



Appeal Decision

Site visit made on 24 January 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/P1805/W/22/3308637

248A Old Birmingham Road, Marlbrook, Worcestershire B60 1NU

- 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 Geoff Vale against the decision of Bromsgrove District Council.
 - The application Ref 22/00150/FUL, dated 31 January 2022, was refused by notice dated 13 July 2022.
 - The development proposed is described as "conversion of tractor shed to residential use and extension to front elevation."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted during the application stage for Ref:22/00150/FUL. The amended plans listed below superseded the previous plans:
 - Location Plan Scale 1:500, dated May 2022
 - Proposed Plans and elevations Scale 1:100, dated May 2022
3. The amended plans removed the proposed porch to the building and extended the width of the proposed extension. As these amended plans were submitted during the application stage, my acceptance of them would not prejudice any parties. I also note that these amended plans are what the Council determined their decision on.
4. Prior approval was granted in 2021 (Ref: 21/01418/CUPRIO) under Schedule 2, Part 3, Class Q of the Town and Country (General Permitted Development) Order 2015 (as amended) to change the use of the building and some of the surrounding land to a single residential dwellinghouse.
5. No existing plans were submitted with the appeal before me. However, a copy of the existing plans from the Prior approval application (Ref: 21/01418/CUPRIO) were included in the Council's Statement of Case. The Council also refer to these plans in their Officer's Report, which were used to determine the size and height of the existing building. The appellant has had opportunity to comment on this in their final comments. I have therefore dealt with the appeal on this basis.

Main Issues

6. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the surrounding area; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

7. The fundamental aim of Green Belt policy in the National Planning Policy Framework (Framework) is to prevent urban sprawl by keeping land permanently open.
8. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate development. A closed list of exceptions are set out, one of which, under sub-paragraph c), states that the extension or alteration of an existing building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' in the Framework. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgment.
10. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (2017) (BDP) sets out that development of new buildings in the Green Belt is considered inappropriate, except in specific circumstances. One of the specific circumstances listed in Policy BDP4 is 'proportionate extensions to non-residential buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt.' This policy is broadly consistent with the Framework.
11. The appeal site comprises a single-storey agricultural building that was previously used as a tractor shed. Permission is sought to convert the building into a single-storey 3-bedroom dwellinghouse. The site forms part of the Old Hazy Hill Farm complex located off Old Birmingham Road.
12. The proposed extension would extend the length and width of the original building. The plans indicate that the proposed extension would increase the floor space of the building by around 41sqm, which equates to an increase of around 39%. Even if I were to agree with the appellant's floorspace figures, there would still be an increase. Furthermore, the plans indicate that the proposal would increase the height of the ridge line and eaves of the building,

which would result in a taller building than the original. The increased height and floor space would significantly add to the overall bulk of the original building. Consequently, due to the notable increase in footprint, height and volume of the building, the proposed dwelling would be disproportionately larger than the original building.

13. Policy BDP4 states extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140sqm provided that this scale of development has no adverse impact on the openness of the Green Belt. However, the proposal before me is for the conversion of an agricultural building to a dwellinghouse and therefore this exception that relates to an existing dwelling is not applicable. Even if it were relevant, consideration of openness is looked at below.
14. For the reasons given, the proposal would be inappropriate development in the Green Belt. It would therefore fail to accord with the Green Belt protection aims of the Framework, with which Policy BDP4 of the BDP is consistent. I am required to attach substantial weight to the harm caused by virtue of the proposal's inappropriateness.

Openness of the Green Belt

15. Paragraph 137 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. Openness in terms of Green Belt has a spatial and visual aspect and therefore relates both to considerations of the amount of built form, and also a professional judgement on the effect of this on the perception of openness.
16. The resultant building would be deeper and taller than the original building. There would also be an increase in the footprint of the building. As a result of the increase in built form, the proposal would harm the openness of the Green Belt in spatial terms.
17. The appeal building is sited close to Old Birmingham Road, but the proposed development would be largely screened from the road and public vantage points by mature trees. Therefore, in visual terms the proposal's effect on openness would be limited. However, there is no evidence before me to suggest that the trees are protected and although it is not currently proposed to remove them, it is not necessarily a permanent feature in the landscape as the trees could die off or be cut back. In those circumstances the proposed development would be much more prominent.
18. The proposal would also include a garden area for the proposed residential use. This area of land is currently in agricultural use and forms part of a larger field. Formalising this area into a residential garden would introduce a level of residential activity, with boundary treatments and other general domestic paraphernalia. This would detract from the openness of the Green Belt in both spatial and visual terms.
19. Therefore, for the reasons given, there would be moderate harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy. As above, I am required to attach substantial weight to this element of Green Belt harm.

Character and Appearance

20. The appeal building has an agricultural design, with a simple utilitarian appearance. It is L-shaped and constructed of an oak frame, Ashmore interlocking double plain tile and external timber cladding. Access to the site is off a private driveway which leads to a small area of hardstanding.
21. The appeal site is adjacent to Old Birmingham Road and is positioned to the northeast of the farm complex which is now in residential use. The surrounding area is countryside.
22. The proposed extension would significantly extend the length and width of the building on its north projecting elevation. The eaves height on the proposed extension would be higher than the existing building. The height of the main ridge and lower ridge of the existing building and the height of the eaves would increase. Whilst the L-shape would be maintained, the overall building would be larger in scale and bulk than the original building. This would result in the building losing its traditional proportions. Furthermore, the proposed extension would become a dominant feature of the building.
23. The proposal would use similar materials to the original building, such as the timber cladding. However, the proposal would also include a number of new openings, including 3 new openings on the southern elevation in addition to the large glazed doors where only a single wagon door opening was previously located. A number of new openings within the proposed extension would introduce modern features that would detract from the plain, simple and utilitarian character of the original building. Consequently, the proposal would result in an incongruous building to the rural landscape.
24. The garden paraphernalia that would likely be associated with the proposed dwelling (such as garden furniture, children's play equipment, manicured and ornamental planting, patio/paving etc) would result in a domestic appearance that would diminish the rural qualities of the site and its surroundings.
25. Consequently, the proposal would result in an urbanising change that would diminish the rural qualities of the site and the surrounding area.
26. For the reasons given, the proposal would cause unacceptable harm to the character and appearance of the area. As such, the proposal would fail to accord with Policy BDP19 of the BDP and Policy NE1 of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan (2020). Collectively, these policies, amongst other things, seek to ensure new development achieves high quality design that protects local character and distinctiveness of the area. In addition, the proposal would not accord with the design objectives of the Framework.
27. In reaching this conclusion I have had regard to the guidance contained within the Council's High Quality Design SPD (2019), which seeks to ensure new development is designed to a high standard and is sympathetic to local character. For the reasons above, the proposal would be contrary to the SPD.

Other Considerations

28. The building already has planning permission to change the use of the building to residential following the granting of a Prior Approval application under Class Q of the General Permitted Development Order (Ref: 21/01418/CUPRIO). This development was not completed at the time of my site visit. Nonetheless, I am

satisfied that there is a reasonable prospect that this previous approval would be built. Consequently, this previous approval represents a viable fallback position for the appellant. However, the degree of weight to be given to the fallback position depends on whether or not the fallback position would be equally or more harmful than the scheme proposed.

29. The fallback position differs from the appeal proposal in that the form of development did not include any extensions to the original building and included a much smaller area of land to be used as the residential garden, most of which would be located to the south of the building. In contrast, the proposed extension in the appeal before me would add considerable mass to the north of the building, which would result in the building extending further out into the countryside. In addition, the building's roof height would be increased. Thus, the volume of the development that would be constructed under the appeal proposal would be greater than the fallback position.
30. The appeal proposal would therefore cause greater harm to the openness of Green Belt than the fallback position. Furthermore, the proposal would cause significantly greater harm to the character and appearance of the original building and the surrounding area than the fallback position.
31. Consequently, the fallback position carries limited weight in favour of the proposal.
32. The proposal would result in additional living space and no doubt improvements to the proposed residential use, to which I could attach only limited weight against the harms I have found.
33. The appellant indicates that the Council has allowed extension additions to the original barns which make up the conversion of 248 Old Birmingham Road. However, I do not know the circumstances of these other schemes and, in any event, all applications for planning permission must be determined on their individual merits. As such I give it little weight.

Green Belt Balance

34. The proposal would be inappropriate development and would cause harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to this identified harm. In addition, harm has also been identified to the character and appearance of the area, to which I also attach substantial weight.
35. The total weight of the other considerations does not clearly outweigh the harm by reason of inappropriateness, and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.
36. As a result, the proposal conflicts with the Framework and Policy BDP4 of the BDP, which, amongst other things, seeks to protect the Green Belt and its openness in line with national policy.
37. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

Conclusion

38. For the reasons given above, the appeal is therefore dismissed.

Helen Smith

INSPECTOR