



Appeal Decisions

Site visit made on 19 November 2024 by N Manley BA (Hons) MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal A Ref: APP/J3720/D/24/3346339

The Coppice, Ullenhall Lane, Ullenhall, Warwickshire B95 5PW

- 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 Phillip Malloy against the decision of Stratford-on-Avon District Council.
- The application Ref is 23/03419/FUL.
- The development proposed is a replacement two storey extension, fenestration alterations, open canopy porch and associated works to facilitate loft conversion (part retrospective); demolition of single storey dining room; demolition of an outbuilding.

Appeal B Ref: APP/J3720/D/24/3350926

The Coppice, Ullenhall Lane, Ullenhall, Warwickshire B95 5PW

- 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 Phillip Molloy against the decision of Stratford-on-Avon District Council.
- The application Ref is 24/01618/FUL.
- The development proposed is Replacement two storey extension, fenestration alterations, open canopy porch and associated works to facilitate loft conversion (part retrospective); demolition of two outbuildings and single storey dining room.

Decisions

1. Appeal A and Appeal B are dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have adopted the description of the proposal from the Council's decision notices for Appeal A and Appeal B as they more accurately describe the proposals.
4. A new version of the National Planning Policy Framework (the Framework) was published in December 2024. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

5. Appeal A and Appeal B relate to the same site and appellant, with both proposals being similar. While both appeal schemes would see the demolition of the single-storey dining room, the key difference is that Appeal A involves demolishing one outbuilding ('The Salon'), while Appeal B includes demolishing two outbuildings ('The Salon' and 'Outbuilding 3'). Although I have assessed each proposal on its merits, I have addressed both in a single document due to their similarities and for brevity.
6. The proposals are part retrospective as the development for which consent is sought has already been largely completed and aligns with the plans before me. I have considered the appeals on this basis.

Main Issues

7. The appeal site is within the Green Belt and therefore the main issues are:
 - Whether the proposals constitute inappropriate development in the Green Belt for the purposes of the Framework and development plan policies, including their effect on openness; and
 - Whether any 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 proposals.

Reasons for the Recommendation

8. The appeal site comprises a substantial detached property set within a large plot on the western side of Ullenhall Lane. To the northwest of the dwelling stands a large garage, with a smaller outbuilding, 'The Salon', located to its west. The front of the property is enclosed by a wall and gate. A large driveway dominates the frontage, providing parking for several cars. Adjacent to the driveway is a lawned area, with 'Outbuilding 3' located nearby. Despite the presence of two neighbouring residential dwellings, the site is largely surrounded by open countryside, emphasising its rural character. The connection to the open countryside is particularly evident from the rear of the property, where the expansive garden offers uninterrupted views of the surrounding landscape, reinforcing a strong sense of openness.

Whether inappropriate development in the Green Belt and effect on openness

9. Paragraph 153 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (adopted 2016) (SOADCS) is broadly consistent with the aims of the Framework, stating the purposes of the Green Belt will be upheld by resisting inappropriate development.
10. Paragraph 154 specifies that development in the Green Belt is inappropriate, except in certain circumstances. One such exception, outlined in paragraph 154(c), 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* (my emphasis).
11. While both parties assert that the baseline for assessing this proposal should consider lawfully approved extensions, this approach contradicts the Framework. The Glossary to the Framework clearly defines the *original building*

as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. The original building does not, therefore, include any subsequent additions.

12. In this case, the appeal property was constructed in 1993 and has since been altered and extended. My attention has been drawn to the development management considerations to Policy CS.10, which notably state that a new curtilage building should be within five metres of the dwelling. As this consideration applies to new buildings, it is of limited relevance for the purposes of establishing what constitutes the 'original building' in this particular case. Based on the evidence provided, and in accordance with the Framework, the *original building* (my emphasis) comprises the house as it was first built in 1993. The plans also show 'Outbuilding 3', as well as the original garage and 'Outbuilding 2', which have subsequently been demolished. These can all be regarded as normal domestic adjuncts and can also, therefore, be considered to form part of the 'original building'.
13. This forms the baseline against which subsequent extensions and alterations should be assessed, to ensure compliance with the Framework's requirements. Structures such as 'The Salon' and the existing garage, despite their proximity to the dwelling, cannot be considered part of the baseline assessment because they were either constructed or enlarged and re-sited after the original building was built.
14. There are variations between the figures provided by the appellant and the Council regarding the size and volume of the original building. However, regardless of which position is the correct one, it is very clear that the proposed additions, together with the previous extensions, have significantly increased the volume, height, mass, scale, and bulk of the original building.
15. Taken in combination with previous extensions, the proposals have led to a large scale, noticeable expansion of the built form on the site, resulting in disproportionate additions far in excess in terms of the size of the original building. Furthermore, the size and positioning of the development encroaches into space previously free from built form. This has led to a significant loss of openness, both visually and spatially, which adds to the harm by reason of inappropriateness.
16. The appellant claims that demolishing other structures on the site would mitigate the impact of the proposed development by offering a numerical compensation in terms of volume to offset the additional volume generated by the development. Specifically, the appellant suggests that demolishing the dining room in addition to either one structure (Appeal A - 'The Salon') or two structures (Appeal B - 'The Salon' and 'Outbuilding 3'), would reduce the overall volume and consolidate development on a reduced area within the site, to make the proposal acceptable. The aim is also to reduce the impact on the openness of the Green Belt.
17. However, even with Appeal B proposing the demolition of two outbuildings and the dining room, the overall volume and size would remain significantly higher than the original building's. Despite the proposed demolitions, I consider that both schemes would still represent disproportionate additions over and above the size of the original building. The resulting volume and size in Appeal A would be even greater, as a consequence of fewer buildings being demolished.

Moreover, the appellant's reliance on numerical reductions alone fails to address the full extent of the harm to openness.

18. From a visual perspective, the proposed removal of 'The Salon' would not effectively mitigate the visual impact of the additional bulk and scale added to the main house, as the existing garage, located directly in front of it, would remain in place. Given that the garage is substantially larger than The Salon, its presence means that there would be no significant visual gain in openness on the site. Consequently, the development would fail to achieve a visual consolidation or repositioning of structures and built form on the site.
19. Similarly, while removing the dining room may slightly offset the increased width of the house, it would not sufficiently alleviate the harm to the Green Belt's openness resulting from the added bulk, mass and increase in depth and height. Additionally, the removal of 'Outbuilding 3', located to the front of the property, would not sufficiently mitigate against the harm to openness, as it would fail to provide adequate spatial compensation or address the harm to openness which has occurred on the site as a whole.
20. Given the above, both schemes, even alongside the demolitions proposed as part of Appeal A and Appeal B, would, in combination with previous additions, constitute disproportionate additions over and above the size of the original building contrary to paragraph 154 (c) of the Framework and cause harm to the openness of the Green Belt. It would therefore constitute inappropriate development in the Green Belt, contrary to the Framework and Policy CS.10 of the SOADCS.

Other Considerations

21. Paragraph 153 of the Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
22. The appellant has highlighted the Council Officer's Report, which notes that the appeal property's design aligns with the area's character, is of a similar size to neighbouring dwellings, and would not harm the wider Special Landscape Area. The report also finds no issues regarding neighbouring amenity, drainage, highways, or other matters, subject to certain planning conditions. Based on the evidence and observations from my site visit, I agree with these findings. However, the absence of harm in these respects is a neutral consideration and does not weigh for or against the proposals.
23. The appeal proposals would be within the residential curtilage of the property and, as such, do not conflict with the purposes of the Green Belt as set out in paragraph 143 of the Framework. However, these are, again, neutral factors in the balancing exercise.
24. It has been suggested that other buildings could be constructed on the site using permitted development rights. However, both parties agree that the appellant is presently unable to exercise permitted development rights, which do not apply to unlawful buildings. Accordingly, I have given this argument little weight in the consideration of these appeals.

Whether very special circumstances exist

25. Both appeal schemes would represent inappropriate development in the Green Belt. In accordance with paragraph 153 of the Framework, I ascribe substantial weight to the harm caused to the Green Belt and openness by Appeal A and Appeal B. Given the extent of this harm, very special circumstances can only be justified if the harm is clearly outweighed by other considerations. In both cases, the harm caused by the development would not be clearly outweighed by the other considerations advanced in support, whether taken individually or collectively. Therefore, the very special circumstances necessary to justify the proposals do not exist.
26. In such circumstances, paragraph 153 of the Framework states that planning permission should not be approved. Both appeal schemes conflict with Policy CS.10 of the SOADCS and paragraphs 153-155 of the Framework. There are no material considerations, which indicate that the appeals should be determined, other than in accordance with the development plan.

Conclusion and Recommendation

27. For the reasons given above and having had regard to all other matters raised, I recommend that Appeal A and Appeal B should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decisions

28. I have considered all the submitted evidence and my representative's recommendation and, on that basis, both appeals are dismissed.

S Edwards

INSPECTOR