The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/T3725/D/23/3322331
Church Farm, Glasshouse Lane, Lapworth, Warwickshire B94 6PU

- 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 H Higgins against the decision of Warwick District Council.
- The application Ref W/23/0101, dated 24 January 2023, was refused by notice dated 25 April 2023.
- The development proposed is the erection of a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at Church Farm, Glasshouse Lane, Lapworth, Warwickshire B94 6PU in accordance with the terms of the application, Ref W/23/0101, dated 24 January 2023, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Site Plans, drawing no. 2969-2-PL-01 Rev A; Existing and Proposed GF Plan, drawing no. 2969-2-PL-02 Rev E and Existing and Proposed Elevations, drawing no. 2969-2-PL-03 Rev D.

   3) No development shall be carried out above slab level unless and until large scale details of the windows, doors and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

   4) No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

   5) The development hereby permitted shall be carried out in accordance with the precautionary measures for bats contained in paragraph 4.2 of the Preliminary Ecological Appraisal, prepared by Martin Ecology dated 19 April 2022.

Application for costs

2. An application for costs was made by Mr H Higgins against Warwick District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023, and it is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been no substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one would be prejudiced by this change to the national policy context.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

Reasons

5. Policy DS18 of the Warwick District Local Plan 2011-2029, September 2017 (LP) states that national policy will be applied to proposals within the Green Belt. The Framework states that new buildings in the Green Belt are generally considered to be inappropriate development but sets out some exceptions. Included amongst the express exceptions in paragraph 154c of the Framework is 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.

6. The term 'original building' is defined in the Glossary to the Framework as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. As such, subsequent extensions and additions should be measured cumulatively against this gauge for the purposes of paragraph 154c.

7. Policy H14 of the LP is relevant to proposals to extend dwellings lying in the open countryside. Subject to certain criteria, the policy is permissive of extensions unless they result in disproportionate additions to the original dwelling. Explanatory text in paragraph 4.95 of the LP relating to dwellings in the Green Belt suggests that additions representing an increase of 30% to the gross floor space of the original dwelling, excluding any detached buildings, are likely to be considered disproportionate.

8. Essentially the parties disagree as to how the terms 'original building' and 'extension' apply to the circumstances of the appeal site. Consequently, their calculations differ, and they dispute whether the proposal would represent a disproportionate addition in terms of Green Belt policy.

9. The appeal site comprises a farmhouse with linear former agricultural structures to the north and south, arranged around a courtyard. There is consensus between the parties that the farmhouse and the barn to the south were physically joined on 1 July 1948, such that for the purposes of Green Belt policy, they comprised part of the original building. With reference to the historic maps provided, I have little reason to take a different view. Moreover, the Council have approached their calculations for the original dwelling in this way for the purposes of policy H14. On the evidence before me, I consider this to be a reasonable approach and, on that basis, the floorspace of the original building was in the order[1] of 277 to 284m^2.

[1] Green Belt calculations in Councils Delegated Decision Worksheet & Letter from appellant dated 24.1.23, Approach 2

10. There is also no dispute that the northern barn (referred to as the former cowstalls) also existed on 1 July 1948, which is consistent with the historic mapping. The appellant indicates[2] this single storey building had a gross floorspace of approximately 83m^2 and I have no evidence before me to suggest otherwise.

11. In addition, the appellant accepts that a link was erected in about 2000 to connect the farmhouse to the cowstalls which in turn were converted to form a games room with a refurbished garden store and garaging. The appellant indicates that the floorspace of new built form at that point involved the erection of a garage and a link to the farmhouse, with floorspaces of about 30m^2 and 7m^2 respectively.

12. Based on this broadly agreed background, various ways to approach the floorspace calculation referred to in the guidance to policy H14 of the LP have been presented to me. The Council do not consider that the former cowstalls formed part of the original building with the farmhouse as it was a separate entity. When assessing cumulative extensions and additions to the original building, they include the floorspace of the cowstalls. On that basis, the further 16m^2 of floorspace associated with the proposed rear extension that is the subject of this appeal, would mean that the cumulative floorspace would be increased well beyond the 30% guideline.

13. The Council relies heavily on this calculation as evidence that the proposal would cumulatively be a disproportionate addition, and therefore inappropriate development in the Green Belt. Paragraph 152 of the Framework confirms that by definition, inappropriate development is harmful to the Green Belt.

14. Be that as it may, I am not convinced that the floorspace calculation advanced by the Council takes sufficient account that the cowstalls were also a building in existence on 1 July 1948. Moreover, the calculation is described by the supporting text as a guide, expressly confirming that flexibility remains to consider each case on its merits. To my mind, the complexity of the configuration of the farmstead arrangement would be a suitable instance of where a gross floorspace calculation should not be applied too simplistically or rigidly. I say this for the following reasons.

15. Firstly, paragraph 142 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. It is within this context that the ultimate test in paragraph 154c of the Framework should be seen. When considering cumulative impact arising from previous extension or alterations in this case, it cannot be irrelevant to the matter of openness that the cowstalls were in existence alongside the original building. It would therefore be inaccurate to treat the converted cowstalls building as if it were equivalent to a new built form extension, as the latter would have a much greater impact on openness than the former.

16. My position on this is broadly consistent with national green belt policy, whereby a distinction is made between the construction of new buildings and the reuse of existing buildings of permanent and substantial construction. Paragraph 155 of the Framework states that the latter is not inappropriate

[2] Letter from appellant dated 24.1.23, page 3

development provided it preserves openness and does not conflict with the purposes of including land within the Green Belt.

17. In addition, paragraph 154c of the Framework refers to the 'size' of the original building, of which floorspace is one component. Moreover, policy H14 of the LP refers to the original 'dwelling' rather than building and so is not entirely consistent with the wording of the Green Belt policy in the Framework. I have given greater weight to the terminology of the Framework in these respects, especially as policy DS18 of the LP confirms it will apply national Green Belt policy and policy H14 has wider application than just proposals in the Green Belt. The Framework does not specify how disproportionality is to be measured over and above the size of the original building.

18. Furthermore, the proposed rear extension is single storey, small scale and would not project further eastwards or southwards than the existing dwelling. Owing to its modest size and discrete layout it would be assimilated as part of the existing structure. Therefore, it would avoid harmfully encroaching into the open qualities of the wider area. There is no suggestion by the Council that the proposal would conflict with criteria a-c of policy H14 of the LP in relation to respecting the character of the original dwelling and openness of the rural area.

19. Once greater account is given to the historic presence of the cowstalls alongside the original building, the size and extent of cumulative new building comprising the link, garaging and proposed rear extension would have a limited impact. In this particular context, even acknowledging the guidance provided by the Council's floorspace calculation, I judge that the proposal would not result in disproportionate additions over and above the size of the original building.

20. It follows that it would fall within the exception permitted by paragraph 154c of the Framework and would not amount to inappropriate development in the Green Belt. Therefore, I find no conflict would arise with policy DS18 or H14 of the LP insofar as they seek to protect the Green Belt from inappropriate development.

Other Matters

21. Church Farmhouse is a Grade II listed building that dates from the 17th century, with 19th century alterations. The former cowstalls to the north are also separately Grade II listed. According to the Heritage Statement, the farmhouse was originally a timber framed cottage with brick infills and the listed outbuilding is of similar construction. They are arranged as part of a wider farmstead. The special interest and significance of these listed buildings are derived principally from their aesthetic architectural value, the remaining historic fabric, the rural setting and what they reveal about the agricultural and social history of the area.

22. The Grade II* Church of St Giles lies to the north of the appeal site. The building is thought to be over 800 years old, with the tower added later in the 15th century. Its considerable special architectural and historic interest are derived in part from the architecture and fabric of the building which also provide a tangible connection with the past. In addition, its rural setting is important, as is its longstanding cultural and religious value to the local community.

23. I am mindful of my statutory duty[3] to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

24. The proposal would affect part of the farmhouse that has previously been modified and constructed in modern materials. Hence, the evidence before me shows that original historic fabric would not be harmed. The glazed single storey structure would be of a modest scale subordinate to the overall farmhouse and would read as a clearly contemporary addition. It would be discretely located on the eastern side of the building and contained within the established grounds of the farmhouse, shielded from the listed outbuilding and church by other existing built form.

25. Overall, I consider that the proposal would preserve the significance of the listed farmhouse, outbuilding and the rural setting of the church. My findings are reinforced by the views of the Council's Principal Conservation Officer, and that the Council have granted listed building consent[4] for the works.

Conditions

26. In the interests of certainty, conditions are imposed to set a commencement time for the development, and to ensure it accords with the approved plans. Furthermore, as the appeal property is a Grade II listed building, to ensure its significance is safeguarded, large scale details and materials samples should be agreed with the Council. Finally, although bats were not found at the appeal building, they are active in the wider area. All species of bats in the UK are protected. Consequently, precautionary measures should be employed as part of the development in accordance with the Preliminary Ecological Appraisal in the event bats are disturbed.

Conclusion

27. For the reasons given above, I conclude that the appeal should succeed.

Helen O'Connor

INSPECTOR

[3] Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990
[4] Reference W/22/0675/LB