



Appeal Decision

Site visit made on 16 April 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/P1805/W/25/3359681

Farley Farm, Farley Lane, Romsley, Worcestershire, B62 0LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Darren Wakeman against the decision of Bromsgrove District Council.
 - The application Ref is 24/01165/S73.
 - The application sought planning permission for barn conversions without complying with conditions attached to planning permission Ref B/2004/0605, dated 13 May 2004.
 - The conditions in dispute are Nos 3 and 4 which state that:
"3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no extension or external alterations shall be carried out without the prior approval of the local planning authority to an application in that behalf."
"4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling houses shall be carried out without the prior approval of the local planning authority to an application in that behalf."
 - The reason given for both conditions is: *"To protect the openness of the Green Belt in accordance with policies DS2 and C27c of the Bromsgrove District Local Plan January 2004 and policies D.38 and D.39 of the Worcestershire County Structure Plan 2001."*
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted for barn conversions, which included two conditions removing permitted development rights for extensions and external alterations, as well as outbuildings, enclosures and swimming or other pools incidental to the enjoyment of the dwelling houses. The Council consider the conditions necessary to protect the openness of the Green Belt. In addition, although not set out on the decision notice as a reason for imposing the conditions at the time the barn conversions were approved, the Council consider the conditions necessary to protect the character and appearance of the historic barns. The appellant, however, objects to the conditions as he considers them to be unreasonable.
3. The main issues in this appeal are, therefore, whether the conditions are reasonable and necessary to preserve:
 - the character, appearance and significance of the historic barns; and
 - the openness of the Green Belt.

Reasons

Character, appearance and significance

4. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
5. The appeal site contains a group of historic barns, which have been converted to three residential properties. The barns are recorded on the Historic Environment Record and the Council considers the farmstead to be a non-designated heritage asset. This is not disputed by the appellant.
6. Paragraph 216 of the Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to explain that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The residential use of the barns is evident for a number of reasons, including the clear subdivision of the individual plots, domestic front doors and other domestic paraphernalia within the garden spaces. Nonetheless, I saw on site that they retain many of their historic characteristics. These include their largely traditional form, materials and unbroken roof slopes, historic vent openings and limited number of other openings. No. 1 Farley Barn, in particular, has retained its outside stairs.
8. From my observations on site, the conversion of the barns appears to have been largely sympathetic and to have involved limited intervention. Thus, the significance of the barns derives from their architectural and historic integrity. I recognise that the barns are not a formally designated heritage asset and that their significance has been eroded to a small degree by their residential conversion. Nevertheless, as a group of preserved historic barns, I afford their heritage significance moderate and meaningful weight in my decision.
9. The removal of the disputed conditions would allow for extensions and alterations to the barns, as well as outbuildings, enclosures and swimming or other pools within their curtilage, without the need for planning permission. Although the scale of this development would be limited and, while it may be that many undesignated heritage assets benefit from permitted development rights, as well as homes of historic value within conservation areas, in this case, there is a tangible risk that even a modest extension, alteration or outbuilding would harm the integrity and significance of the barns.
10. Furthermore, the garden space serving No. 1 Farley Barn is located to the north of the building and can be seen from Farley Lane. Although it is enclosed at the front by a close-board fence, it is likely that any extensions or outbuildings would be at least partially visible from the public highway. This would exacerbate the harm to the integrity and significance of this barn.
11. Accordingly, removing the disputed conditions, could result in appreciable harm to the significance of the historic barns. This would conflict with Policy BDP20 of the Bromsgrove District Plan 2011-2030 (2017) (Local Plan), which supports development proposals which sustain and enhance the significance of Heritage

Assets and seeks to ensure development affecting them does not have a detrimental impact on their character, appearance or significance.

12. Therefore, in the interests of preserving the character, appearance and significance of the historic barns, I find that the disputed conditions are necessary and reasonable.

Openness of the Green Belt

13. The appeal site is within the Green Belt. I note that national permitted development rights have not been restricted within the Green Belt. This strongly suggests that, with regards to the application of permitted development rights, dwellings within the Green Belt should be treated no differently to those outside the Green Belt.
14. The Council consider that removing the conditions would result in harm to the openness of the Green Belt. However, this argument is generic and the assessment within its officer report is limited.
15. The group of barns form a cluster of built form surrounded largely by open countryside. I saw on my visit that any extensions, alterations or outbuildings constructed under permitted development rights would form part of the existing cluster of built form and would be largely contained by other buildings, including Farley Farm and Paddock Cottage. In the case of No. 1 Farley Barn, also by tall boundary hedging, which in my view is likely to remain in a similar form for reasons of privacy and aesthetics. Given this, while any extension or outbuilding would unavoidably impact the spatial openness of the Green Belt, the impact on its visual openness would be very limited, and it is unlikely that the removal of the disputed conditions would result in any appreciable harm in this regard.
16. I recognise the great importance attached to Green Belts by the Government and the substantial weight afforded by the Framework to Green Belt harm, including harm to its openness. Nevertheless, it is evident from the Town and Country Planning (General Permitted Development) Order 1995 (as amended), national policy and guidance that a Green Belt location was not intended to restrict permitted development rights. Therefore, this would not, in itself, provide a clear justification for removing them. In this case, there is no substantive evidence before me to demonstrate that the conditions are necessary to protect the openness of the Green Belt.
17. Accordingly, in the absence of further justification, the disputed conditions, in the interests of preserving the openness of the Green Belt, are not reasonable. They are also unnecessary to make the barn conversions acceptable in this regard.

Conclusion

18. Overall, for the reasons above, I conclude that the disputed conditions are necessary and reasonable in the interests of preserving the character, appearance and significance of the historic barns. The proposed removal of the conditions would conflict with Policy BDP20 of the Local Plan and the development plan as a whole. The appeal should therefore be dismissed.

Hannah Guest INSPECTOR