



Appeal Decision

Site visit made on 11 March 2025

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/J3720/D/24/3353023

Holly Tree Cottage, Birmingham Road, Bishopton Hill, Pathlow, Warwickshire CV37 0ES

- 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 Lakhit Tiwana against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00947/FUL.
 - The development proposed is new terrace to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.

Main Issues

3. 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 on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on protected species, most notably bats; 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

Inappropriate Development

4. The appeal site falls within land defined as Green Belt. Paragraph 154 of the Framework states that development in the Green Belt shall be regarded as inappropriate development. Paragraphs 154 and 155 of the Framework list a number of exceptions to this. One of the exceptions, criterion 'c' of paragraph 154, 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. Policy CS10 of the Stratford-on-Avon District Core Strategy 2011 - 2031(Core Strategy) conforms to the general thrust of national Green Belt policy, with criterion 'b' of Policy CS10 setting out that a small-scale extension or alteration of a building are not inappropriate in principle. Neither the Framework nor Policy CS10 defines what amount of development falls under '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.

5. Both parties refer to the relevant planning history related to the appeal site, which includes a first floor bedroom extension. The Council have calculated that the proposal, when it is calculated alongside the existing extensions to the original building, would result in a 158% increase to the original house. The appellant 'does not dispute that the dwelling has been significantly extended compared to the original structure'.
6. Based on this overall figure, the proposal cannot be considered to be a 'small scale extension' to Holly Tree Cottage. Cumulatively, it would amount to a sizeable addition to the property, and one which I find to be disproportionate over and above the size of the original building.
7. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with the associated policies of the Framework, as set out in Section 13 and Policy CS10 of the Core Strategy. Together these policies seek to resist inappropriate development in the Green Belt.

Openness

8. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
9. The existing extensions, sit relatively unobtrusively in the Green Belt, without causing any harm to visual openness, in part due to their appropriate roof form and materials. However, the proposed terrace would be a further addition to the property, where one has not existed previously, such that it would have a spatial effect on openness. Whilst the ground floor of the terrace would be largely open and the balustrade made of glass, the harm to the spatial aspect of openness would be accentuated by its elevated form, being 2.7m above ground level and extending 4m from the rear. It would also likely have domestic paraphernalia on it which would also be harmful to the openness of the Green Belt, beyond the physical structure itself. It can be seen within its immediate surroundings, with glimpsed views possible from Birmingham Road as you travel northwards, so it would also have a visual effect on openness. As a result, the proposed terrace would harm the openness of the Green Belt.
10. Consequently, the proposal would conflict with paragraph 142 of the Framework which identifies openness as an essential characteristic of Green Belts.

Character and Appearance

11. Holly Tree Cottage is a semi-detached dwelling, part brick/part painted brick. The private amenity space associated with the dwelling extends out to the west, with the land sloping away from the house. The appeal site is located within an open countryside, rural setting. Apart from some sporadic buildings, including an agricultural building to the rear, undulating farmland extends out to the west. Established vegetation runs along the site's frontage, along Birmingham Road. To the south, the roadside hedge is slightly lower, allowing for glimpsed views towards the side and rear of Holly Tree Cottage, and the open countryside beyond.
12. The evolution of the property over time has resulted in various different roof elements, differing eaves heights, dormers, gables and a lean-to extension. Whilst these differing elements assist in breaking up the massing of the building as the appellant submits, I consider the differing elements do add a sense of disorder to the rear of the dwelling. Nevertheless, the materials and roof forms sit appropriately alongside the original building. Consequently, the existing dwelling and its surroundings retains its rural character, and thus contributes positively to the character and appearance of the area.
13. The proposal, by virtue of its elevated form, extending 4m from the rear of the dwelling, would result in an incongruous and conspicuous addition to the dwelling. Whilst it would be largely open below, with a glazed balustrade, it would still add unnecessary and unsuitable bulk at first floor level to the rear of the house, with neither the height nor the bulk being subservient to the host dwelling. Rather than sympathetically contrasting with the existing character as the appellant alleges, the metal framework and glass balustrade of the proposal would result in an awkward juxtaposition alongside the more traditional materials of the existing dwelling.
14. Furthermore, the introduction of the terrace and alteration to the adjacent pitch roof to form a flat roof would also sit awkwardly alongside the existing extensions to the dwelling, adding an uncharacteristic roof form and unsuitable use of materials to the already extended dwelling. The top of the balustrade, rather than being viewed as a floating structure as alleged by the appellant, would sit uncomfortably above the eaves of the dwelling when viewed from the side.
15. I accept that as you approach from the north along Birmingham Road that the rear of Holly Tree Cottage is not visible, due to the existing vegetation and built form of the existing dwelling. However, when you approach the appeal site from the south, travelling northwards, whilst the ground floor posts would be hidden from view, the proposed terrace would be visible, albeit it would be a glimpsed view. Nevertheless, whilst it might not be significantly prominent, the siting of the terrace when glimpsed from Birmingham Road would be seen as an incongruous extension to the rear, interrupting the views across the open countryside and harming the rural character and appearance of the site. The position of the terrace to the rear nor its distance from the public highway would do little to alleviate this harm.
16. In view of the above, the proposal would harm the character and appearance of the area. It would be contrary to Policies CS.5 and CS.9 of the Core Strategy and Policies WP5 and WP11 of the Wilmcote and Pathlow Neighbourhood Development Plan. These policies, in combination, seek to ensure that all new development achieves a high quality design, that responds sympathetically and positively to the surrounding local character, by ensuring that development is

attractive and sensitive to the setting, existing building form and landscape setting of the site and locality. The height, scale and form of development should have an acceptable impact on landscape and visual amenity, in order to maintain the landscape character and quality of the district.

Protected Species

17. A Preliminary Roost Appraisal (PRA)¹ has been submitted with the appeal in order to address the third refusal reason, as without a PRA, the Council were unable to conclude that the development would not be harmful to bats or their roosts.
18. The PRA determined that the roof to be impacted was in good condition. All roof tiles and bonnet tiles were well-sealed. However, a single potential roosting feature (PRF) was found at the west elevation where the lead flashing was raised but the PRA states that this was rather a large, open feature which did not lead to roosting opportunities that would support bats on a permanent basis. It was considered though that bats could potentially use the PRF opportunistically.
19. Nevertheless, the PRA found no evidence of bats either at the exterior or interior of the building. The structure was considered to show negligible bat suitability, and consequently that bats would be unlikely to be impacted by the proposals and no further surveys are recommended. However, due to the presence of the minor PRF on the west elevation, it recommends that a bat method statement should be followed during the time the lead flashing is removed. This could be secured via a suitably worded condition.
20. Based on the findings of the PRA, and subject to a condition to secure a method statement, I am satisfied that the proposal would not harm protected species, most notably bats. It would be in accordance with Policy CS.6 of the Core Strategy and paragraph 187 of the Framework. In combination, these policies seek that development avoids negative impacts on biodiversity or to seek mitigation if this is not possible.

Other Considerations

21. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, taking in to account the erosion of openness and the harm to the character and appearance of the area, so as to provide the very special circumstances required to justify a grant of planning permission.
22. The proposal would provide some economic benefits associated with the purchase of materials and the construction of the terrace, although these would be limited by virtue of the scale of the proposal. There are no other considerations that have been advanced by the appellant to weigh against the totality of harm to the Green Belt, and any other harm.

¹ Prepared by Marton Ecology, dated 3 October 2024

Conclusion

23. In summary, the proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. The proposal would also harm the character and appearance of the area. The development is therefore in conflict with the development plan as a whole.
24. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

Laura Cuthbert

INSPECTOR