



Appeal Decision

Site visit made on 11 February 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/T3725/D/24/3354565

The Old Dairy, Old Fosse Way, Eathorpe, Warwickshire CV33 9DG

- 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 Gordon Thomas against the decision of Warwick District Council.
 - The application Ref is W/24/0780.
 - The development proposed is the erection of a single storey garage.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of a single storey garage at The Old Dairy, Old Fosse Way, Eathorpe, Warwickshire CV33 9DG in accordance with the terms of the application, Ref W/24/0780, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers 05024-HBA-DR-001-A_Location and Block Plan, 05024-HBA-DR-002-A_Existing and Proposed Site Plan, 05024-HBA-DR-003-A_Context Elevations, 05024-HBA-DR-004-A_Proposed Plans and Elevations, and 05024-HBA-CO-0010_NZC4 Energy Statement.
 - 3) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - the effect of the proposed development on the character and appearance of the host dwelling and its setting.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal property is a detached dwelling comprising an agricultural building converted into residential use, located within the Green Belt. Approval is sought for

a single storey detached double garage and log store to serve the property, to be constructed using materials to match the host dwelling.

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 154 is clear that, development in the Green Belt is inappropriate unless one of several exceptions listed at paragraph 154 apply.
5. Policy DS18 of the Warwick District Local Plan 2011-2029, adopted September 2017 (LP) sets out that national planning policy will be applied to proposals within the Green Belt.
6. It is the Council's contention that the proposed garage would be inappropriate development, as it would not satisfy any of the exceptions listed at paragraph 154. However, the exceptions include 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. For the purposes of paragraph 154 of the Framework, it has been established in case law¹ that a residential outbuilding, which is physically separated from a dwelling, can be considered to be an extension of a dwelling. The proposed garage, which is domestic in scale, would be used for purposes associated with the residential use of the host dwelling and given its siting close to it, would therefore have a close relationship with it. Consequently, it would be reasonable to conclude it would be a normal domestic adjunct and therefore fall to be considered as an extension to the existing building.
7. 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. The appellant indicates that the existing dwelling has not been subject to any previous extensions, the planning history in the officer's report does not indicate otherwise. The appeal submissions set out that the proposal would increase the footprint of the dwelling by approximately 50m², which amounts to an increase of 26% over and above the original building.
8. The proposed garage would be of a traditional pitched roof design, modest in overall scale and would not extend a significant distance beyond the existing side elevation of the main building. In addition, it would be lower in height than the adjacent 2 storey element of the dwelling. As such, it would be visually subservient to the host property. Furthermore, the position of the garage, close to the existing building, means it would be largely screened by the host dwelling in longer distance views of the site or seen against the backdrop of it. Therefore, having regard to the increase in floor area as well as the siting, overall design, scale and volume of the proposed garage, the proposal would not result in a disproportionate addition over and above the size of the original building.
9. Consequently, the proposed garage would not constitute inappropriate development within the Green Belt as defined in the Framework. Accordingly, it would not conflict with Policy DS18 of the LP or the aims of Framework which seek to protect the Green Belt from inappropriate development. Paragraph 154 c) does

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

not require an additional assessment to be made upon openness or the purposes of including land within the Green Belt, to meet it.

Character and appearance of the host dwelling

10. The existing converted barn occupies a spacious plot, with a generous area of hardstanding to the front and one side and lawned garden space to the rear and other side. Aside from the nearby modern agricultural building, it is surrounded by open countryside which contributes to the open, rural character of the area. The barn has a considerable footprint and overall scale and includes a single storey central section from which 2 storey wings project perpendicularly from each end. Despite the presence of domestic features including block paving and chimney breasts, the rural building nonetheless retains its traditional, simple form and attractive historic character and appearance.
11. The proposed garage would be located on land close to the side of the barn, which is currently used for the parking of vehicles. The built form of the barn would not be directly affected by the proposal, which would not alter the shape or size of the existing building. While the garage would be seen alongside the converted barn, its modest scale means it would not be an unduly dominant feature in relation to the host property. For the same reasons it would not diminish the spacious setting of the building or erode the rural character of the surrounding area.
12. The simple design and appearance of the garage would not be at odds with the traditional vernacular of the host dwelling. Moreover, by virtue of the scale, siting and design of the garage, it would not detract from the visual qualities of the main aspects of the barn or disrupt the traditional courtyard arrangement of the original building. As such, the proposed garage would not harm the agricultural character and appearance of the host dwelling or its setting.
13. The Council refer to its 'approved Supplementary Planning Guidance on barn conversions'. I have been provided with a copy of the Council's *Historic Buildings Guidance Agricultural Buildings and Conversion – Barns (Revised September 2010)*, however it is unclear as to whether this is the same document. Moreover, in the absence of any clarity as to the status of the guidance, I have attributed it very limited weight.
14. As a consequence of the earlier imposition of a restrictive planning condition the site does not benefit from permitted development rights for some types of development, including the erection of outbuildings. However, this would not preclude the carrying out of such development, but rather that planning permission is required to be sought in the first instance.
15. The Council refers to the risk of precedent, if the proposal were to be allowed. However, there is no compelling evidence that, the granting of permission in this case would undermine the Council's ability to exercise its judgement in relation to proposals for similar development elsewhere. Furthermore, each case must be determined on its individual merits.
16. For the foregoing reasons, I conclude that the proposed garage would not harm the character and appearance of the host property or its setting. In that regard it would not conflict with Policy BE4 of the LP which requires proposals for the conversion of rural buildings to, among other things, retain and respect the special qualities and features of traditional rural buildings; and the appearance and setting

of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.

Conditions

17. Standard conditions relating to the commencement of development and to ensure that the development is carried out in accordance with the approved plans are necessary to provide certainty. I have also imposed a condition to require the materials to be used in the external surfaces of the garage to match those in the main dwelling, which is necessary in the interest of the character and appearance of the area.

Conclusion

18. For the reasons given above, the appeal is allowed, subject to conditions.

E Worley

INSPECTOR