



Appeal Decision

Site visit made on 10 February 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/P1805/W/24/3348541

Millbarn, Bromsgrove Road, Stourbridge, Worcestershire DY9 9UJ

- 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 and Mrs Jordan against the decision of Bromsgrove District Council.
 - The application Ref is 23/01081/FUL.
 - The development proposed is Conversion and Extension of Double Garage to Dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of double garage to dwellinghouse at Millbarn, Bromsgrove Road, Stourbridge, Worcestershire DY9 9UJ in accordance with the terms of the application, Ref 23/01081/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 the following approved plans, numbered: 133596 – LP01 – Issue 07; 133596 – BP01 – Issue 07; 133596 – SP01 – Issue 05; and 133596 – PP01 – Issue 05.
 - 3) Prior to the first occupation of the development hereby permitted, two Schwegler bat and / or bird boxes or equivalent shall be placed on the site in suitable locations, at least 3 metres above ground level facing to the south or east and shall be kept in perpetuity thereafter.

Main Issue

2. The main issue is whether the proposal is in a suitable location having regard to local and national policies and access to services and facilities.

Reasons

3. The appeal site is occupied by a double garage (the garage), with vehicle access off the A491, Bromsgrove Road. The garage is located in between existing residential dwellings to either side, which form a small cluster of buildings along the road.
4. Policy BDP1 of the Bromsgrove District Plan 2011-2030 adopted January 2017 (BDP) states that the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development, and that for new development consideration will be had, amongst other things, to accessibility to public transport. Policy BDP2 of the BDP seeks to

focus new development in locations that are in accordance with the district's settlement hierarchy, as shown in Table 2, in order to promote sustainable communities, patterns of development and reduce the need to travel.

5. The appellant has drawn my attention to Policy BDP15 of the BDP, which sets out that the Council will support proposals that satisfy the social and economic needs of rural communities by encouraging, amongst other things, the conversion of suitably located / constructed buildings. Also, Policy BDP16 of the BDP, seeks amongst other things, a modal shift away from the car to move towards more environmental and sustainable travel, in part, to reduce the impact on air quality, noise and carbon emissions.
6. Policies BDP1, BDP2, BDP15 and BDP16 of the BDP are broadly consistent with the Framework, which states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The Framework also seeks to ensure that sustainable transport modes are prioritised, whilst acknowledging that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and should be taken into account in decision-making.
7. The proposal for the re-use of an existing building, while located outside a settlement within the open countryside, is not isolated in the context of paragraph 84 of the National Planning Policy Framework (the Framework), given the proximity of other development in the locality of the appeal site. As such, there is no requirement to consider paragraph 84 further.
8. Belbroughton is the nearest village to the appeal site, approximately 1.3 kilometres away. Belbroughton is classed as a 'small settlement' in the BDP and has a range of services, including a primary school, village shop, church, village hall, post office, pubs, social club and deli.
9. Nearer to the appeal site, along the A491 is a petrol filling station, with convenience store and bakery. There are also two public houses and bus stops along the road. Bus stops are also located on Hartle Lane and provide access to Belbroughton and the wider area including Stourbridge and Bromsgrove.
10. Like many rural locations, the services and facilities which exist nearby would not be sufficient to meet all of the requirements of future residents. The bus service is also infrequent. As a result, future occupants of the proposed development would likely be reliant on a private car to travel to higher order settlements. However, there is a footpath and street lighting along the road, which would encourage walking and cycling to the services and bus stops nearby, even though the A491 is a busy dual carriageway. Although the paths are narrow and unmade in parts, they are reasonably well maintained and largely wide enough to be used by pedestrians, including those with restricted mobility and people with pushchairs.
11. The prospect of future occupiers walking to the services in Belbroughton is less likely, due to the distances involved. This would particularly be the case during the winter months due to the hours of darkness and inclement weather conditions. Nonetheless, although Manual for Streets (2007), suggests that up to 800 metres is a feasible distance, some pedestrians and cyclists would choose to walk and cycle much further to access services and amenities nearby, particularly the range of services offered within Belbroughton. Furthermore, even though future occupants would need to cross the A491, there are pedestrian crossing points

which provide safe access to Hartle Lane, and future occupants may walk to the bus stops and continue their journey into the village via the bus service.

12. Consequently, the appeal site would offer a genuine choice of transport, and some services and facilities are available locally and not all trips would require the use of the car. Additionally, I am also satisfied that future occupants would access the range of services and facilities in Belbroughton by vehicle, despite the assertions of the Council regarding the signalised junction.
13. Overall, the conversion of the existing building would therefore help to enhance or maintain the vitality of the nearby community and accord with the broad thrust of national and local planning policies for housing within the countryside.
14. My attention has been drawn to a previous appeal decision¹ (previous appeal) whereby the main issue was also whether the appeal site would be a suitable location for housing with regard to local and national policies. However, the full details and plans of the previous appeal have not been submitted. Even so, the site-specific circumstances between that previous appeal and the appeal scheme before me appear to be materially different. As such, the previous appeal has limited weight, and I have come to my own judgement based on the specific context of this appeal site, my own observations, and the evidence before me.
15. For the above reasons, I conclude that the proposal is in a suitable location having regard to local and national policies and access to services and facilities. It therefore accords with Policies BDP1, BDP2, BDP15 and BDP16 of the BDP, as well as the aims and objectives of the Framework.

Other Matters

16. I acknowledge that there were a number of representations, including those by Belbroughton and Fairfield Parish Council (the Parish Council), in respect of the proposal, which in addition to the main issue included concerns relating to a loss of light, noise and disturbance to neighbouring properties, vibration from a heat pump, drainage and flooding, as well as issues of noise and air pollution on future occupiers of the proposal. These factors are not in dispute between the main parties and were addressed in the Councils delegated officer report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.
17. Highway and parking impacts have also been cited as a concern, but the Council has set out that the highway authority has not objected to the proposal on technical grounds. I have no reason to form a different view.
18. The Parish Council consider that the proposal is inappropriate development in the Green Belt, which would change the visual aspect of the area, and there are no special circumstances. Nonetheless, the main parties agree that the appeal scheme is not inappropriate development in the Green Belt, and I see no reason to disagree.
19. The Council also suggest that the loss of the garage to a new residential dwelling would result in additional pressure for a replacement garage in the future.

¹ Appeal Ref: APP/P1805/W/22/3312531 - Curr Lane Farm, Curr Lane, Upper Bentley, Worcestershire B97 5ST

However, there is no substantiated evidence that this would happen. Likewise, even though the Council suggest a condition removing permitted development rights, no clear justification for doing so has been demonstrated, and I am not satisfied that it would pass the test of reasonableness and necessity, as required by the Framework and the national Planning Practice Guidance (PPG).

20. Reference was also made to a restrictive covenant on the site. Nevertheless, even if there is a covenant in place this is a private legal matter and would not be affected by a grant of planning permission

Conditions

21. The Council has suggested conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and PPG. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To provide a net gain in biodiversity a condition is imposed to secure the installation of two Schwegler bat and / or bird boxes or equivalent.

Conclusion

22. For the reasons given above the appeal should be allowed.

N Bromley

INSPECTOR