



Appeal Decisions

Site visit made on 3 October 2023

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date 23 October 2023

Appeal A Ref: APP/P1805/C/22/3311911

Appeal B Ref: APP/P1805/C/22/3311912

Land at Arrowfields Barn, Grange Lane, Alvechurch, Birmingham, Worcestershire, B48 7DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr John McGarry (Appeal A) and Mrs Rachael McGarry (Appeal B) against an enforcement notice issued by Bromsgrove District Council.
- The notice, numbered 21/00113/INV, was issued on 10 October 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the carrying out of operational development consisting of the erection of two buildings identified on the Plan outlined in blue and labelled 'A' and 'B' hereafter referred to as "Building A" and "Building B" respectively.
- The requirements of the notice are:
 - a. Demolish Building A and Building B; and
 - b. Remove all materials resulting from compliance with step (a) above from the land.
- The periods for compliance with the requirements are:
 - 1. In respect of requirement (a) above, 6 months
 - 2. In respect of requirement (b) above 7 months
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.

Summary of Decisions: The appeals are dismissed, and the enforcement notice is upheld.

Appeal A and Appeal B on ground (c)

1. Ground (c) is that those matters (if they occurred) do not constitute a breach of planning control. In this case it turns on whether the buildings are permitted development by virtue of being on land forward of a wall forming the principal elevation of the original dwellinghouse.
2. There is no definition of 'principal elevation' in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The Order). The Permitted Development Rights for Householders – Technical Guidance (Technical Guidance) states that, in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.
3. The Technical Guidance goes on to say that there will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation. Therefore, a

judgement is required as to what the principal elevation of the dwellinghouse is.

4. The east elevation has the most windows, several architectural features and faces the initial part of the driveway, rather than towards the road. The main outlook from many of the living areas is towards the more open lawned area on the eastern side of the building. The plans for the conversion of the building to a dwelling were annotated with the rear being the west elevation.
5. Notwithstanding this, the west elevation has several openings and architectural features including a large glazed arched window as does the east elevation. Moreover, unlike the eastern elevation, which has no doors or entrances, the west elevation has a doorway which opens onto what appeared to be the main hallway. That door also has a letter box. I saw outdoor seating in the more private and enclosed area in front of the western elevation. However, that elevation, which you reach at the end of the approach to the property, has the appearance of being the principal elevation at the front of the house.
6. The buildings subject to the notice are situated on land forward of a wall forming the principal elevation of the original dwellinghouse. Therefore, whatever their height, and whilst permitted development rights under Part 1 Class E of The Order have not been removed, the buildings do not comply with condition E.1.(c).
7. Consequently, Appeals A and B fail as the matters do constitute a breach of planning control.

Other Matters

8. Being located in the Green Belt does not prevent any outbuildings being constructed. Nonetheless, no appeal has been made under ground (a) and therefore I am not able to consider the planning merits of the buildings. The conduct of the Council prior or during the appeal is not a matter that affects my findings on ground (c). What the principal elevation of other adjacent and nearby dwellings are does not affect my finding regarding this matter at the appeal site.

Conclusion

9. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Formal Decision

10. The appeals are dismissed and the enforcement notice is upheld.

Stuart Willis

INSPECTOR