



Appeal Decision

Site visit made on 29 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15th May 2025

Appeal Ref: APP/C3430/W/24/3356390

Little Orchard, Greensforge Lane, Stourton, Staffordshire DY7 5BD

- 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 and Mrs Richard Downen against the decision of South Staffordshire District Council.
 - The application Ref is 24/00548/FUL.
 - The development proposed is a steel framed open cover for growing produce.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the banner heading above is taken from the decision notice as it more accurately describes the proposal. I note that this is also the description used by the appellant on the appeal form. However, I have removed the reference to the development being retrospective as this is not an act of development.
3. The planning application form indicates that the development was completed in February 2024. However, I observed at my site visit that the canopy that has been constructed at the site comprises materials that differ from those shown on the plans submitted as part of the planning application and specified on the application form. In particular, significant sections of the external key clamp tubular structure have been encased by timber. While the appellants' submissions indicate that the proposal should be assessed as built, there are no formal amended plans before me. Moreover, the Procedural Guide¹ is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council and interested parties at the application stage. Thus, I have determined the appeal having regard to the plans on which the Council made its decision.

Main Issues

The main issues are:

- whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;

¹ Procedural Guide: Planning appeals – England Updated 16 April 2025

- the effect of the development on 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 and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the development would be inappropriate

4. The appeal site is within the Green Belt. The Framework states that development in the Green Belt is inappropriate unless one of several exceptions apply. These include, at paragraph 154 of the Framework a) buildings for agriculture and forestry; and c) 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.
5. Policy GB1 of the South Staffordshire Council Core Strategy, adopted December 2012 (SSCS) sets out that development acceptable within the terms of the Framework will normally be permitted where the proposed development falls within the types listed. The list includes, among other things, a new or extended building, provided it is for purposes directly related to agriculture or forestry, or limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building.
6. The appeal proposal comprises an open sided canopy made up of an asymmetric metal sheeted roof supported by a key clamp steel tubular frame. The proposed canopy would cover part of an existing gravelled area to the side of the main brick store building, which is enclosed by a brick wall and hedging, and a storage area which is at a lower level. The submissions indicate that it would provide a covered area to be used for the sorting, cleaning and preparation of produce from the smallholding and the storage of tools and equipment required for the agricultural use of the land. The canopy would be a more permanent and functional structure to replace temporary gazebos used previously.
7. The Council contend that the canopy would be inappropriate development, as it would not satisfy any of the exceptions listed at paragraph 154 of the Framework. The appellants Planning Statement outlines that the proposed development would be used for purposes associated with the operation of the smallholding, which comprises the growing of fruit and vegetables for personal consumption. However, given the modest size of the smallholding, which is served by an existing building, and in the absence of details as to the volume and nature of the crop production and the extent of the associated preparation work, there is a lack of clear evidence that the canopy would be required for agricultural purposes in this case. As such, I do not consider that the proposal would benefit as an exception to inappropriate development in the Green Belt under paragraph 154 a) of the Framework.
8. The exceptions at paragraph 154 include at c) 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. It has been established in case law² that the provisions of paragraph 154 c) of the Framework should not be interpreted as being confined to a building which is physically attached to an existing building.

² *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe* [2022] EWHC 2145 (Admin)

Moreover, there is no compelling evidence that this exception would not apply to a non-domestic adjunct, particularly given the reference in paragraph 154 c) to a 'building' and not specifically a dwelling.

9. It is proposed that the canopy would be used for purposes incidental to the use of the existing storage building, in connection with the smallholding. In addition, by virtue of its siting, it would have a close relationship with it. Nonetheless, even if I were to accept that the canopy would fall to be considered as an extension to the existing building, for the purposes of paragraph 154 c), it would only be an exception to inappropriate development provided it would not result in a disproportionate addition over and above the size of the original building.
10. The Framework does not provide a definition of disproportionate additions; therefore, such an assessment is a matter of planning judgement. The Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) sets out a flexible approach to extensions to existing buildings, expressing the amount considered to be acceptable as a range. The SPD indicates that an extension above a 20-40% increase in floor area will be likely to be disproportionate because it would not be in proportion with the host building and therefore would be likely to have an impact on openness.
11. The appellants indicate that the existing single storey storage building is approximately 41m² and that the proposed canopy would cover an area of 45m². While it is not clear whether these measurements relate to the footprint or floor area of the building, even applying an element of discretion, the proposed canopy would represent a considerable increase over and above the existing building, over 100%, which would far exceed the maximum amount set out in the SPD. Moreover, having regard to the overall size, while the ridge height of the canopy would be lower than the existing building, the scale, bulk and mass of the proposed canopy would be significant in relation to the existing building. Consequently, taking all of the above into account, the proposed canopy would amount to a disproportionate addition over and above the size of the original building.
12. As such, I find that the proposal would not meet the exceptions in the Framework paragraphs 154 a) or 154 c), nor the exceptions under Policy GB of the SSCS. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

13. The proposal would extend beyond the envelope of the existing building, into an area currently free from any significant built form, which would reduce the openness of the Green Belt in spatial terms, albeit tempered by the overall scale of the development. The canopy would not occupy a prominent position when viewed from beyond the immediate confines of the appeal site and would not be readily visible from the road or the nearby residential properties. Furthermore, in longer distance views towards the site it would be seen against the backdrop of the existing building and within the context of the surrounding landscaping. Consequently, it would not be unduly visually conspicuous.
14. Overall, having regard to the foregoing considerations, I find that the proposal would result in limited harm to the openness of the Green Belt.

Character and appearance

15. The appeal site is located in an area of open countryside, surrounded by agricultural land and woodland interspersed with scattered residential properties and farmsteads. These features contribute to the rural character of the area. Despite the variance in eaves height, the asymmetrical pitched roof would not be significantly at odds with the traditional pitched roof of the existing building. The proposed materials, including a steel frame and metal sheeting roof, would not be inconsistent with those used in modern agricultural buildings and would therefore be akin to the rural setting of the site. Consequently, notwithstanding its overall size, the proposed canopy would be of a functional design and appearance and would comprise a sympathetic addition read alongside the existing building.
16. I therefore conclude that the proposed canopy would not harm the character and appearance of the area. Accordingly, it would not conflict with the aims of Policy EQ11 of the SSCS which seek development of a high quality design that respects and enhances local character and distinctiveness.

Other Considerations

17. The proposal, which would replace less durable gazebo structures, would provide a covered area protected from the elements, for the preparation of produce from the holding, along with additional storage space for tools and equipment. However, there is no clear evidence as to why the existing storage building could not be used for such purposes, or that the scale of the proposed canopy is the minimum necessary to meet these needs. As such, this is a material consideration of limited weight.
18. My attention is drawn to nearby agricultural buildings, which the appellants contend are comparable to the appeal scheme in Green Belt terms. However, it is not clear if planning permission was required for the buildings or whether they were erected under permitted development rights, in which case an assessment of Green Belt considerations would not be required. Accordingly, in the absence of full details in respect of these buildings I cannot be sure of the circumstances of these cases, and therefore the weight to be attached to these is limited.

Other Matters

19. The second refusal reason alleges that harm would arise by virtue of the unsustainable location of the appeal site. However, it is unclear from the Council's submissions as to the precise nature of the harm, and subsequent policy conflict, that would arise in that regard.
20. The Council confirms in its Statement of Case that the positive comments in the conclusion of the officer report were included in error. I am satisfied that the Council's position is clear from the remainder of the report and the refusal reasons.

Green Belt Balance

21. The proposal would constitute inappropriate development in the Green Belt, which by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The Framework requires substantial weight to be given to any harm caused to the Green Belt.

22. In addition to harm by reason of inappropriateness, the proposal would also result in limited harm to the openness of the Green Belt and would thus have an adverse impact on one of the essential characteristics of the Green Belt.
23. Having considered all relevant factors, I conclude that the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

24. For the reasons given, I conclude the appeal should be dismissed.

E Worley

INSPECTOR