



Appeal Decision

Site visit made on 17 September 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2024

Appeal Ref: APP/P1805/W/24/3341974

Arosa The Holloway, Alvechurch, Worcestershire B48 7QA

- 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 Karl Cross-Watson against the decision of Bromsgrove District Council.
 - The application Ref is 23/00625/FUL.
 - The development proposed is subdivision of dwelling into 9 no. self-contained apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed floor plans include extensions to the main dwelling and a detached building. My attention has been drawn to decisions that confirm that planning permission is not required for their construction. However, on my visit I noted that they have not been built. Consequently, although the description of the development does not refer to such extensions or to the detached building, they are an integral part of the scheme and, therefore, form part of the proposal. I have determined the appeal on that basis.
3. The Council indicates that the appeal property should be considered as a non-designated heritage asset. The appellant, however, suggests that this is questionable.
4. The National Planning Practice Guidance (PPG)¹ indicates that local planning authorities may identify non-designated heritage assets as part of the decision-making process as well as through plan-making. The PPG makes it clear, whichever the process, that decisions to identify non-designated heritage assets should be based on sound evidence.
5. The property has been modified to the extent that the Conservation Officer suggests it would not meet the criteria for inclusion on the Local Heritage List. Nonetheless, it is included on the County Historic Environment Record as an early example of 1930s architecture. The evidence before me, therefore, suggests that the appeal property should be treated as a non-designated heritage asset, and I have done so in reaching my decision.

¹ Paragraph: 040 Reference ID: 18a-040-20190723

Main Issues

6. The main issues are:

- 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;
- Whether the proposal would accord with local and national policy with regard to location;
- The effect of the proposal on the significance of Arosa, a non-designated heritage asset, with particular regard to the detached building; and
- 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

Whether inappropriate development

7. The appeal site is located within the Green Belt. The Framework establishes that development in the Green Belt is inappropriate other than for specified exceptions that are set out in paragraph 154 and 155. Policy BDP4 of the Bromsgrove District Plan (DP) broadly conforms to the general thrust of the Framework in respect of development in the Green Belt.
8. Paragraph 155(d) of the Framework indicates that the re-use of a building of permanent and substantial construction is not inappropriate development in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. The proposed subdivision and re-use of the existing building, on its own, would fall into this exception. However, as I have set out above, the proposal also involves operational development. Therefore, to reach a conclusion on whether the proposal is inappropriate development in the Green Belt, I must also assess the extensions and detached building.
9. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt are inappropriate unless they are for one of several specified exceptions. Exception (c) relates to 'the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building'. The Framework does not provide a specific definition of what would constitute a disproportionate addition. However, DP Policy BDP4 indicates that extensions up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140 square metres, are not inappropriate in the Green Belt.
10. There appears to be agreement between the parties that existing extensions have increased the size of the original dwelling above the allowance set out in DP Policy BDP4. Based on the information before me, I have no reason to disagree. The proposed extensions would, in combination, be larger in floorspace and volume than the extensions that have already been carried out. Accordingly, they would constitute disproportionate additions over and above the size of the original building and, therefore, the proposal would not fall within the exception set out at paragraph 154(c).

11. A further exception, at paragraph 154(g)(i) of the Framework, allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. There is no dispute between the parties that the site is previously developed land and based on the information before me I have reached the same finding. Therefore, my conclusions as to the effect on openness will determine whether the proposal would fall within this exception.
12. The proposed extensions and detached building would not be prominent in public views, due to the set back from the Holloway and the visual containment of the site afforded by the existing mature boundary hedge. Nonetheless, the proposed development, overall, would be materially larger than the existing dwelling and would result in a significant increase in the proportion of the site covered by building. A new 1.8-metre-high close boarded acoustic fence would also be introduced to the site as well as a new hardstanding area and an increase in the number of parked vehicles. Furthermore, it would also be reasonable to consider that the proposed additional dwelling units would result in an increase in the extent of domestic paraphernalia and visual clutter within the site, which would affect openness.
13. Consequently, the proposed development would result in a moderate loss of openness of the Green Belt compared to the existing development. In this regard it differs from the appeal decision at Truggist Hill, Solihull, that the appellant has brought to my attention. The proposal would not, therefore, fall within the exception set out at paragraph 154(g)(i). Additionally, the proposed detached building would not fall within any of the listed exceptions.
14. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. As such, it would conflict with DP Policy BDP4 as well as the Framework.

Sustainable location

15. DP Policy BDP2 sets out a settlement hierarchy and directs new housing to previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt. This is to ensure that development, amongst other things, contributes towards the regeneration priorities for the area, reduces the need to travel which has implications for the local and strategic road network, and promotes sustainable communities based on the services and facilities that are available in each settlement. As the appeal site lies outside of any of the identified settlements, it is not supported by Policy BDP2.
16. The nearest settlements, Rowney Green and Alvechurch, are some distance away and would be accessed, for much of the route, along unlit roads with no footway and subject to the national speed limit. As a result, it is unlikely that the occupants of the proposal would walk to either settlement, particularly during times of darkness or inclement weather. The speed of vehicles along the route would also be likely to be off-putting for all but the most competent and confident cyclists. Furthermore, there is no evidence before me that the occupants would have access to a frequent bus service from nearby bus stops, thereby providing a realistic alternative mode of transport. Consequently, the future occupants would be highly dependent on the use of private cars for most of their day-to-day needs.

17. Paragraph 84 of the Framework states that development of isolated homes in the countryside should be avoided unless one or more identified circumstances apply. As highlighted by the appellant, as the proposal involves the subdivision of an existing residential building, one of the exceptions applies in this case.
18. Even so, the Framework highlights, at paragraph 83, that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. In this case, the site is physically separate from any settlement containing facilities and services required to meet the needs of the occupants. In addition, given the accessibility concerns set out above, I consider that the benefits of the proposal, due to the support that it would give to services in a village nearby, would be minimal and as such it would not enhance or maintain the vitality of rural communities.
19. Accordingly, I find that the proposal would be contrary to the locational strategy set out in DP Policy BDP2 and the Framework and would not be a suitable location for the development.

Character and appearance

20. Arosa is a 1930's dwelling of rectilinear composition rendered white with a flat roof and grey parapet cappings. As set out above, it is a non-designated heritage asset (NDHA).
21. The proposed extensions would incorporate a flat roof form that would be in keeping with that of the main house. The proposed detached building, however, would have a contrasting shallow pitched roof and would be positioned very close to Arosa. Nevertheless, its limited scale would ensure that the focus on the NDHA would be maintained.
22. Taking into consideration the modifications to the NDHA that has taken place over the years, I concur with the views of the Conservation Officer that the proposed detached building, as well as the proposed extensions, would not be inherently harmful to its character and appearance.
23. In conclusion, I find that the appeal proposal would not harm the significance of a non-designated heritage asset. It would therefore accord with Policies BDP19 and BDP20 of the Bromsgrove District Plan which seek high quality design and to preserve or enhance the significance of heritage assets.

Other considerations

24. The appellant sets out a possible fall-back position, namely the construction, under permitted development (PD) rights, of the extensions and a detached building referred to above. The consideration of a fall-back position, including what could be erected under permitted development, is a well-established principle. However, for a fall-back position to weigh heavily in favour of a proposal there shall normally be a real prospect of a closely comparable form of development occurring.
25. For such development to be PD, the extensions would need to be carried out as enlargements of the existing dwellinghouse, and the detached building must be used and reasonably required for a purpose incidental to the enjoyment of that dwellinghouse. They would, therefore, need to be constructed in advance of, and not as part of, the proposed subdivision of the existing dwelling into apartments. This would involve a substantial investment and would add a

considerable amount of floorspace to what is, already, a large dwelling with generous accommodation with extensive outbuildings. In light of this, and in the absence of substantive evidence to the contrary, I am not satisfied that there is a reasonable likelihood that such developments would be implemented under pd rights, if I was minded to dismiss the appeal, and that this should be considered to be a fallback position.

26. Even if there was a real prospect that the approved extensions and detached building would be constructed were I to dismiss this appeal, the proposed development would, through the introduction of additional parked vehicles, hardstanding, the acoustic fence, and domestic paraphernalia, have a greater impact on the openness of the Green Belt. Accordingly, this would not be a closely comparable form of development to the appeal proposal. Consequently, there is not a fall-back position which carries weight in the determination of this appeal.
27. I am aware that the Council cannot demonstrate a five-year housing land supply. However, the Framework indicates that the presumption in favour of sustainable development set out at paragraph 11(d) does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is one such area, and, as set out above, the proposal is contrary to the relevant policies of the Framework regarding the Green Belt.
28. Nevertheless, the proposed development would accord with DP Policy BDP7 by providing smaller homes and would assist in boosting the housing supply in circumstances where there is an identified shortfall. In addition, there would be economic and social benefits resulting from the construction and occupation of the apartments. Given the scale of the development such benefits carry modest weight in this decision.
29. My attention has been drawn to a recent planning permission for the subdivision of the existing dwelling into six apartments, thereby increasing the number of dwellings on the site by five. Consistent with the position it reached in respect of the proposal before me, the Council considered that the site was an unsuitable location for residential development. Nonetheless, it concluded that in that case the benefits of the proposal, which it identified as being an increase in one- and two-bedroom homes and the associated employment and local spend opportunities, outweighed the harm arising from the increase in the use of vehicles.
30. Unlike the proposal before me, there was no identified Green Belt harm in that case. In addition, the proposal before me would add a further three dwellings over and above what has been permitted, resulting in an increase in the number of dwellings on the site by eight. Given such differences, there is no requirement that I determine this appeal in a like manner to ensure consistency of decision making.
31. The acceptability of the proposal in respect of living conditions, ecology, flood risk, drainage, noise, contamination and highway safety are neutral factors that do not weigh in favour of the proposal.

Green belt balance

32. Paragraph 152 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
33. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt. Harm also arises due to the site being unsuitable for the proposed development. The lack of harm to the significance of a NDHA is a neutral factor.
34. The other considerations I have found are of limited or moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters acknowledged in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

35. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
36. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR