



Appeal Decision

Site visit made on 19 November 2024 by N Manley BA (Hons) MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/P1805/D/24/3345292

Sugarbrook Nurseries, Sugarbrook Lane, Stoke Pound, Worcestershire B60 3AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mark Banham against the decision of Bromsgrove District Council.
 - The application Ref is 24/00384/HHPRIO.
 - The development proposed is described as rear enlargement not exceeding 8m projection.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
5. The Council has raised concerns that the submitted plans show the proposed works as including the partial demolition of a store/workshop on the site. Such works are not only excluded from the appellant's description of the development, they are also not permitted under Article 3 and Schedule 2, Part 1, Class A of the GPDO. Thus, I have no remit to determine through this prior approval appeal whether the proposed demolition would comprise

development for which planning permission is required, or would be permitted under another Part or Class of the GPDO. If the appellant wishes to ascertain whether the proposed demolition would be lawful, they are entitled without prejudice to apply under s192 of the Town and Country Planning Act 1990 for a lawful development certificate for proposed operational development.

Main Issue

6. Having regard to the above, the main issue is whether the proposed rear extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

7. The appeal property, known as The Cabin, is situated within Sugarbrook Nurseries, a former garden nursery. The appeal property itself has been converted to residential use and is finished in timber and metal materials. Nevertheless, the site's immediate surroundings retain some characteristics of the previous use, featuring several buildings which are used for storage and disused portacabin style structures, and the appeal building is not therefore set within a conventional residential area.
8. The appellant argues that the restrictions under Schedule 2, Part 1, Class A.1(j) of the GPDO do not apply to their proposed rhomboid addition because it would only extend beyond the rear wall of the property. However, irrespective of the development's shape or siting to the rear of the property, the key assessment from Schedule 2, Part A.1 (j) for the purposes of this appeal is whether the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.
9. Based on the plans before me and measurements provided by the Council, which the appellant does not dispute, this development would clearly breach these requirements and would not be permitted development, with it extending beyond the side elevation of the dwelling. The shape or wall in which the development originates from does not circumvent these requirements set out in the GPDO.
10. The Government's Technical Guidance (Permitted development rights for householders: Technical Guidance (September 2019)) illustrates the meaning of 'a wall forming a side elevation' with a diagram on page 22, in which one of the walls identified as a side wall is similar to the proposal before me. Furthermore, on the same page, the Technical Guidance clearly explains that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Whilst I accept that the appeal building is not identical to the example shown in the Technical Guidance, the distinction between walls forming side elevations and others is clear.
11. Given the above, the development would extend beyond a wall forming the side elevation of the original dwellinghouse, with a width exceeding half that of the original dwellinghouse. Consequently, it would be precluded from being permitted development under Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.1(j) of the GPDO.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR