
Appeal Decision

Site visit made on 29 November 2016

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 March 2017

Appeal Ref: APP/R1845/W/16/3152536

Bury Hall, Church Bank, Wolverley, Worcestershire, DY11 5TH

- 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 Neil Griffiths against the decision of Wyre Forest District Council.
 - The application Ref 16/0005/FULL, dated 20 November 2015, was refused by notice dated 17 May 2016.
 - The development proposed is the conversion of an ex school building to a two bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal building is within the Wolverley Conservation Area. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area.
3. The appeal submission was supported with a set of drawings showing an alternative scheme. The appellant explained these drawings were required by the Council but were not registered by them. The Council were requested to specify the drawings upon which they made their decision, and have stated that the relevant drawings were 15-116-1, 15-116-3, 15-116-4, and 15-116-5. The appellant has confirmed this is the case and for the avoidance of doubt I have determined the appeal on the basis of the drawings refused by the Council.

Main Issues

4. The main issues are *firstly*, whether the proposed conversion would be inappropriate development in the West Midlands Green Belt; *secondly*, the effect of the proposal on the openness of the green belt; *thirdly*, whether the proposal would provide adequate living conditions for future residents with particular regard to external amenity space; and *fourthly*, whether the harm to the green belt 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 it.
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Reasons

Green Belt - Inappropriate Development and Openness

5. The appeal site is within the West Midlands Green Belt and is part of a group of mostly residential buildings that were formerly a school. Positioned around a courtyard that is partly used for parking, these dwellings and the nearby church form a distinct cluster of buildings occupying an elevated position above the river valley. Although there is a surgery and community hall sharing the access from Wolverley Road, these and the former school buildings are upon a spur of high ground and are set apart from the built up areas of the nearby village by the topography and agricultural land. This distinct separation is very different to the concentration of development found in the valley bottom and to the south west. As such I find the appeal building to be positioned within a rural area.
6. I understand the building was constructed and used as a laboratory for the school. Its former use and relationship to the school is clearly apparent in its appearance, with its elegant decorative brickwork and detailing, and a large lantern roof light. From the evidence before me, including my site inspection, it is apparent the building is now used as a domestic workshop / store, with a kitchen, living room and bathroom above. Whilst noting the appellant's consideration that the appeal building is not a domestic outbuilding due to its original use in connection with the school, it is clearly no longer in such a use, but is and has been for some time, a domestic outbuilding.
7. The appellant considers the site is unique and that a pragmatic approach should be taken to the development. Be that as it may, I find the proposal is for the conversion of a residential outbuilding in a rural area. It would not therefore be the limited infilling of a village within a green belt referred to in the National Planning Policy Framework (the Framework). Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan (2013) (LP) states that development will not be permitted in the green belt, except in very special circumstances, unless it meets one of the criteria listed. The re-use or conversion of buildings is such an exception, as long as the development accords with the requirements of LP Policy SAL.UP11.
8. Amongst other things, LP Policy SAL.UP11 controls the conversion of domestic outbuildings in rural areas. The Framework states that certain forms of development, including the re-use of buildings provided that they are of permanent and substantial construction is not inappropriate development in the green belt. This is provided that the development preserves the openness of the green belt and does not conflict with the purposes of including land within it. The general thrust of the Council's policies is to restrict development in the green belt to certain instances and this is broadly consistent with the requirements of the Framework.
9. Both the Framework and LP Policy SAL.UP11 make it clear that the re-use of buildings in the green belt depends on their being of permanent and substantial construction. Neither of the main parties has provided a structural assessment to ascertain if the outbuilding is such a building. From my inspection the building appeared to be well-built, and the proposed works would be limited to replacing existing doors and windows, to insulate the roof and provide a new staircase. On the basis of the evidence before me, the building is a permanent

structure, and the proposed works would not be the significant building works precluded by LP Policy SAL.UP11.

10. However, LP Policy SAL.UP11 specifically restricts the conversion of domestic outbuildings to dwellings, and as such the proposal would be in conflict with this policy. Furthermore, there would be a loss of openness resulting from the scheme, albeit a small loss. The garden of 9 Bury Hall would be subdivided to provide a bin and covered cycle store, and this and the construction of a brick wall around it would impact on the openness of the green belt, as would the provision of a door canopy. The side of the building would have a constrained and cluttered appearance, and the loss of openness would be noticeable. Thus the residential conversion of a domestic outbuilding would be inappropriate development contrary to the requirements of LP Policy SAL.UP11 and of the Framework.
11. The appellant considers the proposal would be the redevelopment of a previously developed site in the green belt and as such LP Policy SAL.PDS1 applies. However, this policy refers to the redevelopment of sites within the Council's area. As the appeal scheme is for the conversion of an existing building and not the redevelopment of a site, this policy is not relevant.

Living Conditions

12. I share the Council's concerns that the site would not provide adequate amenity space for future occupiers of the property. The subdivision of the No 9's garden would appear as contrived rather than as an integrated part of the design. Even though parking would be retained for No 9, the external space for the proposed dwelling would be harmfully constrained, particularly so when compared to the former school complex as a whole. LP Policy SAL.UP7 does not specifically refer to amenity space, but it does require all proposals to demonstrate the highest design quality. For the reasons given the proposal would fail to accord with this requirement.
13. I noted that some of the properties within the complex had limited external space. Nevertheless, from what I saw at my visit domestic servicing and parking arrangements were included as an integral part of the complex. Whilst accepting the proximity of community services and facilities to the site, the Planning Practice Guidance (the Guidance) refers to the provision of servicing for dwellings having to be carefully considered and well designed to ensure that they are safe to use, discrete and accessible. In this particular instance the narrow width of the servicing strip would so cramped and restricted that it would be awkward to manoeuvre bins and cycles within it. This would not be the good standard of amenity for future residents as sought by the Framework and the Guidance.
14. Drawings were submitted for the appeal that showed a larger outdoor amenity space for the proposed dwelling. However, this scheme is very different to that refused by the Council, particularly as it extends the site area. The appeal process should not be used to evolve a scheme. It is important that the facts before me are essentially those considered by the Council and other parties. In this instance there are several differences between the appeal scheme and that considered by the Council. The amended scheme differs significantly from the application and whilst the Council have had an opportunity to comment, others have not, and I am therefore unable to accept it as an amendment.

15. I note the appellant's concerns regarding the Authority's handling of the application particularly with regard to the matter of amended drawings. However, these are procedural matters, and such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

Other Matters

16. My attention has been drawn to matters of land ownership and management arrangements. However, such issues would be for the relevant parties to resolve, and have not had any bearing on my assessment of the planning issues in this appeal.
17. The scheme would necessitate the conversion of the existing outbuilding, and I note the Council's ecological advisor considers there to be a low potential use of the building by bats because of the rooflight. Be that as it may, it is not clear from the submission whether bats would be affected by the proposal. However, as I am dismissing the appeal for other reasons this matter has not been decisive.

Other Considerations and Very Special Circumstances

18. The former school is a Local Heritage Building, within the Wolverley Conservation Area. Separated from the village on a prominent spur of high ground, the buildings of this complex are a distinct feature. The conversion would mostly retain the distinct and high quality form of the building that makes a positive contribution to the conservation area and to the school complex. Having regard to the existing domestic use of the site, the proposal would preserve the character and appearance of the conservation area and a Local Heritage Building.
19. The appellant and the Council's Conservation Officer have pointed out that the scheme would allow the long term survival of a building that is on the Local Heritage List, and the appellant considers this a very special circumstance. I accept the building makes a positive contribution to the former school complex and the conservation area. However, it has not been demonstrated that the building is at serious risk or that converting the building to a dwelling is the only means of securing its long-term future, particularly as maintenance and / or repairs would not be dependent on its conversion. This other consideration does not outweigh the harm to the green belt or the harm I have found with regard to the living conditions of future occupiers, and would not therefore be a very special circumstance to justify the development.

Conclusion

20. The conversion of the building would be inappropriate development in the green belt and there would be a loss of openness, contrary to development plan policy and objectives of the Framework. Nor would the proposal provide adequate amenity space for future occupiers. These harms would be substantial and would not be outweighed by any other considerations that would amount to very special circumstances. Consequently, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans INSPECTOR