



Appeal Decision

Site visit made on 25 February 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/X3405/D/24/3348165

Stonehouse Barn, Penkridge Bank Road, Rugeley, Staffordshire WS15 2UE

- 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 Sutherland against the decision of Cannock Chase District Council.
 - The application Ref is CH/24/056.
 - The development proposed is erection of detached garage with workshop and home gymnasium.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice and the appeal form, as this more accurately describes the development.
3. On 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). Both parties have had the opportunity to comment on any implications for the appeal. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area, having particular regard to the Cannock Chase National Landscape; 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 proposal.

Reasons

Whether inappropriate development

5. The appeal site is located within the West Midlands Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by

keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. Paragraph 154 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than in a few exceptions. One such exception at Paragraph 154 c) is for the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. The Framework defines 'original building' as a building as it existed on 1 July 1948, or if constructed after that date, as it was built originally.
7. The evidence before me indicates that the proposed detached outbuilding would measure 21.5m in length by 8m in width with an overall height of about 4m. The Council advises that the proposed outbuilding would be sited approximately 65 metres from the host property. Moreover, there have been previous extensions and additions to the original building. Officers have measured the original host building as approximately 114m², and the additional floorspace of the proposal would be approximately 108m². Taking the approved extensions and additions to the host property into account, the proposal would result in a disproportionate addition over and above the size of the original dwelling.
8. Given its scale and distance from the main dwelling I do not consider that the proposal can be considered as an extension or alteration to the main house, that would not result in disproportionate additions over and above the size of the original building. As such, it would not satisfy the exception at Paragraph 154 c) of the Framework. I am not persuaded that the proposal would meet any of the other exceptions for development within the Green Belt as set out in the Framework.
9. The appellant has contended that the new building would be permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) were it not for its location within the National Landscape, and therefore cannot be considered to be inappropriate development. However, planning permission has been sought for the proposal, and it is that which I must consider in the determination of the appeal.
10. The proposal would therefore comprise inappropriate development which is, by definition, harmful to the Green Belt. As such, it would be contrary to the Framework, and to Policy CP1 of the Cannock Chase Local Plan (2014) (LP) which states that development proposals within the Green Belt will be assessed against the Framework.

Openness

11. The Framework identifies that the essential characteristics of Green Belts are their openness and permanence. The concept of Green Belt openness has both a spatial and visual dimension.
12. Historically there was an outbuilding of a similar footprint and orientation at the location of the proposed development, but this is no longer in situ. As the proposal would be positioned where there is currently an absence of built form, given the footprint of the proposed building in combination with its height, the introduction of

a building would have an appreciably greater impact on the spatial aspect of openness.

13. The proposal would sit well within the appeal property's generous plot, and would largely be screened by existing vegetation and mature trees. The proposal would not be evident from the road, but would be partially visible from properties across the neighbouring fields, albeit at some distance and with intervening landscape features. It would also be visible from the appeal property.
14. Compared to the existing situation openness would therefore be spatially and visually reduced. The harm would be localised, and due to its siting and screening the harm would be limited. Whilst limited, it would nevertheless erode the openness of the Green Belt. This would be contrary to the Framework.

National Landscape

15. The site lies within the Cannock Chase National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purpose of the NLs, which is to conserve and enhance the natural beauty of the area of outstanding natural beauty. The key characteristics of the NL include elevated heaths, wood pasture, pastoral and arable farmland, forests and historic parklands which offer a haven of tranquillity in marked contrast to the more urban and fragmented landscapes that surround it.
16. The majority of the NL is comprised of heathland and woodland largely devoid of buildings and essentially open in nature, which is an important characteristic of the NL. Whilst the proposed new building would introduce built form, the landscape features at the site would be retained. The surrounding area has a rural and verdant appearance and feel but is not devoid of dwellings and associated domestic uses and paraphernalia. There would be limited visibility of the proposal within the NL, with views of the development largely screened by the existing mature trees. The visual and landscape effects would be limited and localised, and the proposal would not undermine the landscape character or scenic qualities and beauty of the wider designation.
17. The proposal would therefore not harm the character and appearance of the NL. The proposal would not conflict with the general statutory duty or with Policies CP3 and CP14 of the LP which requires the landscape, scenic beauty and character of the NL and its setting to be preserved and enhanced through the careful design of new development. Furthermore, the proposal would not conflict with the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs.

Other considerations

18. Due to its proposed siting the appeal proposal would not fall within the permitted development rights for NLs. However, in order to ensure compliance with permitted development rights, a scheme of the same size and design could be sited at a different location within the appeal site, closer to the host property.
19. The consideration of a fallback position, including what could be erected under permitted development, is a well-established principle. Although the appellant does not have a Lawful Development Certificate for the fallback scheme, he has applied for planning permission twice for a proposed garage/workshop/gym and I do not

doubt that he is serious in his wish to build an outbuilding as described. Whilst the siting of the fallback scheme would impact the residential amenity of the occupiers, being located close to a principal elevation of the host property, there nonetheless remains a greater than theoretical possibility that, if the appeal is dismissed, the appellant might pursue the fallback scheme. The fallback scheme is therefore a material consideration in my determination of the appeal.

20. For significant weight to be afforded to a fallback position there needs not only to be a possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
21. The appeal site is located in proximity of Stone House, a Grade II Listed 16th century ashlar-built property. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses. Staffordshire's Historic Environment Record defines Stonehouse Barn Farmstead and the landscaped parkland historically belonging to Stone House as non-designated heritage assets (NDHA). The significance of the heritage assets, as they relate to this appeal, derives from the spatial relationship and historic origins of the 16th century property, formal landscape and dispersed farmstead typical of the lowlands within the south and west of Staffordshire.
22. The fallback scheme would be in closer proximity to the host property and the Listed Building than the appeal scheme. Whilst the fallback scheme would not physically alter the fabric of the heritage assets it would diminish their spacious settings. The open garden area and lack of built form in proximity to the heritage assets contributes positively to their settings by enabling their historic and architectural features to be appreciated, thereby making a positive contribution to their significance. The fallback scheme would also fall within the buffer zone of the non-designated landscape park, and built development would harm its legible spatial relationship to the listed Stone House. The fallback scheme would therefore not preserve the setting of the heritage assets, weakening the ability to appreciate the space historically associated with them and would harm their significance.
23. On balance, the possibility of the implementation of the fallback scheme and the resultant harm to heritage assets would outweigh the harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt. This would amount to the very special circumstances necessary to justify the development.
24. The proposal is for the erection of detached garage with workshop and home gymnasium which would be generally considered as incidental to the enjoyment of the dwelling house. The Council consider that the scale of the proposal would suggest that it would not be incidental to the host property, and as such would be precluded from permitted development in Class E. My attention has been drawn to an appeal¹ against the refusal of a Lawful Development Certificate which determined that a proposed garage and gym were of a scale that meant that they would not be incidental to the enjoyment of the dwelling house. Whilst I do not have the full details of that appeal, I note that in that appeal the site was a 'modest plot' which would take up a corner of the garden. The Inspector considered that the building had been designed to fill a space, rather than accommodate proposed

¹ APP/R0660/X/23/3315045

activities. These matters do not arise with this scheme. As such, that development does not appear to be directly comparable to that which is before me, which I have determined on its own site-specific circumstances. Moreover, the Inspector highlighted that size is a relevant but not conclusive factor in determining whether the proposal would be incidental to the use of the main dwelling house.

25. It would be unlikely that both the proposed and fall-back garage/workshop/gyms would be built were the appeal allowed, due to both schemes serving the same purpose. Nevertheless, the potential would exist. As such, I cannot be confident that both the appeal scheme and the fallback scheme would not be built. Were I to allow the appeal proposal to go ahead, with no signed legal agreement or other mechanism to prevent it, there would be nothing to prevent the appellant from constructing the fallback scheme before implementing the appeal proposal. This would result in a greater level of cumulative harm to Green Belt openness than the appeal proposal alone.
26. A planning condition cannot be imposed to achieve the same end as any such condition would only come into force upon the commencement of the new permission. It would not be able to prevent the prior implementation of the fallback scheme, followed by this planning permission.
27. Therefore, as there is no suitable mechanism for my consideration and no means available within the terms of the present appeal which would prevent the fallback scheme from being implemented in the event of the appeal being successful, harm to the openness of the Green Belt from inappropriate development has not been overcome.

Green Belt Balance and Conclusion

28. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. I have not found harm to the character and appearance of the NL, but I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt.
30. Weighed against that are the other considerations set out above. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Given that no suitable mechanism currently exists to prevent the fallback scheme being implemented, as well as the appeal scheme, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and Policy CP1 of the LP.
31. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
32. As a result, the appeal should be dismissed.

L C Hughes INSPECTOR