



Appeal Decision

Site visit made on 23 May 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/P1805/W/17/3170156

Land at Watery Lane, Hopwood, Worcestershire

- 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 and Mrs Martyn Whale against the decision of Bromsgrove District Council.
 - The application Ref 16/0920, dated 21 September 2016, was refused by notice dated 14 December 2016.
 - The development proposed is conversion of existing stables to form one dwelling at Watery Lane.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal the Council adopted the Bromsgrove District Plan 2011-2030 (BDP). The policies contained within the BDP have replaced those contained within the Bromsgrove Local Plan. I have considered the appeal proposal accordingly.

Main Issues

3. The appeal site is located within the West Midlands Green Belt. Accordingly the main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness and purpose of the Green Belt;
 - whether a new dwelling in this location would be acceptable having regard to its relationship to services and facilities in the area;
 - whether or not acceptable living conditions would be provided to the intended future occupiers of the dwelling having particular regard to outdoor amenity space; and
 - if the proposal would be 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 it.
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Reasons

Whether Inappropriate Development; Openness and Purpose

4. The proposal relates to the conversion of an existing building upon the site which is described as a stable. It is single storey in form with a mono pitch roof, with timber cladding and a brick plinth. The building has no windows, but there is a door on the side elevation. The proposal is to convert the building into a dwelling which would involve internal walls, windows and doors, PV panels on the roof and a flue for a log burner. Parking for one vehicle would be provided to the side of the building close to an existing hay barn on the site. A further parking space would be provided on the other side of the hay barn, close to Watery Lane. Access to the site would be from the existing access onto Watery Lane. A small residential curtilage would be provided.
5. BDP Policy BDP4 sets out the Council's approach to Green Belt. BDP4.4 states that the development of new buildings in the Green Belt is considered to be inappropriate, except in a number of circumstances. These are listed a) to g). The proposal would not relate to the development of a new building and as such there would be no conflict with BDP Policy BDP4 or BDP4.4.
6. National planning policy as set out in the Framework is a material consideration. It establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a number of exceptions to this. Paragraph 90 states that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The re-use of buildings where they are of permanent and substantial construction is one such example.
7. The Council is concerned that the building on the site is not of substantial construction as a result of its construction, materials and nature of its original purpose. The Council's building control department found that it would be likely that a new structure frame would be necessary to accommodate a residential use. The appellants submitted a letter from CTSDESIGN which stated that the building could be converted to residential use, subject to a thermally improved roof being provided. This might necessitate the existing rafters to be doubled to accommodate additional loading. Perimeter walls would also need to be thermally improved and internal partitions provided to provide racking stability.
8. Whilst it is clear that the proposal would necessitate both internal and external works to facilitate the residential conversion, I am not convinced on the basis of the evidence before me, and from my own observations that the existing building is not of permanent and substantial construction. I have therefore treated it as such. In order to assess whether or not the proposal would comprise inappropriate development in the Green Belt it is necessary to assess its impact on the openness of the Green Belt and its purpose.
9. Paragraph 79 of the Framework establishes 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 their openness and permanence. Paragraph 80 states that the Green Belt serves five purposes

including to assist in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built up areas.

10. The proposal would introduce a residential use into an area characterised by agricultural and equestrian use. The parking of vehicles associated with such a use and the associated domestic paraphernalia, including garden furniture, structures and play equipment (which in the main, could not be controlled by planning condition) would have an adverse effect on the openness of the Green Belt, in that it would be reduced. Furthermore, the domestic use of the building would encroach into this area of countryside which would conflict with the purpose of the Green Belt. Whilst in isolation, the loss of openness and impact on purpose would be small, it would nevertheless harm the essential characteristics and purpose of the Green Belt.
11. I therefore conclude that because the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it, it would result in inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The appellants' willingness to accept a condition which would remove permitted development rights for the building would not address the harm that I have identified.
12. The appellants submit that when planning permission was granted for the building, the Council found that it would not conflict with Green Belt policies. I am not aware of the individual circumstances in respect of this application. However the scheme before me differs from that previously granted and I am required to determine this proposal on its merits.

Relationship to Services and Facilities

13. The appeal site is located within an attractive area of countryside, some distance from nearby settlements. The nearest village is Weatheroak Hill, which the appellants have calculated to be 2 minutes from the appeal site. This is likely to be a 2 minute drive as opposed to a walk or cycle, as recognised by the Council. This village has a limited number of services and reference is made to a pub, club and brewery. Further afield is Wythall which the appellants have calculated to be 2.8 miles from the appeal site (6 minutes). This settlement has a wider range of services and facilities, including primary, junior and secondary schools, playing fields, post office, library, gym, museum, sawmill and train station.
14. In terms of the appeal site's relationship to services and facilities, I agree with the Council that the new dwelling would result in a new isolated home in the countryside, remote from local services and facilities. This is not disputed by the appellants.
15. BDP Policy BDP1 sets out the Council's approach in relation to sustainable design principles. One such principle (set out in BDP1.4) is the accessibility to public transport facilities. This is expanded upon at BDP Policy BDP16 which relates to sustainable transport. At BDP16.6 the policy states that developments which would worsen walking and cycling access and exacerbate motor vehicle dependence should not be permitted. The appellants submit that if they lived in the new dwelling they would not have

to make trips to the site to check on their horses, which they submit can be as many as 12 times a day (some of which are made during the night). Whilst noting this matter, a new dwelling in this location would be likely to generate more daily trips to and from the site than the equestrian use of it. Such trips would be likely to include shopping trips, to places of employment, education, deliveries to the site and leisure trips. These would be likely to be made by private car as opposed to public transport given the site's relationship to public transport facilities (reference is made to a bus stop a mile away from the site), the distance to nearby towns and villages and local road conditions with no street lighting or pavements.

16. I have not been provided with convincing evidence that the proposal would worsen cycling and walking access, however given my findings above I find that the scheme would conflict with the aims of BDP Policies BDP1.4 and BDP16.6 because of the likely high dependency the intended future occupiers would have on the motor vehicle to access even their basic day to day needs. The provision of car parking upon the site and the lack of objection from the Highway Authority do not justify allowing a development that conflicts with development plan policy in this regard.
17. The Framework at paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, or where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
18. The appellants indicate that there have been a number of security issues on the site including fly tipping. Property and materials have been stolen, including sections of the barn roof (corrugated metal sheeting), a trailer and the attempted theft of a horse from the adjacent field and the touring caravan stored on the site. Whilst security can be a consideration when assessing whether or not there is an essential need for a rural worker to live permanently at their place of work, I have not been provided with substantive evidence that the appellants work at the appeal site. The proposal would re-use an existing building. However, I have not been provided with evidence that it is redundant or disused; it appeared to be being used for storage purposes at the time of my site visit. Furthermore, as I have found that the use of the building would be harmful to the Green Belt and its purpose for the reasons given, I conclude that its re-use would not lead to an enhancement of the immediate setting of the building.
19. In light of the foregoing, I find that the special circumstances required to justify a new isolated home in this location has not been demonstrated. The location of the new dwelling would not enhance or maintain the vitality of rural communities. This brings the scheme into conflict with the Framework as a result.
20. The Council has made reference to BDP Policy BDP15 in its decision notice. The aim of this policy is to support proposals that would satisfy the social and

economic needs of rural communities. The conversion of suitably located or constructed buildings is included as an example of development that would be supported. However, the policy makes it clear that timber stables and steel portal frame buildings are not suitable for conversion. Whilst the building on the site is described as a stable, it does not have the appearance of one. There are no doors on the building for horses and other livestock to access the building. The only door is a pedestrian door on the side elevation. It would be unlikely that horses could access the building through this. Given this and having regard to my findings in respect of the building being of permanent and substantial construction, I consider that this policy would not preclude the conversion of the building to residential use.

Living Conditions

21. The aim of BDP Policy BDP19 is to deliver high quality people focused space. This includes at BDP19.1 (m.) providing sufficient functional space in residential developments for everyday activities which meets people's needs and expectations. The application site includes land around the building which could be used by the intended future occupiers as outdoor space. The land to the rear of the building would be constrained by the existing hedgerow. However, there would be open space to the front of the new dwelling which would be separated from the existing paddock by fencing.
22. At present this area is hardsurfaced and also provides access to the adjoining paddock. I note the Council's concerns that the use of the field gate by horses and people visiting the paddock would result in a poor quality living environment for the intended future occupiers of the new dwelling. However, I consider that this matter could be addressed by suitably worded planning conditions, including the landscaping of this area, and the use of an alternative access into the paddock, in the event that planning permission was granted for the scheme. This would prevent activity in close proximity to the front of the new dwelling. I note the appellant's willingness for a condition to be attached to the grant of planning permission which would prevent the dwelling being sold separately to the adjoining land. However in light of my findings above, this would not be necessary to protect the living conditions of the intended future occupiers of the dwelling.
23. Although the area to the front of the new dwelling is of a modest size, it would allow for garden furniture, play equipment and other domestic paraphernalia to be located within it. The intended future occupiers of this small dwelling would, as a result, be able to enjoy their outdoor space. I attach limited weight to the Council's concern that there may be pressure to extend into the adjoining paddock at a later date to increase the size of the outdoor amenity space. This would be the subject of a separate application for planning permission to the Council in the first instance. This is not before me at this stage.
24. I therefore conclude that the outdoor amenity space provided would not be harmful to the living conditions of the intended future occupiers of the new dwelling. A good standard of amenity would be provided. There would be no conflict with the Framework in this regard or the aims of BDP Policy BDP19.1.

Other Considerations

25. The Framework establishes that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
26. I have noted the appellants' reasons for requiring a dwelling in this location including their desire to remain in the area, to improve security on the site, to live closer to their horses and reduce the size of their dwelling from their current home. Whilst personal circumstances are a material consideration, they carry limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant.
27. Whilst the relationship of the new dwelling to services and facilities may be similar to other dwellings in the area, this does not diminish the harm that I found to the Green Belt and the sustainability aims of the development plan and carries limited weight in my assessment of the proposal. The provision of solar panels, energy efficient lighting and the use of a log burner to heat water would be likely to support the transition to a low carbon future, but this would be so regardless of where the new dwelling was located. This matter therefore carries neutral weight.

Conclusion

28. The proposal would be inappropriate development in the Green Belt. Further harm would be caused as a result of loss of openness and the conflict that would result with the purposes of including land in the Green Belt. There would also be conflict with development plan policy for the reasons set out above. At most I give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not clearly outweigh the harm the proposed development would cause to the Green Belt and the other harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
29. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR