approach Snitterfield built development becomes denser and cars are parked in the highway, meaning that any pedestrians would need to walk in the centre of the carriageway to walk around them. A bus stop is provided in Snitterfield; however, users would need to travel along the aforementioned road to reach this.
22. The distance between the site and this settlement combined with the lack of pavement and street lighting would discourage the occupiers of the proposed dwelling from walking or cycling to access shops, services and facilities. Therefore, it is reasonable to conclude that occupiers of the proposed dwelling would be heavily reliant upon the use of a private car to access shops, services and facilities, especially during the winter months and inclement weather when daylight hours and visibility are limited.

¹ APP/V1505/W/22/3296116

23. In conclusion, the proposal would not provide a suitable location for housing having regard to the accessibility to services and facilities. Therefore, it would not accord with CS policy CS.15 and AS.10 and NP Policies H1 and H4 which, amongst other things, seek to disperse development in accordance with the distinctive character and function of the wide range of sustainable locations across the District. It would also not meet the aims of paragraph 8 of the Framework in terms of ensuring accessible services and facilities.

Character and Appearance

24. The appeal site is located in an area of open countryside characterised by dispersed linear development and a mix of residential and agricultural properties and uses. Dwellings in the immediate area are largely detached residential dwellings or semi-detached barn conversions. There is a wide variety to the design and age of properties in the area but the use of red brick, render and clay roof tiles is a common feature. The appeal site comprises a detached red brick Victorian dwelling located to the rear of the site. To its front and side are grassed areas and orchard trees. Small outbuildings are located to the west of the dwelling.
25. The proposed development at Waterworks Cottage would introduce a single storey side extension. In doing this, a much larger house would be created that would be considerable in width, some 18 metres, and extend across the width of the proposed plot area. Whilst the proposed extension has sought to echo nearby architectural features, such as barn conversions, the height, width and roof massing would appear as an incongruous addition to the property failing to respond to the original proportions, footprint and design of the house, and significantly altering this single dwellinghouse, harming the character and appearance of the host building and area.
26. The proposed extension would be contrary to CS Policies CS.9 and CS.20 and NP Policies BE1 and BE3 which together seek to ensure that developments reflect the character and distinctiveness of the locality. The appeal scheme would also be contrary to paragraph 135 of the Framework that seeks development that are visually attractive as a result of good architecture.

Highway Safety

27. At the time of my visit The Green was quiet with minimal passing traffic. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that levels of traffic would increase at peak hours when traffic is at its heaviest.
28. The proposed development would create a new access on to The Green. The Council are concerned regarding the lack of detail pertaining to a Road Safety Audit (RSA) and culver crossing. With the appeal an RSA has been submitted along with culver bridge details. The RSA provided details of problems, which all relate to overgrown vegetation at the site of the access. The management of this vegetation would ensure that adequate visibility is achievable at all times.
29. The Green is a lightly trafficked and relatively straight road with minimal on street parking. As such, vehicles exiting the proposed access, subject to vegetation clearance and management, would have good visibility of any oncoming traffic. Additionally, the plans clearly demonstrate that there is sufficient space in front of the proposed dwelling to park and turn vehicles so

that they can access and egress the site in a forward gear. Furthermore, the submission details that a bridge would be constructed over the culvert and would allow for any increase in water level.

30. Whilst some detailed information has not been provided with the submission, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
31. For the reasons set out above I consider that the proposed development would not be detrimental to highway safety. Accordingly, I find no conflict with CS Policies CS.26 and AS.10 or NP Policies IN3 which seek, amongst other things, to ensure that highway safety is not compromised. The proposal also complies with paragraph 115 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Considerations

32. The applicant's intention is for Waterworks Cottage to be provided as affordable housing. A planning obligation securing the dwelling as an affordable dwelling has been provided. The provision of an affordable dwelling would weigh in favour of the proposal. The construction of the development would result in moderate economic benefits including for local people and businesses, local spending from future occupants and additional revenues for local services from Council taxes.

Planning Balance and Conclusion

33. I have found the proposal to represent inappropriate development which would have an adverse impact on the openness of the Green Belt. In accordance with the Framework, I have given this harm substantial weight. I have also found that moderate harm would arise in terms of the location of the development in terms of access to services and facilities and on the character and appearance of the host dwelling and area. The Framework makes clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
34. I have given the provision of new housing, including affordable housing, considerable weight, taking account of what I recognise from the evidence to be the substantial overall need for housing, including affordable housing, within the District. Other benefits would also arise as outlined earlier in my decision. However, the benefits of the proposal would not clearly outweigh the harm resulting to the Green Belt and the other harm I have identified.
35. Given that very special circumstances do not exist, Green Belt policy indicates that development should be restricted in this case. Overall, therefore, the proposal does not represent sustainable development. It is contrary to the CS and NP and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR