



Appeal Decision

Site visit made on 20 February 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH February 2024

Appeal Ref: APP/Q1825/D/23/3331199

The Coach House, Church Road, Bradley Green, Worcestershire, B96 6SW.

- 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 Lee Elvins against the decision of Redditch Borough Council.
 - The application Ref 23/00652/FUL, dated 8 June 2023, was refused by notice dated 1 September 2023.
 - The development proposed is the construction of a detached timber-clad car port and workshop.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached timber-clad car port and workshop at The Coach House, Church Road, Bradley Green, Worcestershire, B96 6SW, in accordance with the terms of the application, Ref 23/00652/FUL, dated 8 June 2023, and 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 approved shall be carried out only in accordance with the approved Elevations and Plan drawing dated May 2023.
 - 3) The external finishing materials to be used in the construction of the timber-clad car port and workshop building hereby approved shall match or complement those of the Coach House in accordance with details which shall first have been approved in writing by the local planning authority.
 - 4) Notwithstanding Condition 2 of this permission, no development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority detailing a schedule of planting to the site and a programme for its implementation and the development shall be carried out only in accordance with the details approved and if within five years of planting any plant shall die or be removed it shall be replaced with a plant of the same species unless otherwise approved by the local planning authority.

Procedural Matters

2. The description above is amended from that on the application form by agreement with the Council.

3. The Appellant submits with the appeal an alternative design with reference to the well-known *Wheatcroft* principle, suggesting that no interest would be prejudiced, in the absence of any third-party objection. However, it does not appear to me that the Council itself can have been able properly to consider the alternative scheme submitted and, accordingly, I do not take it into account.
4. The Appellant complains that the Council prejudged the application and declined to negotiate any alternative proposal. However, this appeal is determined on an entirely fresh and independent appraisal of all relevant planning considerations arising from the detailed proposal as submitted.

Main Issues

5. The main issues concern the effects the proposed building would have on the setting of the nearby listed Lower Beanhall Farmhouse and on the character and appearance of the surrounding open countryside.

Reasons

Listed Building

6. The appeal site is located within an attractive group of traditional buildings comprising the former farmstead of the Grade II Listed Lower Beanhall Farmhouse. The Coach House itself is curtilage-listed within that group.
7. Although the proposed car port and workshop would be a relatively substantial modern addition to the group within the setting of the Listed Farmhouse, its design reflects the local vernacular, with its timber side cladding above dwarf brick walls and its pitched roof, surmounted by a dovecote feature.
8. I consider that this proposed ancillary building would appear appropriately subsidiary to the host Coach House and would have no harmful effect upon the appeal property itself, being separated from it by an open grassed area.
9. Within the context of the setting of Beanhall Farmhouse, the proposed car port and workshop would be relatively well separated from the Listed Building and partly screened from it by the intervening Coach House itself. Consequently, views towards and from the Listed Building would be little affected and, overall, I am satisfied that the proposed development would not detract from the character of the historic farmstead or harm the setting of the designated heritage asset at its core. Accordingly, I do not detect in this proposal less than substantial harm to any heritage asset in terms of national policy and as claimed by the Council.
10. Therefore, I regard the proposed development as compliant with the protective provisions of Policies 36-37 of the adopted Borough of Redditch Local Plan No4 (RLP) regarding the Historic Environment and Historic Buildings respectively.

Open Countryside

11. RLP Policy 9 limits new built development in the open countryside to certain categories which do not include ancillary domestic buildings such as this proposal. Accordingly, the development disputed in this case is strictly in conflict with Policy 9 and, in law, should not be permitted unless there are overriding material planning considerations in its favour.

12. It is argued for the Appellant that the failure of Policy 9 to include domestic outbuildings is a clear error of omission in the preparation of the Local Plan and that the absence of any objection or harm with respect to a range of other protective policies justifies approval of the development as compliant with the development plan as a whole. However, it is also established law that mere lack of harm is no ground for approval in the face of policy conflict.
13. In the present case, the proposed building and its gravel driveway would be contained within a domestic curtilage which could be landscaped, as agreed by the Appellant, to soften the appearance of the building and driveway within the countryside. Moreover, the building would provide additional vehicle and general storage evidently much needed to serve the modest Coach House and the landscaping would potentially enhance the biodiversity of the site. Furthermore, the car port and workshop building would be no more visually intrusive than existing timber outbuildings associated with other properties within the group.
14. The net result would be very slight harm to the aims of Policy 9 to protect the countryside for its own sake. In my judgement, this slight harm would be significantly and demonstrably outweighed by the modest benefits I have identified.

Conditions

15. In addition to a landscaping condition it is necessary to require the advance submission of details of finishing materials ensure that the new building matches and complements the Coach House. Standard conditions requiring commencement of the development within three years and compliance with the plan considered by the Council are also appropriate.

Conclusion

16. For the reasons explained and subject to the conditions set out above, I conclude that this appeal should be allowed and the permission sought granted.

B J Sims

INSPECTOR