



Appeal Decision

Site visit made on 12 November 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/R1845/D/19/3236002

Wyre Mill Cottage, Mill Lane, Wolverley, Kidderminster DY11 5TR

- 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 Tim Partridge against the decision of Wyre Forest District Council.
 - The application Ref 19/0313/FULL, dated 21 May 2019, was refused by notice dated 7 Aug 2019.
 - The development proposed is erection of garage.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a garage at Wyre Mill Cottage, Mill Lane, Wolverley, Kidderminster DY11 5TR in accordance with the terms of the application, Ref 19/0313/FULL, dated 21 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Layout; Drawing 1486-200 Proposed Plans & Elevations; Red Line Site Plan; Site Location Plan
 - 4) The garage shall not be used for any purpose other than that ancillary or incidental to the enjoyment of the dwelling house and shall not be used as living accommodation.
 - 5) Within three months of the first use of the garage building hereby permitted, the wooden outbuildings/sheds located on site shall be demolished and permanently removed from site.

Main Issue

2. The main issue in this case is whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework).

Reasons

3. The proposal is for the erection of a garage at the appeal site, which would measure approximately 11m by 8.2m, to a height of 4m. Following a previous approval for an extension to the main dwelling and a double garage, the permission to erect the double garage remains extant, and represents a fall-back position. I understand from the Statement of Case of the appellant that the garage subject to this appeal would also be used for the storage of domestic paraphernalia and contain a gym area and a workshop. Existing outbuildings on the appeal site that are used to store equipment would be removed from site if the building were to be approved.
4. The Council have refused consent on the basis that the proposal represents inappropriate development in the Green Belt.
5. From the evidence in front of me, the appellant considers the site of the garage to be previously developed land (PDL). Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, with some exceptions. This includes section g) of that Paragraph, which includes:
"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development."
6. The evidence of the appellant appears to demonstrate that the original mill covered around 900sqm of the site, but was largely demolished, although some walls and floors remain. Additional buildings were demolished in 2007 as part of the scheme to allow the extension to the main dwelling and the site of garage that has extant consent (and the site of the current appeal) contained the former washhouse.
7. Based on the evidence, I am satisfied that the appeal site meets the definition of PDL as set out in the glossary to the Framework. As such, in order to meet criteria g) set out in Paragraph 145 of the Framework, it is necessary for me to assess the effect on openness.
8. Therefore, it is necessary to consider the fall-back position of the extant permission. The calculations set out by the appellant, which have not been queried by the Council, demonstrate that the size of the garage subject to the extant permission and the existing outbuildings cover the same floor area as the proposed garage, but the extant consent would be a taller structure. I have little reason to doubt that the extant garage would be built if this appeal were to fail.
9. The site is surrounded by heavy vegetation, and views of the proposed garage would be limited, and the reduction in height of the proposal when compared against the extant consent would further reduce the visual aspect. In addition, the appellant has clearly stated that the existing outbuildings would be removed if the new garage was allowed. The removal of the existing outbuildings would further mitigate against the larger proportions of the garage subject to this appeal. In addition to this, I note the comment of the Council which considers that if the proposal were to be built, the reduction in height would reduce the impact of the building on the Green Belt.

10. As a result, I am satisfied that the appeal proposals would not have a greater impact on the openness of the Green Belt when considered in the context of the fallback position. As a result, I do not consider the appeal proposals to be inappropriate development and are therefore not in conflict with the Green Belt aims of the Framework, and Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan (2013) which sets out local guidance on development within the Green Belt.

Conditions

11. The Council have requested conditions in relation to commencement, construction materials and that development should be in accordance with approved plans, which I am satisfied are all in the interests of proper planning.
12. In addition to the above, the Council have also stated that a condition should be added to ensure that the proposal is ancillary to the enjoyment of the dwelling house, and not used as living accommodation. I consider that this is a reasonable condition, in the interests of the character and appearance of the area.
13. Given that the fallback position is a significant issue in the allowing of this appeal, and that the removal of the wooden outbuildings forms a key part of this, I will also impose a condition to ensure their removal within three months of the first use of the new garage building, again in the interests of the character and appearance of the area.

Conclusion

14. For the above reasons, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR