



Appeal Decision

Site visit made on 9 March 2021

by Elaine Benson

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

Appeal Ref: APP/P1805/W/20/3264617

Rear of Six Oaks, Stonehouse Lane, Hopwood, B48 7BA

- 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 P Hodges against the decision of Bromsgrove District Council.
 - The application Ref 20/01071/FUL, dated 8 September 2020, was refused by notice dated 9 November 2020.
 - The development proposed is conversion of workshop into a 4-bed residential dwelling with associated works including alternative access drive.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of workshop into a 4-bed residential dwelling with associated works including alternative access drive at rear of Six Oaks, Stonehouse Lane, Hopwood, B48 7BA in accordance with the terms of the application, Ref 20/01071/FUL, dated 8 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3519-005 and 3519-006.
 - 3) Details of the materials to be used in the construction of the external hard surfaces of the development shall be submitted to and approved in writing by the local planning authority before they are brought into use. The development shall be constructed in accordance with the approved details and thereafter retained.
 - 4) The dwelling hereby permitted shall not be occupied until the dwelling has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced; in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.
 - 5) The dwelling hereby permitted shall not be occupied until sheltered and secure cycle parking to comply with the Council's adopted Highway Design Guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

- 6) The dwelling hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 3519-006.

Main Issues

2. The main issues in this appeal are 1) whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies, 2) the effect on the openness of the Green Belt, 3) whether the proposed development would provide a suitable site for housing, having regard to the proximity of services and the suitability of the highway network, 4) the effect of the proposal on the living conditions of future occupiers, and 5) if the proposal is inappropriate development, would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal building is a single storey blockwork and timber workshop with sheet metal roof. It stands in the south east corner of a field to the rear of the property "Six Oaks". The workshop is adjacent to an agricultural building which has prior approval for conversion to residential use. The site stands within open countryside in the Green Belt and is around 1.2 km from the nearest village.
4. The workshop is redundant. There are no formal planning records of its use. However, the appellant has provided evidence that it has been used commercially. This includes invoices on business letter heads from 2 previous occupiers of Six Oaks who appear to have conducted plumbing and building operations from the property. The present owner also confirms that he had used the building as a workshop.
5. In the absence of any evidence to the contrary, the appellant's evidence is sufficiently convincing for the purposes of this appeal. On the basis that the workshop benefits from a commercial use, the site would constitute previously developed land. Although it is not a determinative matter in this appeal, the Bromsgrove District Local Plan (BDLP) and the Framework prioritise the re-use of previously developed land.

Inappropriate development & openness

6. 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 their permanence. The purpose of the Green Belt which is relevant to this appeal is safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
7. Development in the Green Belt is inappropriate unless it falls within certain criteria, preserves Green Belt openness and does not conflict with the purposes of including land within it. One of these criteria is the re-use of buildings

- provided that the buildings are of permanent and substantial construction. Both parties agree that the workshop is of permanent and substantial construction and is therefore suitable for conversion to a residential use.
8. The conversion would require a garden and parking area. Those areas identified would not themselves harm openness. In dispute is whether the parking of cars and the domestic paraphernalia associated with a residential use would have a transient impact on openness and the effects of alterations to the vehicular access to the workshop and the proposed boundary treatments on openness.
 9. The workshop, together with the neighbouring agricultural barn, use a larger area of hardstanding for parking than is proposed in this appeal. Both uses could result in significant vehicle movements. Therefore, the effect of the proposal on openness, including transient openness, would be no greater than that of the existing commercial use and, notwithstanding its prior approval status, the agricultural use of the adjacent building. The proposed parking provision would be tight to the structures, thereby preserving openness. The extent of any domestic paraphernalia would be limited by the modest size of the garden and in my view is unlikely to exceed the effect on openness of any commercial materials and machinery etc.
 10. The proposed access track would be shorter and more direct than the existing access which would be removed and returned to agricultural land. Its surfacing would comprise gravel and grass, thereby maintaining a rural appearance. This can be controlled by condition and there would be no adverse effect on openness.
 11. I conclude that the proposal is not inappropriate development and would not have a greater impact on the openness of the Green Belt than the existing development. In the light of these conclusions it is not necessary to carry out an assessment of main issue 5).

Location

12. The core planning principles set out in the Framework recognise the intrinsic character and beauty of the countryside and the need to support thriving rural communities within it, as well as encouraging multiple benefits from the use of land in rural areas. However, the Framework also states that new, isolated homes in the countryside should be avoided and seeks to locate development in accessible and convenient locations and to promote walking, cycling and the use of public transport. These aims are reflected by the locational strategy of Policies BDP1 and BDP2 of the BDLP which amongst other things seek to direct development to settlements, reduce the need to travel and promote sustainable development. Alvechurch Parish Neighbourhood Plan (APNP) Policy H2 similarly directs housing in Hopwood and Rowney Green to brownfield land within the built-up area.
13. The workshop building is located some 140m away from the nearest residential property, Six Oaks, and is accessed by a stone track running along the western and southern boundaries from Stonehouse Lane. Moreover, it is enclosed by agricultural fields. Six Oaks stands at the end of a short run of housing and is itself one of a few isolated properties. In my view this group of dwellings could not reasonably be described as a settlement. Stonehouse Lane is a country road with no footpath, street lighting, or verges and is mostly single track. The area lies outside any defined settlement and the nearest village, Hopwood, is

over 1 km from the site and has limited facilities. There is a bus route on the A441 in Hopwood, however the bus stop is a lengthy walk from the appeal site. The absence of footpaths and street lighting would be a deterrent to walking, particularly during the evenings and in poor weather and therefore future occupiers of the appeal property would be reliant on the use of a vehicle.

14. Both parties refer to the case law *Braintree District Council v SCLG & Ors* [2017]. To an extent, this judgement has clarified the position of what constitutes an 'isolated home' and is a material consideration in the application of Paragraph 79 of the Framework. Taking all of the above factors into account together, it is my judgement that when considered spatially and physically, the appeal proposal would amount to an isolated, or remote, new dwelling in the countryside. In this regard the proposal would be contrary to BDP Policies BDP1 and BDP2 and Policy H2 of the APNP.
15. However, paragraph 79 of the Framework sets out a number of circumstances under which isolated homes in the countryside might be allowed. Its criterion c) relates to development that would re-use redundant or disused buildings and enhance its immediate setting. The BDP and Neighbourhood Plan are silent in respect of the re-use or conversion of such buildings in isolated rural locations.
16. The proposal would enhance the appearance of the redundant workshop through its re-use and would improve its immediate setting, mainly through the improvement of the external materials, the replacement of the workshop use and the removal of the large area of hardstanding. The proposed access between Six Oaks and its neighbour The Willows would be removed and relocated to a more discreet location whilst at the same time improving the living conditions of the neighbours. For these reasons the proposed conversion into residential use would conform to paragraph 79 criterion c) of the Framework.

Residential Amenity

17. The area of the proposed garden, which would closely follow the footprint of the building, would meet the 75sqm requirements of the Council's *High Quality Design Guide* SPD (SPD). Nonetheless, I have considered whether the maximum of 4.5m deep garden and its shape would provide useable space for future occupiers. The design and area of the garden are based on similar grounds to those permitted for Class Q type residential development and as such would reflect the amenity space at the neighbouring barn if that is converted as approved. Under this scenario the proposed change to a residential use would not be out of character. Furthermore, a restricted garden size would limit encroachment into the open countryside, thereby also complying with one of the purposes of Green Belt designation. In an isolated location such as the appeal site, there is less need for the strict application of distance separation standards than is required in a built-up location to protect residents' privacy and their living conditions. Furthermore, the size and shape of the garden would be apparent to any future occupiers.
18. Taking into account the site's specific location within an open rural landscape and its Green Belt designation, I conclude that the garden would have sufficient useable amenity space, whilst also restricting the potential spread of domestic paraphernalia to an extent that would harm the rural character and openness of the Green Belt. Accordingly, the proposal would not conflict with paragraph 127 of the NPPF or the aims of the guidance in the SPD.

Conclusion

19. For the reasons set out above, I conclude that the appeal proposal would not harm the Green Belt. The garden area is acceptable and would meet the needs of future occupiers. Overall, the proposal conforms with the BDLP read as a whole and accords with the Framework.

Conditions

20. The approved drawings are identified in a condition for the avoidance of doubt and in the interests of proper planning. I have imposed a condition requiring details of hard surfaces materials to protect the character and appearance of the area. An electric vehicle charging point and bicycle storage are necessary to encourage sustainable travel and healthy communities. In the interest of highway safety, the access, parking and turning should be provided prior to the first occupation of the dwelling.

Elaine Benson

INSPECTOR