



Appeal Decision

Site visit made on 20 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/R3705/W/25/3364043

Brook Farm Cottage, Atherstone Road, Over Whitacre, Warwickshire B46 2LP

- 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 A Jennings against the decision of North Warwickshire Borough Council.
 - The application Ref is: PAP/2024/0568.
 - The development proposed is Change of use of an agricultural building to form 1 no. dwelling with associated off street parking and external amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The plans sought to be approved show the proposed development would require use of land beyond the red line boundary of the land relating to the proposed development. Plan PL5, also confirmed by elevations, show an access door which opens from the side (east) elevation directly onto other land, the status of which appears to be subject to regulatory action and a requirement to restore land to its original condition. Although these are matters which are not before me to consider, an approval of such plans could be prejudicial and whilst this part of the proposal may arise from an error or oversight which could have been corrected at the appropriate time, given the significance attached to the effect of the proposed development on openness and the use of other land which might thereby be implied, I do not consider it would be possible to approve the plans submitted in their current form. However, given my overall conclusion on the appeal, this is a matter which is not determinative of my decision.

Main Issue

3. The main issue is, firstly, whether the proposed development would be inappropriate development in the West Midlands Green Belt, and, secondly, if so, whether other considerations exist that clearly outweigh the totality of harms which would arise from the development, including the non-Green Belt harms as to highway safety, access to services for users and harm to the character and appearance of the landscape.

Reasons

Whether the proposal would be inappropriate development

4. The appellant proposes to change the use of an existing building to a single dwelling house. The building, stated to be in agricultural use, sits within a parcel of pastureland at the rear of Brook Farm Cottage and its neighbouring houses which lie within the small settlement of Furnace End. This is washed over by the West Midlands Green Belt, although the application site (other than its access) falls outside the built-up area.
5. Furnace End consists of housing clustered around the crossroad junction of the B4116/B4098 (Atherstone Road and Tamworth Road), containing many houses of a suburban typology in well-defined rectangular plots. These are mixed with typically rural, older, house types in a less regular development pattern. Brook Farm Cottage lies at the northern edge of the settlement where land at its rear is in the ownership of the appellant although the residential curtilage of that dwelling and its neighbours sits within a clearly defined area of built development that is well related to respective road frontages and visually separate from the surrounding open land. The north-west quadrant of Furnace End is also enclosed by the tree'd watercourse of the River Bourne running through open land with grassed areas to both sides, and, at the rear of Brook Farm Cottage, a substantial pond or lake which access to the proposed dwelling would cross¹.
6. 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, consequently development in the Green Belt is by definition harmful and therefore inappropriate. However a permitted building² such as that which is the subject of appeal would benefit from Paragraph 154 (h) (iv) of the Framework which states that the reuse of a building of permanent and substantial construction would not be inappropriate providing the openness of Green Belt is preserved, and it is to the matter of openness I now turn.
7. The existing building is a brick-built structure of a design which lacks the simplicity and economy of a typical recently-constructed agricultural building, being to a design which is a hybrid of residential and commercial built form. It has a sheet metal roof and blank elevations on three sides but an unusual central gable in its principal elevation incorporating an entrance door and upper level window. These are both of domestic scale and appearance and visually obtrusive in an approach view of what is otherwise a predominantly rural setting.
8. Development may have both visual and spatial impacts on the Green Belt. The proposed conversion would introduce additional fenestration to elevations which are currently blank and create a garden area which would project into agricultural land³. I have noted the comments of the appellant and whilst the visual impacts of the existing building have characteristics more associated with residential than agricultural buildings and, notwithstanding the spatial effect of the building as an existing built form within the Green Belt⁴, these effects would be significantly

¹ The bridge or causeway currently exists and provides access to the appeal site and other land.

² The Council report various matters which suggest breaches of planning control in relation to the permitted use and compliance with approved plans, however such matters are not before me to consider.

³ As confirmed by the Council's officer report.

⁴ Even if permitted development rights were restricted as the appellant suggests

increased by the introduction of domestic activity and its associated paraphernalia, car parking and the associated coming and goings into an area which otherwise would be open land in some form of agricultural or equine use. The result would be an anomalous, if small, extension to the built-up area of Furnace End⁵. I therefore conclude the effect of the development proposed would be that the openness of the Green Belt would not be preserved such that the exception set out in Paragraph 154 at (h) (iv)⁶ is not available. I conclude the proposal would be inappropriate development in the Green Belt.

Other considerations

9. The Council's reasons for refusal include conflict with Policy LP2 of the North Warwickshire Local Plan 2021 which seeks to direct development to more sustainable locations. In that regard the introduction of one additional dwelling to the existing settlement, despite its lack of facilities and a small degree of conflict with the spatial strategy, would be insufficient to undermine the Council's spatial strategy.
10. The third reason for refusal refers to the effect of the development on landscape character. In that regard whilst it is clear that the Council's concerns arise from the design of the building and its position, some of that harm arises as a result of permitting a building which lacks the qualities of simplicity and economy usually found in agricultural buildings and exemplified in the examples provided at page 27 of the appellant's statement. The visual harm I have already identified as to the appearance of the building would conflict with the Development Plan in the way described resulting in detriment to the verdant landscape character which forms the setting of the north-western parts of Furnace End. The proposal would thereby contribute to the overall harms of the development which is currently found.
11. The fourth reason for refusal relates to the safety of the access. As an existing access already in use within an area of 30mph speed restriction my observations of traffic and use of accesses in the settlement indicate that the effect of the proposal in terms of movements arising from one additional dwelling would not present a risk to highway safety.
12. The appellant acknowledges that the benefits of the proposal are limited, relating to the provision of one additional dwelling. The lack of conflict with parts of the development plan are of neutral effect such that, overall, these do not amount to the very special circumstances which are required to clearly outweigh the cumulation of harms I have identified to the Green Belt and landscape character.
13. On that basis, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

⁵ The Courts have made clear that urban sprawl is not necessarily associated with additions only to large built-up areas

⁶ The appellant refers to (h) (i) presumably in error as this relates to mineral extraction.