



Appeal Decision

Site visit made on 21 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/C3430/W/22/3293634

Pennwood Lodge, Pennwood Lane, Penn Common WV4 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Harjinder Singh against the decision of South Staffordshire District Council.
 - The application Ref 21/01053/FUL, dated 28 September 2021, was refused by notice dated 3 December 2021.
 - The development is a single storey detached outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The detached outbuilding was under construction at the time of my site visit. Therefore, as the development has commenced, I have considered this appeal on a retrospective basis.

Main Issues

3. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - ii) the effect of the proposal on the openness of the Green Belt; and
 - iii) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development?

4. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One of which is the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces. Part A. d) of Policy GB1 of the South Staffordshire Core Strategy (2012) is consistent with this.
5. It is agreed by both parties that the outbuilding currently under construction is positioned in the same part of the site where previously there was a wooden shed. Indeed, this is indicated on the plans which show it as totalling 11m². The appellant advises the outbuilding subject of this appeal amounts to 120m².

6. The plans also show a second outbuilding (11m²) and a garage (70m²) which amount to a further 81m² of built form to be removed. However, extensions to the dwellinghouse, granted planning permission¹ in 2018, also involved the removal of the garage. The Council advise the footprint of the garage was accounted for in granting permission for the extension, which is not disputed by the appellant. As such, the floor area of the garage cannot be taken into account for the floor area of the new outbuilding. The second outbuilding is no longer on site and I have no details of it, such as when it was removed or whether it was a permanent structure.
7. The Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) advises that replacement buildings which are more than 10-20% larger than the buildings they replace would be considered materially larger. Even if the floor area of the second outbuilding was included in the calculations, the outbuilding now on site would be over five times larger than the previous ones. This is far in excess of the advice in the SPD and therefore the development can be considered materially larger than those buildings it replaced. As such the development fails to accord with the SPD, policy GB1 and paragraph 149 of the Framework. It is therefore inappropriate development.
8. In this way, it differs from the detached basement garage² and outbuilding³ which both benefit from extant planning permissions which, from the details before me, were not materially larger than the buildings they replaced.
9. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness

10. Openness can be perceived spatially and visually. Spatially, the increase from 22m² to 120m² would be considerable. By occupying space that was previously undeveloped, the development has inevitably reduced the openness of the site. Visually, the outbuilding has limited presence in public views. It is largely hidden by the hedge along the verge of Pennwood Lane, although a limited view is possible when in front of the site access. Nonetheless, overall, there is considerable harm to openness, to which, as set out in the Framework, I give substantial weight.

Other considerations

11. I recognise that since the submission of the appeal, the Council have granted a planning permission⁴ which effectively restores permitted development rights, available under Class E, Part 1, Schedule 2 of the GPDO⁵, to the dwelling. Although the appellant suggests the outbuilding falls within the limitations in Class E such that it would be permitted development, no evidence is provided to support this assertion. I therefore give it little weight.
12. The Council consider the development has no adverse effect on the rural character of the area, or the amenity of neighbouring occupants. Nonetheless, the absence of harm in these regards does not carry positive weight in favour

¹ Planning permission Ref. 18/00440/FUL

² Planning permission Ref. 20/01063/FUL

³ Planning permission Ref. 20/01017/FUL

⁴ Planning permission Ref. 22/00241/VAR

⁵ The Town and Country Planning (General Permitted Development) (England) Order 2015

of the development. Similarly, the fact that the development represents a very small proportion of the property and is significantly smaller than the host dwelling is also of little consequence.

13. I accept other buildings, such as facilities for outdoor sport, could be much larger than the outbuilding and be considered not inappropriate. But those are very different forms of development covered by different parts of paragraph 149 of the Framework. They have no bearing on my consideration of this appeal.

Green Belt balance

14. I find that there are no other considerations in this case that clearly outweigh the harms the development causes to the Green Belt by virtue of its inappropriateness and to openness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

15. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR