



Appeal Decision

Site visit made on 1 October 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2024

Appeal Ref: APP/R1845/W/24/3340226

Westfield, Ribbesford Road, Stourport-on-Severn DY13 0TF

- 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 R Cox against the decision of Wyre Forest District Council.
 - The application Ref is 23/0807/FUL.
 - The development proposed is for the change of use of land to increase domestic curtilage. Erection of new swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to increase domestic curtilage. Erection of new swimming pool at Westfield, Ribbesford Road, Stourport-on-Severn DY13 0TF in accordance with the terms of the application, Ref 23/0807/FUL, 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 permitted shall be carried out in accordance with drawings: Site Location Plan, 4281-05 and 4281-06A.
 - 3) Prior to the first use of the approved swimming pool a drainage strategy for the disposal of swimming pool water shall be submitted to, and approved in writing by, the Local Planning Authority. Backwash water or pool water must not be allowed to discharge into any ditches or watercourses, or enter any non mains drainage sewage treatment systems. The approved drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area and landscape.

Reasons

3. The appeal site is within a predominantly rural location outside of Stourbridge and surrounded by a mix of agricultural fields and woodland. There is some sporadic development surrounding the site, which is primarily residential in nature. The appeal site itself contains a detached dwelling and the associated garden and outbuildings as well as a small portion of a larger field area that extends away from Ribbesford Road. Although this land is not physically separated from the domestic garden, I understand it is not in domestic use.

4. The Council have submitted that the host building was converted from an agricultural building and that, as such, additional extensions of the residential curtilage are not appropriate. I have not, however, been provided with any substantive evidence as to the building having been converted. I have therefore treated the host building as being a purpose built dwelling and that Policy DM.29 of the Wyre Forest District Council Local Plan 2016-2036 (the LP) is not particularly relevant to this appeal.
5. The proposal would extend the domestic curtilage associated with the host dwelling so that it incorporates the entirety of the existing paved area and an additional area of adjacent grass. A swimming pool would also be installed across the existing and proposed areas of domestic curtilage in front of the garage and stable building.
6. As there is no boundary treatment between the garden and field, and as the paved area extends into the field, the transition between the two is gentle. This is especially so given the field is left to grass, which is also typical of domestic gardens. Consequently, the domestic curtilage already visually appears to extend out into the adjoining field. Although the stable and associated paved area are connected with the field, they too read as being part of the dwelling and its domestic curtilage. I therefore find that the proposed change of use would not result in any substantial change to the appearance or character of the appeal site. Moreover, given the existing degree of visual and physical separation between the appeal site and the nearby wooded areas there would be no unacceptable effect on this either.
7. The addition of the swimming pool, by way of being a physical addition to the site, would be a more domesticating feature. However, it would be closely screened on two sides by the host dwelling and the existing outbuildings and further screening would be provided by mature vegetation and boundary treatments. The swimming pool would also be set within the ground which would further reduce its visibility within the wider area. I therefore find that it would have very little impact on the wider area. Moreover, as it would primarily be located within a portion of the appeal site that I already find to be visually domestic, it would not unacceptably affect the character or appearance of the wider area.
8. In light of the above the proposal would not unacceptably affect the character and appearance of the surrounding area, including its landscape. The proposal therefore complies with LP Policies DM.24, SP.20 and SP.22. These policies, collectively and amongst other matters, require developments to integrate with, and be sympathetic to, their surroundings and protect the unique landscape character. It would also comply with the National Planning Policy Framework (the Framework), including Paragraphs 135 and 180 with regard to being sympathetic to and protecting the local landscape and character.
9. Although the Council have also referred to Paragraph 154 of the Framework, this relates to the effect of the proposal on the Green Belt. From the information available to me it does not appear that the site is within the Green Belt and, as such, this paragraph is not determinative in my considerations.

Other Matters

10. My attention has been drawn to the previous appeal¹ at the site which regards a change of use and the erection of an L-shaped extension to the existing outbuilding. Whilst I am mindful of this case, it is substantially different to that before me and so it has not been determinative in my considerations.

Conditions

11. The Council have not suggested any conditions, but I have been mindful of the advice on planning conditions set out by the Framework and the Planning Practice Guidance.
12. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. These conditions are standard for most planning permissions and so they would not come as a surprise for the main parties. Therefore, although I have not consulted either of the main parties on their inclusion, they would not be prejudiced by this.
13. A condition has been put forward by North Worcestershire Water Management requiring the submission of a drainage plan for the swimming pool water. In the interests of ensuring that any discharge of water is suitably managed and does not unacceptably affect flood risk I find this condition to be necessary. As this condition came from a consultation response that was available to the appellant it is not necessary to consult them on its inclusion.

Conclusion

14. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

¹ Planning Inspectorate Reference: APP/R1845/W/23/3314052