



Appeal Decision

Site visit made on 4 June 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/P1805/W/23/3336028

Walcote Annexe, Dagnell End Road, Redditch, B98 9BH

- 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 & Mrs P Bubb against the decision of Bromsgrove District Council.
 - The application Ref is 23/00691/FUL.
 - The development proposed is the erection of a replacement dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement dwelling and associated works at Walcote Annexe, Dagnell End Road, Redditch, B98 9BH in accordance with the terms of the application, Ref 23/00691/FUL, subject to the conditions in the schedule at the end of this decision.

Preliminary matters

2. After viewing the existing chalet and looking through its windows, it was apparent that it was a very small dwelling. As a result, I invited the appellants to comment on the internal space of the existing and proposed replacement dwelling in relation to living conditions and the Nationally Described Space Standard (NDSS). The Council was given the opportunity to comment on the responses received. I have taken the comments received into account in the determination of this appeal.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

4. The appeal building was constructed from two caravan chassis in 1999 and was subsequently occupied. A certificate of lawful development for its use as a dwelling was granted in 2021.

Whether inappropriate development

Replacement dwelling

5. Paragraph 154 of the Framework advises that the replacement of a building in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces, is not inappropriate development. Policy BDP4 of the Bromsgrove District Plan reiterates this policy approach.
6. The existing dwelling is a particularly small, two bedroomed building with a footprint of 52sqm and a volume of 156.5m³. The proposed replacement dwelling would have a footprint of 71.6sqm which is significantly larger than the existing dwelling and a volume of 184.5m³ which would be 18% bigger. These figures have not been challenged by the Council.
7. In support of the appeal, reference has been made to policy BDP4.4 c) of the District Plan. It advises that the extension of a dwelling is not inappropriate development provided that it does not result in a dwelling that has a floorspace more than 40% larger than the original dwelling. Adopted in 2017 the District Plan predates the current version of the Framework. As the Framework then, as now, supports the extension of a building provided it does not result in disproportionate additions over and above the size of the original building, policy BDP4.4c) confirms how national policy is to be applied locally and is consistent with the Framework.
8. In my view, extensions that would not constitute a disproportionate addition by virtue of policy BDP4.4 c) may result in a materially larger building. As a result, reference to the District Plan's policy on extensions to buildings in the Green Belt does not alter my assessment of this issue.
9. In my judgement, whilst the height of the replacement building would not increase by much, its increased width and length would mean that it would be materially larger than the existing building. The proposed replacement dwelling would therefore constitute inappropriate development. Such development would, by definition, be harmful to the Green Belt as described in paragraph 152 of the Framework.

Change of use of land

10. Paragraph 155 e) of the Framework advises that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
11. The red lined rectangle identifying the appeal site on the application plan is slightly larger than the red lined rectangle denoting the land to which the certificate of lawful development allowing residential use applies. As a consequence, the proposed development would result in the change of use of a thin strip of disused paddock land to residential use. The strip would be used to accommodate the front elevation of the proposed replacement dwelling and to

add slightly to the length of its side garden. Although the change of use of land to accommodate a larger replacement dwelling would be small in area it would be contrary to the Green Belt purpose of safeguarding the countryside from encroachment. For the reasons given below in relation to the second main issue, it would also have a modest adverse effect on openness.

12. Taking all these matters into account, I therefore conclude that the change of use of land that would occur as part of the proposal would be contrary to paragraph 155 of the Framework and would also constitute inappropriate development.

Openness

13. Paragraph 142 of the Framework advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristics of Green Belts are their openness and their permanence.
14. The replacement dwelling would be larger than the existing dwelling and its increase in size would be apparent in glimpsed views along the site access and in views from the 'T' junction of Hither Green Lane with Dagnell End Road opposite. Spatially and visually, the replacement dwelling would have a modest adverse effect on openness. This additional harm to the Green Belt adds further weight against the proposal.

Other considerations

15. I have found that the proposal would be inappropriate development in the Green Belt and thus should not be approved except in very special circumstances. It is therefore necessary to consider whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness, and the harm that I have identified to openness.

Living conditions

16. The Nationally Described Space Standard (NDSS) was published by government as part of its Technical Housing Standards in 2015 and sets minimum internal space standards for new dwellings. Whilst compliance with the NDSS is not required by the development plan it is a useful objective measure of the adequacy of internal space and I attach moderate weight to it in helping me assess the living space provided by the existing chalet and its proposed replacement.
17. For a one storey, two bedroom, three person dwelling, such as the existing chalet, the minimum gross internal floor space set by the NDSS is 61sqm. The appellants state that the appeal building has an internal floorspace of approximately 48sqm and this has not been challenged by the Council. This is considerably below the NDSS standard.
18. In my judgement, having viewed the relevant plans and the existing building through its windows, the current dwelling is too small to accommodate the normal furniture that a home would contain for sitting, sleeping and eating whilst also providing sufficient storage and circulation space for its occupants. As a result, this very small two bedroom dwelling provides cramped, poor living conditions.

19. The proposed replacement two bedroom dwelling shown on the submitted plans would exceed the minimum gross internal floor space set by the NDSS. In my assessment, it would be large enough to address the shortcomings of the existing dwelling and no larger than would be necessary to provide a comfortable, high quality living environment for its occupants. In so doing, it would comply with paragraph 135 of the Framework which advises that, amongst other matters, new development should create a high standard of amenity for future users.
20. In reaching this view, I note that the dimensions of the bedrooms in the replacement dwelling would not fully comply with the NDSS. However, as the shortfall would be small this consideration is insufficient to alter my overall assessment of the proposed replacement dwelling.
21. For the reasons given above, the improvement in living conditions that would be provided by the proposed development is a consideration of substantial weight in favour of the appeal.

Fallback

22. The Certificate of Lawfulness for the Class C3 residential use of the annex confirms that the structure is a building and not a caravan or mobile home. As a result, extension of the annex could occur in accordance with policy BDP4.4 c). The unchallenged position of the appellants is that under this policy extensions could increase the size of the dwelling by 40% which would result in an increase in its volume from 156.5sqm to 219sqm. This would be a very significant increase and significantly larger than the appeal proposal. Whilst the proximity of the red line that defines the extent of residential use means that only a very modest rear extension could be built, a very large side extension could still be constructed.
23. Given the very small size of the existing dwelling it is likely that should this appeal fail such an extension, along with refurbishment of the existing building, would occur in order to provide adequate internal living space. The size of the building which could result could well be significantly larger than the appeal proposal and would have a correspondingly greater adverse effect on openness. I therefore attach very significant weight to this fallback position in favour of the appeal.

Visual enhancement

24. The existing dwelling is a squat, rectangular building that presents a blank gable end to the road. As a result, its unattractive design detracts from the pleasant appearance of the house at Walcote and its attached neighbour. In contrast, the replacement dwelling would face the road and its pleasant design would complement the appearance of the neighbouring houses. This is a consideration of notable weight in favour of the appeal.

Energy efficiency

25. The existing building is a lightweight structure that is poorly insulated. As a result, it is not energy efficient, does not minimise carbon emissions and is likely to be expensive to heat. The replacement dwelling constructed in compliance with current Building Regulations would be well insulated and would resolve these problems. This is a consideration of moderate weight in favour of the appeal.

Conclusion

26. The harm by reason of inappropriateness in relation to the appeal scheme is added to by the modest harm that would occur to openness. Paragraph 153 of the Framework advises that substantial weight should be given to the harm by reason of inappropriateness and any other harm to the Green Belt. The degree of harm caused therefore would be notable and I attach substantial weight to the totality of harm that would be caused.
27. However, I find that, cumulatively, the other considerations in support of the scheme are considerable, and in this case, clearly outweigh the harm identified. As a result, whilst the proposal would be contrary to policy BDP4.4 of the District Plan the very special circumstances necessary to justify the development exist. As such, the proposal would comply with the Framework which supports the granting of permission for inappropriate development where very special circumstances have been demonstrated.
28. In the interests of certainty, I have imposed a condition specifying the relevant plans that the development is to be carried out in accordance with. To ensure that the risk to the building and its occupants from potential landfill or ground gases are adequately addressed gas protection measures need to be incorporated into the foundations.
29. In order to ensure that the development complements its surroundings, further details of finished floor levels, external materials and boundary treatment are required. To encourage sustainable travel and to comply with the Council's parking standards, a charging point for an electric vehicle and cycle parking needs to be provided.
30. In the interests of biodiversity, bat roosting and bird nesting opportunities should be provided as part the development. In the interests of highway safety, the provision of parking and turning in relation to the property needs to be provided.
31. Given the material increase in size between the existing dwelling and that which would be built and the proximity to the two storey house at Walcote, to protect openness, permitted development rights in relation to the extension of the dwelling should be removed.
32. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site location plan Dwg. No. 1975.01F, Proposed site plan Dwg. No. 1975.08D, Proposed block plan Dwg. No. 1975.05G, Proposed house plan and elevations Dwg. No. 1975.06C, Site section A:A Dwg. No. 1975.09

- 3) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure. Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. Verification of the installation of gas protection measures must be carried out in accordance with current UK guidance and best practice.
- 4) Prior to their first installation, details of the finished floor levels for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 6) Prior to their first installation, details of the boundary treatment to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.
- 8) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
- 9) The development hereby approved shall not be occupied or be brought into use until the access, parking and turning facilities have been provided as shown on drawing 1975.08D.
- 10) Prior to first occupation of the approved building, details of a scheme for the provision of bat roost and bird nesting opportunities within the site, which include a timetable for installation and details of suitably qualified personnel who will carry out the installation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E shall be carried out without express planning permission first being obtained from the Local Planning Authority.

-----**End of Schedule**-----