The Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2020

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/R1845/W/20/3256042
Land adjacent The Lawsons, Shenstone, Kidderminster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Peter Witte against the decision of Wyre Forest District Council.
- The application Ref 20/0037/FUL, dated 29 October 2019.
- The development proposed is described as 'conversion of existing building to bungalow'.

Decision

1. The appeal is dismissed, and planning permission is refused.

Main issue

2. The appeal site is located within the West Midlands Green Belt, so the main issue is:

   - whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

3. The appeal relates to a single storey "pole barn" clad with galvanised steel corrugate sheeting. It is five bays long by two bays wide, supported on telegraph poles both on the centre line and front and rear lines. The proposal involves the conversion of the building to a bungalow and the creation of a garden area, driveway and parking area.

Whether inappropriate development

4. Paragraph 143 of the Framework establishes that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and 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.

5. Paragraph 146 of the Framework allows for certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include d) the re-use of buildings provided that the buildings are of permanent and substantial construction. Policies SAL.UP1 and SAL.UP11 of the Wyre Forest Site Allocations and Policies DPD (SAP), broadly conform with the Framework in this regard, setting out guidance in relation to the re-use or conversion of buildings.

6. The appellant's planning statement confirms that "*the building will require some work in order to be fit any economic use for modern building regulation standards. Such works would only reasonably be undertaken for an independent residential use of the building, as these works would prove too costly for a non-residential use"*. In support of their appeal the appellant submitted a Structural Engineer's Report (20 September 2019) (SER). The stated purpose of the report being "*to investigate the suitability of the building for conversion into a dwelling*".

7. I have therefore carefully considered the findings of the SER and the associated email correspondence. The report documents how the building is constructed from a combination of telegraph poles, timber framing, single skin blockwork and clad in galvanised sheet along with supporting structural calculations. Further, it highlights several defects before concluding that the "structure appears to be satisfactory" and that 'the building visually appears solid'. However, neither the SER or any of the supporting documentation sufficiently establishes how the pole barn which utilises lightweight and rudimentary construction materials and techniques could be considered anything more than a building with a limited lifespan. As such, there is no substantive evidence that would lead me to conclude that the building is of a permanent and substantial construction. Therefore, any residential conversion of the pole barn would be highly likely to require significant building works or complete reconstruction.

8. Having reached the conclusions above it has not been adequately demonstrated that the pole barn is of a permanent and substantial construction, meaning the proposal would conflict with paragraph 146 (d) of the Framework.

9. Openness is an essential characteristic of the Green Belt. The proposal would introduce a formal driveway, parking area and extended hardstanding formed to the side and front of the proposed dwelling. Furthermore, the proposed residential use of the building would be likely to result in additional residential paraphernalia, washing lines, wheelie bins and parking that could not be controlled by way of condition. Taken together, these aspects of the development would materially reduce both the visual and spatial openness of the Green Belt.

10. Having reached the conclusions above, the conversion of existing building to bungalow would therefore be inappropriate development which is, by definition, harmful to the Green Belt. The proposal would therefore conflict with Paragraph 146(d) of the Framework and Policies SAL.UP1 and SAL.UP11 of the SAP.

Other matters

11. There is dispute between the parties regarding the location of the proposal in relation to accessing services and facilities without reliance upon a private motor vehicle and the effect of the proposal on ecology and drainage. However, even if I was to find in favour of the appellant in relation to all of these matters it would not outweigh the harm that I have found in relation to the Green Belt and therefore it would not lead me to a different conclusion.

Conclusion

12. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, I have found that the proposed development would be contrary to Policies SAL.UP1 and SAL.UP11 of the SAP, a matter which also weighs against the appeal being allowed.

13. However, none of the aforementioned considerations, or any of the other many matters mentioned by the appellants in support of their appeal, either individually or collectively, clearly outweighs the harm caused by reason of inappropriateness. Very special circumstances do not therefore exist in this case and the appeal must be dismissed and planning permission refused.

Jameson Bridgwater

INSPECTOR