



Appeal Decision

Site visit made on 14 June 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/P1805/W/22/3293918

Swallows Nest, 40 Bromsgrove Road, Romsley B62 0LF

- 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 Keith Russell (Mitchells and Butlers) against the decision of Bromsgrove District Council.
 - The application Ref 21/01707/FUL, dated 17 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed is single storey extension and external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension and external alterations at Swallows Nest, 40 Bromsgrove Road, Romsley B62 0LF in accordance with the terms of the application, Ref 21/01707/FUL, dated 17 November 2021, 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: 4584-211, 4584-212, 4584-213, 4584-701, 4584-702.

Main Issue

2. The main issue is whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policy.

Reasons

3. Policy BDP4 of the Bromsgrove District Plan 2017 (BDP) is generally consistent with paragraph 149 of the Framework in stating that, apart from specific exceptions, the construction of new buildings is inappropriate development in the Green Belt. The stated exceptions identified in the Framework include limited infilling or partial or complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt than existing development. Policy BDP4 includes a very similar exception but includes an extra requirement that the development should not have a greater impact on the purposes of Green Belt policy.
4. The appeal property is a public house that is close to and faces the road. To the side and rear is a paved and decked outdoor area that includes seats and tables, large umbrellas or 'jumbrellas', light posts, fencing and other

paraphernalia associated with the pub. Also, a timber pergola is attached to part of the side and rear elevations of the building. Except from the associated car park, the site currently makes very little contribution to any sense of openness, particularly given the size of the pub and the features in the garden.

5. Having regard to the definition as set out in the glossary to the Framework, I am satisfied that the pub and the adjacent outdoor area constitutes previously developed land. Also, the erection of the extension could reasonably be defined as limited infilling or partial redevelopment of the site. Therefore, it follows to consider whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.
6. The proposed extension would have a volume and it would increase the mass of the pub building. However, it would be single storey and a small addition compared to the size of the building as it stands. Moreover, its construction would require the removal of part of the existing pergola and 2 jumbrellas. One of the jumbrellas would be repositioned elsewhere in the garden but it would replace several smaller umbrellas. Consequently, whilst the extension would have an effect on the spatial openness of the site, this would be offset through the removal of structures and features in the pub garden.
7. In addition, the extension would be to the rear and so not easily seen from the road. It would be clearly visible from the pub garden and from the public footpaths that run to the side and rear. However, from these vantage points, it would be seen against or with the much larger pub building. Moreover, it would replace external areas currently occupied by paraphernalia, which already gives the rear garden a cluttered appearance. The replacement of the raised patio and wall, pergola, jumbrellas, and other features by the extension would not lead to any loss of visual openness.
8. The development includes various other changes to the external parts of the site including new fencing, new surfacing and new lighting. These alterations represent partial redevelopment of the site and the Council expects that they would have no effect on its openness. I find no reason to arrive at a different view on this matter.
9. In light of the significant enlargements already made to the pub, I agree with the Council's contention that the extension would represent a disproportionate addition over and above the size of the original building. Accordingly, it would not comply with the exception as set out at paragraph 149 c) of the Framework or part BDP4.4 d) of policy BDP4. However, this has no influence on whether the development would represent an acceptable form of limited infilling or redevelopment as allowed as an exception under Green Belt policy.
10. For the above reasons, I find the development as a whole would not have a greater impact on the openness of the Green Belt than the existing situation. Also, the proposal would not prejudice any of the purposes of including land within the Green Belt. As such, it would comply with paragraph 149 g) of the Framework and part BDP4.4 g) of BDP policy BDP4 as an acceptable form of limited infilling or partial redevelopment of previously developed land. Therefore, I conclude it would not be inappropriate development in the Green Belt and it would accord with BDP policy BDP4 and the Framework in these regards.

Other Matters

11. The Council suggests that the appeal property should be treated as a non-designated heritage asset due to its age and long history as a public house. Even if I agree, the proposed development would have no meaningful effect on the older parts of the building closest to the road. As such, it would cause no harm to the character, appearance or setting of the pub or to any historic significance it may contain.
12. Concerns have been raised by nearby residents on lighting at the site causing a nuisance. The scheme includes replacement lights on the front elevation but there is no reason to conclude that these would have any greater effect on the houses opposite than existing lights. The Council finds the proposal would cause no harm in these respects. I also consider the scheme would cause no detriment by reason of light nuisance, particularly given the separation distance between the pub and the residences. As such, the concerns raised do not affect my overall conclusion.

Conditions and Conclusion

13. The Council has suggested no planning conditions in the event that I allow the appeal. However, in the interests of clarity, I attach a condition that requires the development to be carried out in accordance with the approved plans.
14. For the above reasons, the scheme would comply with Green Belt policy. In the absence of any other substantive concerns, I conclude the proposal would accord with the development plan when read as a whole. Therefore, I allow the appeal.

Jonathan Edwards

INSPECTOR