



Appeal Decision

Site visit made on 20 January 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/P1805/D/24/3348253

Fockbury Mill Farmhouse Fockbury Mill Lane, Dodford, BROMSGROVE B61 9BA

- 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 Miss Jenier Wright against the decision of Bromsgrove District Council.
 - The application Ref is 24/00267/FUL.
 - The development proposed is outbuilding on land at Fockbury Mill Farmhouse.
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Decision

1. The appeal is allowed, and planning permission is granted for an outbuilding on land at Fockbury Mill Farmhouse, Fockbury Mill Lane, BROMSGROVE, B61 9BA in accordance with the terms of the application, Ref 24/00267/FUL, and in relation to drawing no's 22024SK02revD – Location Plan, 22024SK03revD Site Plan, 220204SK05revD proposed floor plans and 220204SK07revD Proposed elevations.

Preliminary Matters

2. The application form describes the proposal as the erection of new agricultural building. However, whilst at section E of the appeal form the appellant states that the description has not changed, it describes the proposal as the erection of a 'rehabilitation gym, hydrotherapy pool, ancillary outbuilding'. Furthermore, the Council's decision notice refers to the proposal as 'outbuilding'. Fockbury Mill Farmhouse is a private residence and appears to have no direct contemporary connection with farming, based on the limits of the redlined site. As a result, I have adjusted the description to refer to 'outbuilding' only.
3. The outbuilding, the subject of this appeal, has mostly been completed. The building is timber clad and is only absent glazing to the rear French doors and windows and a door to the main elevation. As such, the proposal is considered as 'retrospective' in nature.
4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.
5. The Council's 'High Quality Design' SPD is referenced within its first Reason for Refusal. However, this only provides guidance for residential extensions in the Green Belt and outbuildings that are not specifically within the Green Belt. Therefore, this weighs neither for, nor against, the merits of the proposal.

Main Issues

6. The main issues are:

- whether the proposal would amount to inappropriate development in the Green Belt;
- the effect of the proposed outbuilding on the openness of the Green Belt;
- whether the proposal would preserve or enhance the setting of Fockbury Mill Farmhouse, a grade II listed building; and
- if the proposal would be inappropriate development, 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 to justify it.

Reasons

Inappropriate development

7. The site is within the West Midlands Green Belt. Policy BDP4 of the Bromsgrove District Plan [2017] (DP) seeks to resist inappropriate development in the Green Belt unless it would comply with a type of development listed at BDP4.4 (a) to (g). This list is similar, but not the same, as the list of inappropriate development found in the Framework. However, DP policy BDP4.4 (b) refers to outdoor sport and recreation and (c) refers to extensions to residential dwellings. These are criterion relevant to this proposal and are in the Framework at paragraphs 154 (b) and (c) respectively, demonstrating a reasonable level of consistency, between DP policy and the Framework.
8. Paragraph 142 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 154 establishes that a building would be inappropriate unless it would meet a listed exception. Exception (c) allows for “the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building”.
9. The Framework does not refer to outbuildings within the curtilage of a dwellinghouse with regard to the operation of paragraph 154. However, there may be some circumstances where an outbuilding could be regarded as an extension to a dwelling. This could be when an outbuilding would be in such proximity to a dwelling as to be a normal domestic adjunct to the building, despite being physically separated. However, in this case the proposal is some distance from the main dwelling and would not therefore constitute an extension in this regard.
10. The appellant suggests that the proposal would comply with paragraph 149(b) of the Framework (now paragraph 154(b) of the new version of the Framework). Paragraph 154(b) refers to development as not being inappropriate if it relates to “the provision of appropriate facilities, including buildings, for outdoor sport, outdoor recreation, cemeteries, and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt”. The proposal would not relate to outdoors sports or recreation, or any other component of this type of provision, and would not therefore fall within this criterion.

11. Therefore, whether such facilities are 'public' or 'private' is irrelevant, the important matter here relates to the nature of the proposal. Paragraph 154(b) describes a largely outdoor related activity, that may require support buildings to facilitate the undertaking of the outdoor activity. This is not the nature of the proposal presented in this appeal.
12. As it has not been demonstrated that the proposal would meet any of the exceptions listed in Paragraph 154 of the Framework, it would amount to inappropriate development in the Green Belt. It is therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

13. The openness of the Green Belt has both spatial and visual dimensions. The constructed outbuilding, the subject of this appeal, is close to existing buildings and largely screened by boundary hedging from distant open views to the west of the site. In providing enclosed views of the immediate area, and noting the adjacent motorway interchange, the setting of the appeal site is relatively discreet and separated from the surrounding open countryside.
14. The proposed outbuilding introduces additional built form in the Green Belt where there is currently none and inevitably, this has some effect on openness. Nonetheless, it is a relatively small structure within the grounds of a dwelling and is close to nearby built form. It is only partially visible from the access into the property, the motorway bridge and through the gaps in the side hedge boundary from the countryside. As such, the proposal conveys limited visual and spatial impacts on the openness of the Green Belt in this context. I therefore conclude that the effect on the openness in this location is minimal and does not result in a harmful effect on this part of the Green Belt.

Heritage asset

15. The statutory requirements¹ entails special regard to be made to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, paragraph 212 of the Framework requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance.
16. Fockbury Mill Farmhouse is a Grade II listed building. The building has been extended over time. The oldest part appears to be C17 and consists of red sandstone ashlar work and timber framing to its topmost storey. A later addition consists of red brickwork which is dated from around 1758. The roof mainly consists of plain clay tiles. The significance of the listed building seems to derive from its architectural and historic interest. The appeal site is an irregular shape, which encloses the boundary of the neighbouring dwelling of 'the Nook' on three sides. The site of the proposal is on the western boundary of the extensive garden of the host dwelling, beyond an existing stable building.
17. The proposal is separated from the farmhouse by distance and is visually separated by the rear garden of 'The Nook', which is bound by tree and hedge planting. Views between the two elements are therefore limited. However, when

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

approaching the listed building, from Fockbury Mill Lane, views of the dwelling include the outbuilding in the background. Consequently, the proposal is within the setting of the listed building. Nonetheless, these views are relatively fleeting and only capture part of the roof of the outbuilding and also take in the other, closer outbuildings.

18. Despite the relatively large size of the proposal, it is similar in scale to the stables and is subservient to the main dwelling. The outbuilding has limited window openings, including on the main elevation that faces the listed building. Being clad in timber boarding the building has an agrarian style that is not especially domestic in character, making a subtle and complementary contribution to the listed building's farmstead setting. Accordingly, due to its separation distance, intervening tree and hedge planting and design, the proposal conveys a neutral impact on the setting of the listed building, thus preserving its significance.
19. Consequently, the proposal complies with DP policy BDP20 and the Framework. These require, among other matters, for development to sustain and enhance the significance of heritage assets.

Public sector equality duty

20. The appellant asserts that the proposal is necessary to provide appropriate private facilities for rehabilitation and exercise. The main room of the proposal would be used for medical rehabilitation. The scheme also includes the provision of an outdoor hydrotherapy pool. The appellant explains that the proposal would prevent further disability and improve an existing disability.
21. The family member of the appellant has a protected characteristic as set out in Section 149, of the Public Sector Equality Duty (PSED), contained in the Equality Act 2010. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. As such, I am required to have due regard to this consideration in my assessment of the positive effect of the proposed development on the appellant's wellbeing.
22. The Council has raised two questions in the officer report, asking why the existing dwelling cannot be adapted to accommodate the required facilities and why the individual cannot use existing facilities off-site. However, the main residence is a listed building that comprises of small rooms, with narrow doorways and low ceilings. The appellant has explained that the house would require substantial adaption to accommodate their needs. Such alterations would be likely to cause substantial harm to the fabric of the listed building.
23. The second question, as to why off-site facilities could not meet this need, has also been explained further. The appellant explains that nearby facilities would be hard to access, due to the rural location of the site, and there are specific medical and practical reasons why the proposed on-site facility is essential to the appellant, including in addressing a vulnerability to infections.
24. The proposal is therefore found to be essential for the appellant to gain access to rehabilitation facilities and comfort for the ongoing disability. I have therefore afforded significant weight to the benefits of the facility to the appellant as it would

meet an identified need and would materially improve the individual's wellbeing as required by the PSED.

Whether there would be Very Special Circumstances

25. Paragraphs 142 and 143 of the Framework set out the general presumption against inappropriate development within the Green Belt. Paragraph 153 explains that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would cause only limited harm to the openness of the Green Belt. The Framework requires substantial weight to be given to any harm to the Green Belt.
27. However, the proposal would provide required facilities that would assist the appellant in receiving rehabilitation and exercise in support of a disability. In these circumstances, I consider that the harm caused to the Green Belt and openness, would be outweighed by the benefit of the proposal in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others. Accordingly, with significant weight applied to this benefit, this forms a compelling reason to support the proposal.
28. As such, the harm to the Green Belt is clearly outweighed by the other considerations identified. Therefore, the very special circumstances necessary to justify the development exist in compliance with the stated Green Belt policies.

Conditions

29. The Council has suggested that three conditions should be imposed. However, the building is largely complete. The door and windows are described on the application form as being timber which would complement the building and its setting. Consequently, the remaining works, including joinery, can be completed based on the details shown on the plans and as specified in the application form.
30. Due to its siting, the outbuilding would not be readily capable of being used as an independent dwelling or another use that would be disconnected from the function of the main dwelling. The proposal is described as a building that would be ancillary to the main house and there is no proposal for a separate dwelling before me. Consequently, a condition requiring the building to remain ancillary to the main dwelling would not be required.

Conclusion

31. For the reasons given above, the proposal would accord with the development plan, as a whole. Accordingly, the appeal is allowed.

B Plenty

INSPECTOR