



Appeal Decision

Site visit made on 29 September 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Appeal Ref: APP/J3720/W/25/3368664

The Old Granary, 2 Hardwick Lane, Studley, Warwickshire B80 7AE

- 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 Roy Williams against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/01994/FUL.
 - The development proposed is demolition of existing cottage and former dairy building and construction of replacement dwelling (In lieu of existing cottage), retention in part of demolished cottage as ancillary storage space for The Old Granary and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an amended plan with the appeal (3986-101-Rev B), and a Tree Protection Plan, Arboricultural Method Statement (AMS) and Updated Preliminary Ecological Appraisal and Bat Survey (PEA) which did not form part of the original submission. This represents a minor alteration to the original scheme. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to these documents in determining this appeal.

Main Issues

3. 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;
 - Whether the site is an acceptable location for a replacement dwelling having regard to any relevant development plan policies;
 - The effect of the proposal on protected species;
 - The effect of the proposal on trees; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The site comprises land which is situated in the West Midlands Green Belt. The Framework identifies 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 openness and permanence. The Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions, one of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy CS.10 of the Stratford-on-Avon Core Strategy (2016) (CS) also states that planning permission will be granted for the replacement of an existing building for the same use, as long as the replacement building is not materially larger than the one it replaces. 'Materially larger' is not defined in the Framework or CS and thus is a matter of planning judgement based on fact and degree of an individual case.
5. The site comprises a cottage and an old dairy building. The proposal seeks to replace the existing cottage, which has a volume of 359.95m³ and a floor area of 186m², with a dwelling with a volume of 953m³ and a floor area of 279m². The dwelling would be erected on a part of the site currently occupied by the old dairy building, which would be demolished to facilitate the proposal. In terms of volume the replacement dwelling would be over 2½ times larger than the dwelling it would replace. This represents a significant increase in volume, and the replacement dwelling would be materially larger than the one it would replace.
6. The appellant suggests that the floor area and volume of the dairy building should also be taken into consideration on the basis of its stated ancillary residential use and that the proposal would have a reduced volume when taking into account both the existing cottage and dairy building. In support of this the appellant has provided an affidavit from the occupier of The Old Granary. However, this affidavit is not sufficiently precise or unambiguous in demonstrating that on the balance of probabilities the building has been in residential use, which is the policy test before me, and does not comprise evidence that a lawful change of use has taken place. Given this, the proposal would not comprise the replacement of a building in the same use as the one it replaces, as required by the Framework and CS policy CS.10. As the proposal would be materially larger than the dwelling it would replace it would not meet the exception to new buildings in the Green Belt set down at paragraph 154d of the Framework.
7. The appellant also puts forward that the proposal would meet the exception for inappropriate development set down at paragraph 154g of the Framework which allows for the partial or complete redevelopment of previously developed land (PDL). The Framework defines PDL as "land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it". The Framework sets out that PDL excludes land that is or was last occupied by agricultural or forestry buildings. The appellant's affidavit does not unambiguously clarify what the current use of the building is and there is no compelling evidence before me which demonstrates that the lawful use of this building has changed from agricultural use. Given this, it has not been evidenced that the proposal would comprise the redevelopment of PDL. Therefore, it would not meet the exception to inappropriate development set out at paragraph 154g of the Framework.

8. For the reasons given above, the proposal would not be an exception to new buildings in the Green Belt under paragraph 149 of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt. Conflict also arises with CS policy CS.10.

Effect on the openness of the Green Belt

9. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal would result in the removal of built form at the existing cottage and a reduction in the volume of development across the site. However, given the siting of much of the built form to be removed, which is seen in the context of existing dwellings which would remain, its removal would have a limited beneficial effect on the openness of the Green Belt.
10. The dwelling would have a similar footprint to the dairy building. Given its greater massing, in particular at first floor level, the building would appear bulkier than the dairy building, in particular in views from the highly-visible site frontage, neighbouring properties and the public rights of way. The visual impact of this increase in bulk and massing and resultant loss of openness would be moderate. The Framework advises that substantial weight is given to any harm to the Green Belt. Therefore, although the effect is moderate this is to be given substantial weight.

Location

11. CS policy AS.10 sets out that a replacement dwelling is an acceptable form of development in the countryside subject to its scale and design not causing inappropriate harm to the character of the area or to neighbouring properties. The main parties agree that the development would not result in harm to neighbouring properties. Notwithstanding my conclusions regarding the effect of the proposal on the openness of the Green Belt, I find that the proposed form and palette of materials would be consistent with the rural vernacular and would not result in harm to the character of the area or the surrounding rural landscape.
12. CS policy CS.20 states that where the existing dwelling is not considered suitable for retention, the replacement dwelling should be well sited in relation to the existing site and buildings, not visually intrusive, and not significantly larger than the dwelling it replaces. It goes on to state that replacement dwellings should be sited within the lawful curtilage of the existing dwelling, unless significant environmental benefits would result.
13. The dwelling would be significantly larger than the one it would replace. Whilst noting the appellant's comments that the existing curtilage is too constrained to accommodate a replacement dwelling and that the dwelling would be sited 10 metres from the existing dwelling, nonetheless, the main parties agree that the siting of the proposed dwelling does not form part of the lawful curtilage of the dwelling to be demolished.
14. The appellant states that the proposal would result in a 15.1% gain in habitat units which would take place on land outside of the appeal site in the same ownership. However, I have not been provided with any detailed Biodiversity Net Gain (BNG) calculations for the receptor site, detail regarding how it would be monitored and managed or a mechanism to ensure that this mitigation would be delivered and

maintained. This brings into question whether any significant environmental benefits would arise in relation to biodiversity.

15. The appellant suggests that there would be benefits to the removal of the existing unsightly dairy building. However, there is no compelling evidence that this would comprise a significant environmental benefit. There is limited detail before me setting out how the proposal would result in less impact on neighbouring properties or how this might amount to a significant environmental benefit.
16. In light of the above, I find that it has not been satisfactorily demonstrated that the proposal would deliver significant environmental benefits.
17. I find no conflict with CS policy AS.10. However, given the proposal's scale and siting and in the absence of significant environmental benefits, it would not represent an acceptable location for a replacement dwelling and would conflict with those aims of CS policy CS.20 set out above.

Protected species

18. The PEA sets out that bat surveys recorded low levels of bat foraging and no bats were recorded emerging from buildings on the site. No evidence of bat activity or occupation was found in or around the appeal site buildings and none of the trees contained any features considered suitable for roosting bats.
19. There is no evidence that the proposal would result in harm to protected species. Thus, I find no conflict with CS Policy CS.6 which requires that proposals minimise impacts on biodiversity.

Trees

20. The Council raise concerns that the proposal would result in harm to the Root Protection Area (RPA) of a purple Norway maple. The AMS states that the patio area around this tree is to be constructed on an engineered base laid on top of the existing soils and that a no dig tree root protection method would be employed. I am satisfied that this would safeguard the RPA of this tree and that this matter could be satisfactorily controlled by condition.
21. The development would not result in harm to trees. Therefore, I find no conflict with CS policies CS.5 and CS.9 which require that development takes place in a manner that minimises and mitigates its impact and, where possible, incorporates measures to enhance the landscape.

Other considerations

22. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
23. In support of the proposal, it is stated that the dwelling would be highly sustainable with a focus on renewable energy and that the proposal would result in the removal of an unsightly derelict building and a more coherent site layout. These considerations attract some weight in favour of the proposal.
24. Whilst I have found that the proposal would not harm the rural landscape, there is no compelling evidence that it would be particularly less harmful than the existing built form on the site or that the proposal would result in less impact on neighbouring properties. I therefore afford these matters limited weight.

25. On the basis of the information before me and in the absence of a mechanism to secure the proposed off-site biodiversity enhancements, I cannot be certain that enhancements which go beyond the statutory 10% BNG increase required under Schedule 7A of the Town and Country Planning Act 1990 would be provided. Given this, I afford limited weight to the suggested beneficial impacts on biodiversity.
26. In support of the proposal the appellant has drawn my attention to applications for replacement dwellings which, it is stated, were approved outside of the property's original curtilage¹. However, there is limited information before me setting out how the Council reached these decisions, and it appears that these applications were approved in a different national and local planning policy context. Mindful that each case must be considered on its individual merits, I have not been presented with any compelling reason to afford greater than limited weight to these applications.
27. The Green Belt is a strategic designation, the purposes of which are set out in the Framework which is clear that substantial weight should be given to any harm. The demonstration of very special circumstances is a high policy bar to exceed. Overall, I conclude that these other considerations do not 'clearly outweigh' the harm identified by reason of inappropriateness. Therefore, the very special circumstances required to justify this proposal do not exist in this instance.

Planning balance and conclusion

28. The proposal would be inappropriate development in the terms set out by the Framework and would result in a loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
29. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
30. Consequently, for the reasons given, there would be conflict with the development plan when read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

N Robinson

INSPECTOR

¹ 07/02775/FUL, 07/00564/FUL and 11/00221/EXT