

Appeal Decision

Site visit made on 29 February 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/P1805/D/23/3328576

**The Old Bull Pens, Needle Mill Lane, Stoke Heath, Bromsgrove,
Worcestershire B60 4DW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Sutor against the decision of Bromsgrove District Council.
 - The application Ref is 23/00453/FUL.
 - The development proposed is detached double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;
 - b) The effect of the proposal on the openness of the Green Belt;
 - c) The effect of the proposal on the character and appearance of the area; and,
 - d) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site comprises converted bull pens and land associated with these. This site is located within the Green Belt.
4. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (2017) ('DP') considers the development of new buildings in the Green Belt to be inappropriate, except in certain circumstances. This includes 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 140m² ('original' dwelling plus extension(s)) provided that this scale of development has no adverse impact on the openness of the Green Belt.
5. The supporting text to the above Policy advises that only extensions built before 1st July 1948 (the date of the first modern Planning Acts), should be considered to be part of the original dwelling. This goes on to state that any proposed

extensions above the identified thresholds will be viewed as inappropriate development and would therefore only be permitted where very special circumstances exist.

6. Although the Framework does not define disproportionate, Policy BDP4 is nevertheless, broadly consistent with the Framework's approach to enlargement of existing buildings in the Green Belt. The fact that the adopted policy provides a precise definition of what the Council regard as disproportionate is not contrary to the Framework. Significant weight is therefore given to this Policy.
7. The appeal property was originally used as a pen for cows and bulls. Planning permission was given for the building to be converted into a dwelling. This consent also included an extension which was built at the time of the conversion. The implemented extension amounts to a floor space increase of about 20% over the original floorspace.
8. Despite, being subordinate in scale to the existing building with regard to its overall height and width, the proposed garage would lead to a more than 40% increase above the original floorspace. As such, this would result in disproportionate increase over the size of the original dwelling.
9. Furthermore, because no other exceptions to inappropriate development apply, the proposal constitutes inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt

10. Paragraph 142 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
11. Although the proposed garage would occupy part of a larger open area to the side of the existing dwelling, because of the extent of its overall footprint, the proposed garage would have some erosive effect on the spatial openness of the Green Belt.
12. The appeal site is near the junction with Hanbury Road and is also in a slightly elevated position relative to parts of this road. Therefore, the appeal site is particularly prominent. As such, the siting of the proposed garage in this location would reduce the visual openness of the site. Even so, in most views, the proposed garage would be seen in the context of the existing dwelling. As such, the extent of any visual harm to openness would be limited.
13. On the evidence before me, the proposal would not conflict with any of the purposes of the Green Belt.
14. Nevertheless, for the above reasons, the proposal would result in limited harm to the openness of the Green Belt, contrary to the provisions of the Framework.

Character and appearance

15. Despite its residential use, the former brick-built bull pen with its limited openings and open space to the side, retains its agricultural appearance and thereby contributes to the areas rural character and appearance.

16. In contrast, the proposed garage because of its detached form and largely timber construction, would be of an unsympathetic design and appearance to the appeal property. As such, this would appear as an incongruous addition to the existing dwelling. Moreover, the incongruity of the proposed garage would be exacerbated by its prominent position.
17. Consequently, the proposed development would have a detrimental impact to the character and appearance of the area. This would be contrary to the aims of Policy BDP19 of the DP, which amongst other things requires that development enhances the character and distinctiveness of the local area.

Other Considerations

18. The appellant asserts that the proposal would facilitate off-road parking for the appeal property and remove parking along Needle Mill Lane, which would create a safer environment for walkers and riders who use this road and Bridleway. Firstly, I have limited evidence that any existing on road parking is occurring to the detriment of highway safety. Secondly, there is nothing to suggest that the area proposed for the garage and hardstanding in front of this could not be utilised for vehicle parking without a physical structure. As such, I attach limited weight to this assertion.
19. The lack of objection from the Parish Council and Council's Highway Authority is a neutral factor in the overall balance.

Green Belt balance

20. The proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt. There would also be harm to the character and appearance of the area.
21. Having taken account of all matters raised in favour of the of the proposal and some local support, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy BDP4 of the DP and the Green Belt provisions of the Framework.

Other Matters

22. I note that the appellants are willing to reduce the footprint of the garage to bring this in line with the Council's Green Belt size threshold. However, such a scheme is not before me.

Conclusion

23. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR