



Appeal Decision

Site visit made on 26 January 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2021

Appeal Ref: APP/P1805/W/20/3257543

Meadow Bank Farm, Stoney Lane, Broad Green B48 7DG

- 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 N Pinfield against the decision of Bromsgrove District Council.
 - The application Ref 20/00023/FUL, dated 9 January 2020, was refused by notice dated 20 February 2020.
 - The development proposed is described as the "proposed retention of unauthorised building as offices (B1) and demolition of 4 Portakabins".
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Decision

1. The appeal is allowed and planning permission is granted for the proposed retention of unauthorised building as offices (B1) and demolition of 4 portakabins at Meadow Bank Farm, Stoney Lane, Broad Green B48 7DG in accordance with application Ref 20/00023/FUL, dated 9 January 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1926/01 Rev A (Site Location Plan), 1926/02 Rev B (block plan), 1926/03 Rev B (Proposed site), 1926/05 Rev A (As build plan and elevations) and 1926/10 (Exiting site layout and areas).
 - 2) Within six months of the occupation of the building hereby approved, the buildings identified at Land Parcel B on drawing number 1926/03 Rev B shall be permanently removed from the site.
 - 3) Prior to the occupation of the build hereby approved, there shall have been submitted to and approved in writing by the local planning authority a scheme for the restoration and landscaping of the land identified as Land Parcel B on drawing number 1926/03 Rev B. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 4) The building hereby permitted and its forecourt parking to be retained within B1 use class including the secure storage of portable equipment and staff facilities.
 - 5) Prior to the occupation of the building hereby approved, details of the parking layout, including vehicle type and number, shall be submitted to and agreed in writing with the Council and permanently retained thereafter.

Preliminary Matter

2. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force, amending the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order). Having regard to regulation 4 of the Regulations, I have considered this appeal on the basis of the use classes specified in the Schedule to the Use Classes Order on 31 August 2020.

Main Issue

3. The main issue is whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

Inappropriate Development

4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In addition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 of the Framework states that the construction of new buildings and other forms of development are inappropriate development in the Green Belt, save for those circumstances as listed therein.
5. Policy BDP4 of the Bromsgrove District Plan 2017 (the BDP) states that planning permission will not be granted for the use of land or the construction of new buildings or the change of use or extension of existing buildings in the Green Belt unless it is appropriate. This is consistent with the Framework which takes a similar aim in resisting inappropriate development within the Green Belt.
6. Under paragraph 145 d) of the Framework, the replacement of a building is defined as being not inappropriate development provided the new building is in the same use and not materially larger than the one it replaces. There is no dispute between the parties that the replacement building would be put to the same use as the existing portakabins and thus, satisfies this element.
7. The appellant has provided a schedule of accommodation and calculates that the total floorspace provided by the portakabins is some 135 sq. m with a total volume of 337 cubic metres. The Council argue that although the replacement building would be smaller in terms of overall floor area, it would result in an increase in volume of 113 cubic metres and would have an increased height of some 1.2m over the portakabins.
8. Neither the Framework nor the BDP define what is considered to be 'materially larger'. Therefore, it is a matter of planning judgement whether one considers the proposal to be materially larger than the replacement building. In this case, the proposal would result in a relatively modest increase in overall volume compared to the existing buildings. Whilst the replacement building would be higher than the existing structures, the proposed increase would not be particularly apparent nor materially change the scale of the building. There would not be an increase in floor space and much of the volume increase would be within the roof space of the building and as such, would not contribute

significantly to its external dimensions. Thus, having regard to the size of the existing portakabins, I find that the height, scale, bulk, and mass of the proposal would not result in a building that is materially larger than the one it replaces.

9. In conclusion, the proposal would comply with Policy BDP4 of the BDP and paragraph 145 (d) of the Framework and accordingly would not constitute inappropriate development in the Green Belt. In such circumstances, it is not necessary to consider its impact on openness further and the need for very special circumstances required by the Framework does not arise.

Conditions

10. The appellant has suggested a number of conditions and refers to the terms set out within a previous appeal decision¹ (the previous appeal) which dismissed the retention of the building as a dwelling. The Council has seen the appellant's suggested conditions and state that they cover everything the Council would recommend. I have considered the conditions that have been suggested in accordance with the Framework and the national Planning Practice Guidance.
11. As the building has been constructed, there is no requirement for the standard time condition. However, the approved plans should be specified to provide certainty. It is also necessary to ensure that the portacabin buildings are removed from the site following the occupation of the replacement building. Although I acknowledge that the previous appeal allowed a 12 month period to demolish the unauthorised building, that is not the case before me and I consider that a six month period to remove all the portakabins from the appeal site following the occupation of the building to be an acceptable time period.
12. In the interest of the visual amenities of the area, the land on which the portakabins are sited should also be restored to its former condition and landscaped in accordance with a scheme to be agreed with the Council. The land thereafter shall be kept permanently open. As the appellant has suggested a condition specifying the use of the building and its forecourt, there is no requirement for an additional condition restricting the residential use of the site.
13. A condition is also suggested restricting the number of vehicles that can be parked within the site. As the appellant and Council have not provided a figure or type of vehicles that could park within the site, in the interest of highway safety, it would be prudent for the appellant to provide such details before the use of the building first occurs.

Conclusion

14. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

¹ APP/P1805/C/19/3234884 dated 23 February 2020