



Appeal Decision

Site visit made on 20 May 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/P1805/W/24/3355806

The Firs Farm, Hanbury Road, Stoke Prior, Worcestershire B60 4AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by OS Leisure Ltd against Bromsgrove District Council.
 - The application Ref is 23/01347/FUL.
 - The development proposed is building operations comprising external alterations of a building necessary to facilitate the change of use under Class R of the Town and Country Planning General Permitted Development Order 2015 (as amended) Prior Approval Reference 23/00580/NOT.
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Decision

1. The appeal is allowed and planning permission is granted for building operations comprising external alterations of a building necessary to facilitate the change of use under Class R of the Town and Country Planning General Permitted Development Order 2015 (as amended) prior approval Reference 23/00580/NOT at The Firs Farm, Hanbury Road, Stoke Prior, Worcestershire B60 4AR in accordance with the terms of the application, Ref 23/01347/FUL and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by OS Leisure Ltd against Bromsgrove District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted by Mrs J Sweeney of OS Leisure Ltd and the appeal by OS Leisure Ltd. Based on the evidence before me I am satisfied that the applicant and the appellant are the same and that the appeal will proceed in the name of OS Leisure Ltd.
4. The description of the development above is that which was agreed in correspondence between the parties - it omits reference to the change of use being 'established' under Class R.
5. The address of the appeal site is taken from the application form. On the appeal form it is 'The Firs'. The Council has no issue with the use of either.

Background and Main Issue

6. There is no provision under Class R for external alterations, such as new doors and windows. Hence a separate full application is required, which is the appeal proposal. Submitted correspondence indicates that an amended location plan and

amended plans were provided regarding the extent and pattern of glazing. The Council had also requested additional information relating to the wider use of the land and building following the Class R permitted development notification for change of use of the building and land for use for Yoga/Pilates, Sound Healing Sessions and Meditation, and wellness sessions. The appellant considered that as the application only concerned the building operations there was no need to provide the extra information. The Council's failure to reach a decision on the application has resulted in the appeal against non-determination. As a result there is no formal decision from the Council as jurisdiction over that was taken away when the appeal was lodged.

7. The building in question is within the setting of a Grade II listed building known as 'The Firs'¹. Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I am required, as decision maker, to have special regard to the desirability of preserving the setting of the listed building.
8. In light of the above, the main issue in this appeal is the effect of the proposal on the character and appearance of the building and whether it would preserve the setting of The Firs, a Grade II listed building.

Reasons

9. The Firs is a two storey brick and slate farmhouse, dating from the 19th century. From the details presented to me, including the listing description and what I observed on my site visit, the special interest and significance of The Firs is largely derived from its architectural and historic interests in illustrating a 19th century vernacular farmstead, with adjacent brick and tile traditional farm buildings forming a walled courtyard as part of the farmstead. The land and pond to the south lie outside the walled courtyard and the rear of the farmhouse and allow some limited views of The Firs and the back of the range of farm buildings.
10. The agricultural building the subject of this appeal (the appeal building) is sited on this land outwith the farmyard. The structural report² (submitted for the Class R application and submitted again with this appeal) estimates the building to be circa 1970s, although the Council's documents suggest it is circa 1950s. Either way, the appeal building has been in situ for a considerable period of time. Due to its relatively small scale and simple, utilitarian, agricultural appearance it sits comfortably within the setting of the listed building.
11. The building is made of corrugated sheet metal with an asymmetrical dual pitched roof around a precast concrete portal frame. Its footprint measures approximately 11.9 metres x 9.33 metres. In the north and south elevations there are existing wide openings. From the photographs in the structural report and what I observed on site, panels of profiled metal sheeting have been added to infill some gaps in the walls and to reduce the size of the openings. On the west elevation, the shorter profiled metal sheeting is sloping and set on a timber frame away from the main frame of the building.
12. The existing openings on the north and south elevations would be infilled with sliding doors comprising 3 powder coated glazed sections, each with 4 panes of glass. On the lower, west elevation most of the metal sheeting would be replaced

¹ National Heritage List for England: list entry number 1100181

² Published by Shire and dated September 2023

by 2 large, glazed windows each with small panes. A wooden floor would be laid over the existing concrete floor and insulation would be added to the inside of the walls.

13. Whilst the proposed building operations would infill the existing openings with glazing, the building would still largely retain its corrugated metal sheeting exterior such that it would still read as an agricultural style building. Furthermore, it would not be extended or enlarged and there would be no change made to its shape or form. The operations are a relatively light touch and would not fundamentally change the appearance of the building and would preserve the setting of The Firs and wider farmstead.
14. In its appeal statement, the Council has subsequently raised no concerns about the elevation changes, stating they do not conflict with the Council's policy and design guidance, and that details can be dealt with by condition.
15. Accordingly, the proposal would accord with Policies BDP19 and BDP20 of the Bromsgrove District Plan, which together seek to strive for good quality design and ensure development does not have a detrimental impact on the significance of heritage assets. It would also accord with advice in the Council's High Quality Design Supplementary Planning Document.

Other Matters

16. There are a number of representations from interested parties in support and against the proposal, with some raising concerns about various other activities at the site, including weddings and associated noise. I am also led to understand there are a number of undetermined planning and listed building applications relating to various buildings at the farm and there are also on-going investigations into alleged breaches of planning control. These matters are beyond the remit of this appeal.

Conditions

17. The Council has suggested a number of conditions, without prejudice, should the appeal be allowed. The appellant states they have no comment to make. I have considered them against the advice in the Framework and Planning Practice Guidance.
18. In addition to the standard condition which limits the lifespan of the planning permission, I have specified the plans for the avoidance of doubt and in the interests of proper planning. It is necessary to impose conditions for materials, rainwater goods and the windows/doors, in the interests of the character and appearance of the area and setting of the listed building.
19. The Ecological Appraisal³ found that the building is not suitable for roosting bats. Nonetheless, the surrounding area provides good foraging opportunities for them. In the likelihood that external lighting would be installed at the site, I have included an external lighting condition. The site has been subject to a number of ecological surveys. However, the most recent ecological survey was undertaken in August 2023. It should therefore be noted that as more than twelve months will have elapsed between this appraisal and survey and the earliest commencement of any development then a further appraisal and survey may need to be undertaken at an

³ Update Preliminary Ecological Appraisal undertaken by Worcestershire Wildlife Consultancy dated August 2023

appropriate time to determine the status of any protected species which may have taken up residence during the intervening period.

Conclusion

20. For the reasons given above I conclude that the appeal should succeed and planning permission should be granted, subject to conditions.

K. Stephens
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings as follows:
Location Plan Rev C
Proposed floor plans & elevations drawing number 2388-2b
- 3) Prior to their first installation, details of the materials for the patio areas and any other hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4) Prior to their first installation, details of the design and materials of the rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5) Prior to their first installation, drawings of the windows and door details at a scale of 1:5 and including details of the materials and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 6) No external lighting shall be installed until details have been submitted to and been approved in writing by the local planning authority. The lighting shall then be carried out in accordance with the approved details.

End of conditions