



Appeal Decision

Site visit made on 29 May 2025

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/E3715/D/25/3362685

The Hollies Moat Lane Wolvey Hinkley LE10 3HP

- 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 Paul Tunnicliffe against the decision of Rugby Borough Council.
 - The application Ref is R24/1137.
 - The development proposed is Erection of incidental outbuilding within curtilage of dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Main Issue is whether the development would be inappropriate development in the green belt and if so whether any special circumstances exist to outweigh the effect of the development upon the openness of the West Midlands Green Belt.

Reasons

3. The appeal site ('The Hollies') is a detached dwelling on Moat Lane, a narrow cul-de-sac lane which provides access to a small number of detached houses that are generally of substantial size within large or very large plots. Taken together, the dwellings on Moat Lane sit within a well-bounded area of a few hectares surrounded by open fields in agricultural use.
4. The appellant refers to the enlargement of the curtilage of the Hollies since the construction of the dwelling in 1995 by absorbing formerly open land into the curtilage of the Hollies thereby providing space for the proposal which was not originally available and also contends that because the provisions of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) are not restricted as to the Green Belt location of the site that what is proposed is not inappropriate development.
5. However it is not disputed that The Hollies was constructed under permission granted some thirty years ago whereupon rights granted by the to erect outbuildings such as the garage proposed were removed by condition. In such circumstances the provisions of the GPDO in this matter are immaterial creating a requirement for express permission of development and subject to the constraints

of national policy and the Rugby Borough Council Local Plan 2011-2031 (2019) (Local Plan).

6. Whilst other groups of houses are apparent within the wider countryside beyond Moat Lane, the prevailing visual character of the Green Belt is of open farm land with hedged perimeters and occasional boundary trees. Moat Lane rises slightly from Leicester Road such that there are longer views available of the surrounding countryside at points along its length.
7. Moat Lane is situated in the West Midlands Green Belt. The National Planning Policy Framework (The Framework) makes clear that development in the Green Belt is inappropriate unless one of the specified exceptions apply, those exceptions include¹ 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'.
8. The Courts have made clear² that the term 'extension' in paragraph 154(c) of the Framework does not require the development to be physically attached to the host building. In this case the proposal would be within the curtilage of the host dwelling and its purpose would be incidental or ancillary³ to the use as a dwellinghouse and therefore an extension. However, the proposed outbuilding would be located on open land and be of a similar width to the host dwelling, largely infilling the side garden area between 'The Hollies' and 'The Moat' which is itself a large dwelling that lies close to the eastern boundary of the appeal site. Although the proposal would be of lesser height than either dwelling and set down to accommodate the slope across the width of the site, it would appear as a substantial building of disproportionate size in relation to the host building due to its width. It would result in a line of built form and a sense of frontage development which does not occur elsewhere on Moat Lane as houses and other buildings generally well separated from each other and within significant planting. The proposal would also obstruct an existing southerly view across the garden of 'The Hollies' to open countryside beyond. The development would harm the openness of the Green Belt.
9. I have concluded that the proposed outbuilding, by virtue of its disproportionate size is inappropriate development which would cause harm to the Green Belt, including causing harm to its openness. I have nothing before me to demonstrate very special circumstances exist to justify such harm and in consequence the proposal conflicts with Policy GP2 of the Local Plan which resists all development in the green belt unless permitted by national policy. Consequently, taking all matters raised into account and in the absence of anything before me to demonstrate that very special circumstances exist to outweigh these harms, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

¹ At paragraph 154(c) of the Framework

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

³ The circumstances of this matter do not require a distinction to be made between ancillary and incidental