



Appeal Decision

Site visit made on 7 February 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/C3430/D/23/3325235

Kingsford House, Kingsford Lane, Kinver, Staffordshire DY11 5SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Pargeter against the decision of South Staffordshire District Council.
 - The application Ref is 22/01170/FUL.
 - The development proposed is replacement of existing stables and garage with new garage and ancillary building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. As such, neither party is prejudiced by a lack of consultation on the revised Framework.

Main Issues

3. The appeal site is within the Green Belt, and therefore the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal upon the character and appearance of the area; 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 proposal.

Reasons

4. Kingsford House is a large, detached dwelling located towards the rear of its extensive plot at the corner with Bird's Barn Lane. The existing garage and stable block are located on the opposite side of the driveway to the dwelling, at slightly different land levels, with the garage located further towards the side boundary of the plot than the stable block. There is also a summerhouse located at the rear of the plot, shown on the existing plans. A garden shed is also indicated on the existing plans, but this was not in place at my visit.

Inappropriate development?

5. The 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; and that the construction of new buildings within the Green Belt is inappropriate development.
6. However, there are a limited number of exceptions to this, including that at paragraph 154g) which refers to limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Policy GB1 of the South Staffordshire Core Strategy 2012 (CS) sets out that development in the Green Belt will be assessed in accordance with national policy. The policy therefore broadly accords with the Framework, but it is not fully consistent with it, as it does not include the exception within paragraph 154g). The Council accepts that the proposal would satisfy the definition of PDL as set out in the Framework, and I find no reason to consider otherwise.
8. The proposal would result in the demolition of the existing garage and stable block. According to the Council, these buildings are about 47m² and 57m² respectively and have a ridge height of about 3m, and an eaves height of about 2.5m. The proposed building would have a footprint of about 182m². While the eaves height would be about 2.4m, the ridge height would vary from about 4.5-6m due to changes in land levels. These figures are not disputed by the appellant.
9. In respect to openness, it is clear that the proposed building would be of a considerably larger footprint and volume than the buildings to be demolished. While the appellant seeks to trade off the existing stables and garage to help justify the proposals, such an approach is not generally supported by the Supplementary Planning Document: Green Belt and Open Countryside 2014, which also sets out that ancillary buildings are usually low and constructed from more natural materials such as timber.
10. Even though the proposed building would partly overlap the footprints of the existing buildings to be demolished, it would be of a significantly greater bulk and mass than the two buildings. Therefore, the proposal would result in a greater spatial impact upon the openness of the Green Belt.
11. The proposal would be screened to some degree by existing vegetation and boundary fencing. Nevertheless, due to the lie of the land, together with its siting and overall scale, the proposal would be in prominent view from Kingsford Lane and the higher land towards the east.
12. In summary, the proposal is PDL in terms of the Framework and the proposal would have a greater impact upon the openness of the Green Belt. Therefore, the proposal would not accord with paragraph 154g) of the Framework.
13. I therefore conclude that the proposal would be inappropriate development in the Green Belt. It conflicts with Policy GB1 of the CS and the fundamental aims of the Framework.

Character and appearance

14. From the evidence before me, the appeal site is located outside of any settlement boundary, near to the wooded area of the westerly side of Kinver Edge, from where there are views of the surrounding landscape with its rolling landforms. The area is rural in character, with sporadic built forms nestled within the rolling landscape. The stable block has an appearance akin to a rural outbuilding being of timber construction, while the brick garage is located close to the side boundary of the plot and is well screened by vegetation.
15. Due to the change in levels of land, the proposed building would vary in ridge height from about 4.5m to about 6m and its overall footprint would be similar to that of the host dwelling, such that it would not appear subservient to its host.
16. I note that the proposed building would include multiple glazed openings of a considerable size within the south-easterly elevation, which faces towards Kingsford Lane. These features would combine with the overall scale, footprint and ridge height of the proposed building to give an appearance akin to a dwelling in its own right, and thus eroding the spacious character of built forms in the area.
17. The proposed clay roof tiles would conform to the guidance within the Supplementary Planning Document: South Staffordshire Design Guide 2018 (SPD). The building would be externally clad in oak weatherboard. Such materials would appear sympathetic to the rural character and appearance of the area.
18. Having regard to all of the above, and despite the use of harmonising materials, the scale, volume and massing of the development would not respect the scale of spaces and buildings in the area, and it would therefore fail to follow the design principles of the SPD.
19. I therefore conclude that the proposed development would harm the character and appearance of the area. It conflicts with Policy EQ11 of the CS, and the design principles of the SPD, which seek to ensure that proposals respect character and distinctiveness including that of the surrounding development and landscape; and that in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

Other considerations

20. The appellant suggests that a number of structures could be erected within the domestic curtilage through permitted development rights, which would result in the same visual appearance as the proposal. The application of such rights could represent a fallback position.
21. My attention is also drawn to a letter from the Council to the appellant dated October 2019 which concerns a response to a pre-application enquiry for an extension to the existing stable block and conversion to a dwelling for a dependant relative. The letter details a 1.2m extension to the stable block and is clearly for a different form and scale of development than the appeal scheme. For these reasons, it is not directly comparable.

22. I have not been provided with clear and compelling evidence to demonstrate how any other structures would meet the limitations as set out in the GPDO¹. I have seen nothing to suggest the appellant would genuinely pursue such options if this appeal failed. On this basis, and in the absence of any prior approval consent or lawful development certificate, I therefore cannot be certain that even if there was a realistic prospect of such a fallback, that it would result in the same or greater harm than the scheme before me. Consequently, this consideration attracts very limited weight.
23. The appellant states that the proposal would be of a sustainable construction, be of low energy usage, and would accord with clause r of Policy EQ11 which seeks to provide parking in discreet but planned locations within the development. While the proposal includes a garaging element, this would be in a comparatively less discreet location.
24. I accept that the proposed glazing and orientation of the building would assist with solar gain and maximise natural daylight levels. The appellant states that the proposed building would be highly insulated, use LED lighting and be installed with ASHP technology, but this is not robustly demonstrated, nor is there any proposed mechanism before me to secure such matters.
25. Nevertheless, such features could accord with Policies CP3, CP4, EQ5 and EQ11 of the CS (either in whole or part), which when taken together seek to ensure that development is sustainably constructed and/or designed in order to achieve high quality design. Such features would also support the objectives of the Framework to tackle the effects of climate change. Therefore, these matters attract limited weight in favour of the proposal.

Green Belt Balance

26. The Framework makes clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted. I have found that the proposal would be inappropriate development within the Green Belt, which is, by definition, harmful. The Framework requires me to give substantial weight to any harm to the Green Belt. I have also found that the proposal would harm the character and appearance of the area.
27. Although there are limited benefits that weigh in favour of the scheme, they do not individually or cumulatively clearly outweigh the substantial harm to the Green Belt and other harm resulting from the development. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

28. For the reasons given above, the appeal should be dismissed.

J Moore

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).