



Appeal Decision

Site visit made on 15 April 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2025

Appeal Ref: APP/R1845/W/25/3358668

The Steam House, Ribbesford, Bewdley DY12 2TQ

- 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 Simon Gooding against the decision of Wyre Forest District Council.
 - The application Ref is 24/0648/FUL.
 - The development proposed is conversion of former garage + workshop to single detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would comprise a self-build dwelling as defined in the Self-build and Custom Housebuilding Act 2015 (2015 Act);
 - If a self-build unit cannot be secured, whether the proposal satisfies the statutory requirements with regards biodiversity net gain;
 - the effect of the proposal on the living conditions of occupants of the Garden Cottage with regards privacy, artificial light and noise disturbance, and protected species in the area.

Reasons

Self-Build

3. Planning Practice Guidance (PPG) makes clear that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. PPG goes on to clarify that off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.
4. For certainty that this proposal would result in a self-build property in the terms defined in the 2015 Act and described above, the Council has requested a planning obligation. The appellant highlights that this matter was not raised prior to this appeal. However, the Council refused planning permission on different grounds which may account for this omission.
5. In any event the need for a legal agreement has been indicated during this appeal. The appellant although submitting final comments in this process did not address this matter. I did however give the appellant an opportunity to provide views regarding the certainty of securing

a self-build unit in this case. Moreover, the appellant responded, stating agreement with the Council's request for a Unilateral Undertaking (UU) to address this matter. Indeed, draft heads of terms were outlined. However, a completed legal agreement has not been submitted.

6. It has been suggested that the determination of this appeal is placed on hold to allow the appellant to agree and execute a UU. However, no indication of a timescale for this has been provided. Moreover, as the appellant has been made aware, the Procedural Guide for Appeals states, for the written representations' procedure, the appellant must ensure that the Planning Inspectorate receives an executed and certified copy of a planning obligation at the time of making their appeal.
7. The appellant also suggests that a condition could require a legal agreement to be submitted to the Council and the Council's administrative costs to be paid. However, PPG makes it clear that no payment of money or other consideration can be positively required when granting planning permission. The PPG goes on to state where the 6 tests will be met, it may be possible to use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).
8. Addressing this point, while not doubting that the appellant is on the local register for a self-build plot, circumstances could change, and this may result in the appellant being unable to progress the project as originally intended and the property changing hands. In such circumstances, without an enforceable mechanism in place, those with interest in the land are not obligated to develop the property in the manner originally intended.
9. Also, the costs highlighted by the appellant are distinctly different to the example cited in PPG. And a suggested 'draft' legal agreement does not provide sufficient certainty of a self-build outcome if the appeal was allowed. The proposed condition is not enforceable or precise in these regards and would fail the test set out in the national guidance on this matter. Moreover, without a completed legal agreement, I remain unpersuaded that the property would be developed in the manner proposed and would contribute to the supply of the particular type of home intended in this case.
10. Accordingly, in the absence of a mechanism that provides certainty on this matter, the proposal would not comprise a self-build dwelling as defined in the Self-build and Custom Housebuilding Act 2015.

Biodiversity Net Gain

11. The original application was submitted following the date when biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. There are exemptions to this requirement. Proposed as a self-build, the original application form indicated that the development qualified under these exemptions.
12. However, the proposal would not be a self-build unit for the reasons outlined above. The mandatory biodiversity net gain may therefore apply in this case. The biodiversity gain condition is pre-commencement: once permission is granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. However, prior to this, where biodiversity net gain applies, information specified in article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) must be submitted at the application stage.

13. The appellant has not indicated that this proposal qualifies under any of the other stated exemptions. As the proposal does not appear to be exempt from the biodiversity gain condition, the minimum national information required at this stage by the DMPO should accompany this proposal. However, this has not been submitted in this appeal. For this reason, I find that the proposal has not satisfied the statutory requirements with regards biodiversity net gain.

Living Conditions

14. The appeal property is a single storey outbuilding, the side of which is located close to the corner of the front elevation of Garden Cottage. Although I observed that the upper floor window of Garden Cottage, closest to the rear of the appeal property, is a good size and unglazed, the evidence indicates that this serves the bathroom of that property.
15. As part of the proposal to convert the appeal property to a dwelling, a mezzanine would be created to provide two bedrooms at the upper floor level. The apertures for these bedrooms would be rooflights set in the roof plane.
16. There is already a rooflight in the corner of the appeal property that is closest to Garden Cottage's bathroom window. However as pointed out by the Council, the appeal property does not currently contain an upper floor. If the replaced rooflight at this rear corner of the new dwelling was clear glazed, future occupants, when using proposed bedroom 2, would have views into the neighbouring bathroom and this would lead to an unacceptable loss of privacy for the occupants of that neighbouring dwelling.
17. That said, the submitted drawings show that bedroom 2 would be dual aspect, with a good size rooflight on the front elevation of the renovated property. This second opening would provide a reasonable outlook without harming the privacy of neighbouring residents at the rear. Therefore, even if bedroom 2's rear rooflight had obscured glass, future occupants of the new dwelling would have an acceptable outlook from this bedroom and the existing level of privacy of occupants of Garden Cottage would be protected when using their bathroom. Requiring obscured glass by condition would be reasonable for this reason and would be necessary to ensure acceptable living conditions in respect of this matter for both parties involved.
18. The Council is also concerned about the harm from artificial light and potential noise disturbance emanating from the rear rooflight of bedroom 2. However, the development would result in the artificial light from just one bedroom from an obscured glazed angled rooflight around 4m away from the front elevation of Garden Cottage. In any event, while new sources of light could be disruptive to those using neighbouring bedrooms, this would not be the case with this proposal as the nearest neighbouring window effected serves a bathroom.
19. Also, the proposed change of use to residential would give rise to sounds that occupants of neighbouring Garden Cottage would expect in this predominately rural residential setting. And again, given that this concerns the neighbours' bathroom, sounds from a new bedroom located around 4m away would not significantly alter the existing quality of life currently experienced by occupants of Garden Cottage.
20. While the respective properties are close, there is still a good amount of separation as already outlined. Also, this would be a single rooflight serving just one bedroom of a modest sized home and as already established the existing window causing this concern serves a bathroom of the neighbouring property. Given these circumstances and the nature of use proposed in this case, in my view the type and level of sounds likely to arise from Steam House, as a

dwelling, would not be considerably different to those which are already experienced by those living in this predominately residential area.

21. The Council highlights that this proposal would breach the 45 degree code. However, the purpose of the code and the advice of the Council's Design, Amenity, and Shopfronts SPD, similar to provisions of the National Planning Policy Framework (the Framework) seek to ensure a high standard of amenity for existing and future users. For the reasons outlined the proposal would not adversely affect the amenity of occupants of Garden Cottage and this aim of national and local guidance is therefore satisfied in this case.
22. The occupants of Rowan House are also concerned about a loss of privacy and tranquillity as a result of the change of use at the appeal property. The dwelling of that neighbouring property is separated from the appeal property by a large garden and a high shared boundary.
23. While there would be more openings in the front of the dwelling at the appeal property, these are at a relatively low level in comparison to the shared boundary and would face east. Consequently, these new openings would not provide direct views towards the bedroom windows of Rowan House which is in any event set a considerable distance from the new dwelling.
24. Garden Cottage is only a little further south from this shared garden boundary of Rowan House and the appeal property. As already indicated the sounds likely to be generated by the change of use would be similar to that which occur at Garden Cottage. Therefore, individuals in the part of the neighbouring property, close to the appeal property, will already experience some residential sounds from cars or people in their gardens.
25. The parking spaces and access for the new dwelling would be near to the garage and parking space for Garden Cottage and this is several metres from the garden boundary of Rowan House. In any event, a modest dwelling is proposed, and this is likely to generate a limited number of vehicles that would not significantly add to vehicle sounds that already occur in this area.
26. Also, although there would be changes to the front of Steam House, the submitted drawings show a garden would be formed adjacent to the shared boundary with Rowan House. This would be a small additional garden space near existing gardens such that the resultant development would not adversely harm this relatively peaceful residential setting. Further, there is nothing before me that suggests changes to the shared boundary between the appeal property and Rowan House.
27. Taking these factors into account, I am content that the occupants of that neighbouring dwelling would continue to enjoy the current levels of seclusion. Moreover, this is a modest development and the sounds resulting would not significantly change the existing level or type of sounds that already occur in the locale.
28. Therefore, subject to ensuring obscured glazing in the rear rooflight of proposed bedroom 2 of the appeal property, I find that the proposal would not have a harmful effect on the living conditions of occupants of Garden Cottage, having regard for privacy, artificial light and noise disturbance. In this regard the proposal would not conflict with Policies SP.20 and DM.24 of the Wyre Forest District Local Plan (Local Plan). These Policies collectively require high quality design and state amongst other matters, development should provide an adequate level of privacy, outlook, sunlight and daylight, and should not be unduly overbearing.

Protected Species

29. The Council, highlighting duties under the Conservation of Habitats and Species Regulations 2017 as amended (Regulations), is concerned that insufficient information regarding the presence of European protected species in the site has been provided in this case. In particular, there is concern that evidence regarding the proposal's impact on bat species is lacking.
30. The appellant submitted an Ecological Survey with the original application. This lists qualifications of the author which points to significant experience dealing with bats. The Ecology Survey includes results of a preliminary desktop study confirming the presence of bats in this area. A building search was conducted with the conclusion that there was no obvious signs of bat roosts in the structures on the site.
31. However, given the nature of the property and evidence of at least four bat species recorded in the area, an emergence survey was advised. It is understood that this follow-up survey was not carried out by trained ecologists. Be this as it may, the evidence indicates it was guided by the author of the Ecological Survey who has experience in this field. The emergence survey indicated that while no bats emerged from the buildings on the appeal property, nonetheless three species were observed coming from known roosts at Ribbesford House.
32. The Council asserts the emergence survey was carried out during a sub-optimal time. Natural England's (NE) Standing Advice indicates that surveys should be carried out in the most recent, appropriate season. It is advised that surveys for bat roost be conducted May to August.
33. While it is important to carry out surveys at the appropriate time of year, optimal survey periods are indicative and can either expand or contract as a result of seasonal variation and weather conditions. The emergence survey in this case was conducted mid- September, therefore Autumn. However, this was early Autumn period, and the evidence states that the weather conditions were suitable for bat emergence on this occasion. Indeed, this was reflected in the survey results with a high level of bat activity recorded.
34. Given the circumstances described above, I find that the appellant has had regard to relevant protected species that could be impacted by the development proposed at the appeal property. Moreover, the approach and methods to on-site surveys generally accord with the guidance set out in NE's Standing Advice on such matters. I find no compelling evidence that there is insufficient information to allow an assessment of the potential impact on these protected species. Surveys conducted appear appropriate and proportionate to the site circumstances and the development proposed in this case.
35. Harm to protected species and habitats that support them should be avoided, but NE advises where this is not possible, the developer will need to include adequate mitigation. Evidence suggests that there is reasonable certainty that bat roosts are not present at the site. However, this is an area which supports a wealth of bat species, and this is a matter that should influence how the proposed renovation of the appeal site is carried out to avoid harm to these protected species.
36. The survey information not only appears sufficient to predict potential ecological impacts of the proposed renovation, but consistent with the mitigation hierarchy stated in the Framework, identifies mitigation measures, taking account that site conditions could change. If bat roosts are found during the renovation works appropriate actions would be taken. On this point, legal protection and licensing requirements separate of the planning system also provide safeguards for such eventualities. In addition, there are mitigation measures suggested for

other potential fauna found on the site, such as hedgehogs and birds. Enhancement features are also offered which include the installation of bat boxes. These mitigation measures could be secured by condition.

37. The Council is concerned that the change of use of the appeal property would increase sources of artificial light in this area and this could harmfully affect bat activity. However, as already outlined, the property is close to Garden Cottage, a residential unit which already is a source of artificial light in this locale. A modest development is proposed in this case such that any increase in lighting would be limited and would arise where there is already some artificial lighting present at nearby residential properties. Moreover, external lighting is a matter that could reasonably be controlled by condition given the presence of a range of bat species.
38. The Regulations require a competent authority to have regard to the requirements of the associated Directive so far as it may be affected by the exercise of its functions. This is relevant where any proposal that might lead to the deterioration or destruction of breeding sites and resting places of European Protected Species, which include bats and the places they roost. Given the mitigation suggested in this case, I am satisfied that the mitigation hierarchy has been followed and that there would be no significant harm to the long-term conservation status of the bat species that are present in this area.
39. My attention is drawn to a recent ecology survey which supported track improvements close to the appeal property. The evidence gathered in that case may relate to nearby sites, but it addressed areas outside of the appeal property. In any event, that other survey confirmed high presence of bat activity in the area and is consistent in this regard with the survey findings that support this proposal. This matter has not altered my findings on this issue for these reasons.
40. I therefore find that the proposal would not have an unacceptable adverse effect on protected species in the area. In this regard the proposal would accord with Policy SP23 of the Local Plan. This Policy states, amongst other matters, development must be supported by an appropriate level of up to date technical ecological assessment, demonstrating how ecological features identified have influenced the design and layout.

Other Matters

Heritage

41. The appeal property is a redundant building at the boundary of a walled garden, in the Ribbesford Conservation Area (CA). Although described as a garage by the appellant, it is understood to have housed a boiler system for the Grade II* listed Ribbesford House. The CA is relatively small, tightly drawn around the rural hamlet with buildings dating from the sixteenth to nineteenth centuries and set in the River Severn valley against a steep wooded hillside.
42. The Steam House is located between the two main focal points of this designated heritage asset, the previously mentioned Ribbesford House, with 16th Century origins and the Grade I listed Church of St Leonard's. Ribbesford House is set away from the main area of the hamlet and is considered an important landmark with its grand stone façade visible from the main road. The Church is also stone built, but set back, it is less apparent in the wider landscape, and has a tranquil setting once reached via a tree lined rural lane off the main road.
43. The riverside and woodland setting is important to the CA, as is the woodland and sizeable garden space to the rear of the appeal property, which even in its neglected state adds positively to the sense of rural tranquillity in this area.

44. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the 1990 Act also requires, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
45. The appeal property has a distinct air of dereliction and comprises two sections. Firstly, the main structure is constructed in brick with tiled roof and chimneys. The main entrance is to the side of the front elevation. In addition to that opening, there are three sets of double doors on this elevation. The second, and less substantial structure appears to be a covered vehicle port attached to the side of the main building.
46. The property is to the rear of the listed Ribbesford House, significantly screened by vegetation, and with a good degree of separation from the Church. Therefore, even poorly maintained, the property does not overtly interfere in a negative manner with the immediate setting of those heritage assets. However, its state of dilapidation is a detracting feature in the central section of the CA.
47. That said, the form and scale of this tiled brick and timber building marks it clearly as a subservient structure in the hierarchy of built form in the hamlet. Moreover, its largely traditional style and use of materials are sensitive to this setting. Also, with its rear elevation an integral part of the high brick wall, its historic ancillary relationship with Ribbesford House and walled garden can be gleamed on closer inspection.
48. The scheme to convert the building to a residential unit does not propose to significantly increase the footprint of the existing built form at the site. Given this limited scope of development which would largely retain the existing balance of structures and space, the proposal would not result in the overdevelopment of the site. Moreover, although the dwelling would be two storeys, the first floor would be set into the eaves, such that the height of the existing main building would not significantly increase. A new pitched roof would be formed on the secondary structure, but this would not breach the height of the boundary wall and would be subservient in height to the main section of the new dwelling.
49. Openings on the ground floor, front elevation would be largely limited to those already existing. The submitted drawings show that the appearance of the replacement windows would be designed with a nod to the former ancillary aesthetic of the building, and subject to the approval of materials these would seem a sensitive addition to the built form. This respectful design detail would also be replicated in the ground floor windows of the secondary structure at this front elevation.
50. Openings at the upper floor level of the front elevation would be restricted to the main building and would comprise rooflights. This is a pre-existing feature of the property, although the number of apertures would be increased under this scheme. That said, the use of rooflights is not uncommon in residential conversions in the wider CA, and the Council is seeking conservation grade units which is a matter that could be conditioned. Again, this would be a sympathetic design detail of this residential unit.
51. Turning to the rear elevation of the building, openings at the ground floor would be limited to a single door, and this would be where there is currently a bricked up doorway to the garden. Rooflights would also be used at the upper floor level on this elevation. There are four pre-existing units on the side of this roof, and this would be increased to seven. However, as already stated this is not out of keeping with either the style of this building or indeed the style

of other properties that characterises the wider area. I find no visual harm would arise from these additions for this reason.

52. The appellant seeks to create a gap in the existing rear boundary wall. This would provide convenient access to the rear garden from the outside space at the front of the property. The Council has no objection to this subject to confirmation that the gap should not be used by cars. The submitted plans show a relatively small section of the wall being removed and gates matching those near the church to be installed.
53. The rear garden is currently enclosed by three walls, one of which comprises part of the appeal property. The garden appears neglected, and I understand it is the intention of the appellant to restore this tranquil space. Although the wall is an important integral feature that speaks of the past connection with the grand Ribbesford House, a small gap for access, in my view would improve the relationship between the appeal property with the rear garden both visually and functionally.
54. However, I agree with the Council, this gap should be limited in size. Also, minimal details about the appearance of this new opening and the gates have been submitted. That said, I am content given the factors above, that a respectful design could ensure that these changes contribute positively to the overall renovation and adaption of the property, whilst retaining features that would allow the historic links with assets in the wider area to be readily appreciated. This could be addressed by condition.
55. Other significant changes to the property under this scheme would be focused to the front outside space with the creation of a front garden and parking area. The parking spaces would be appropriately located to the side and close to the existing neighbouring garage. Proportionally this parking space is in keeping with the scale of the resulting dwelling. A front garden encircled by a track would also be formed. This would replace brambles and an unkempt outside space, and this would be a positive visual change at the front of the property.
56. In summary, the appeal property is currently a detracting feature in the CA. This proposal would return this derelict site to a viable and beneficial use. Moreover, the well thought out design would ensure that the appearance of this change of use would be sensitive to its immediate surrounds in a designated heritage asset. The historic interest and significance of the designated asset would be preserved, including the wider setting of the listed buildings.
57. The character or appearance of this part of the CA would as a minimum be conserved under this scheme. Indeed, consistent with the aims of Local Plan Policy SP.21 the changes described above would result in an enhancement in this small section of the CA. This positive outcome weighs considerably in favour of this proposal.
58. It is asserted by interested parties that the appeal property is nationally listed, however Historic England's listings shows this not to be so. That aside, the Council indicates that the site may warrant local listing given the features described above and the evident historic connection with Ribbesford House.
59. If I agree with the Council on this matter, the Framework states, in weighing applications that 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 assets. As described this proposal would secure a beneficial use of the property for the long term and improve its appearance. Even if the property was locally listed, I find no harm to the historic interest and loss in respect of significance would not arise in this case.

Planning Balance

60. Policy SP.12 of the Local Plan provides support for self-build units consistent with the Framework. However as already stated there is no certainty that this proposal would result in a self-build property in the terms defined by the 2015 Act. Therefore, this factor does not weigh in favour of the proposal.
61. The Council can demonstrate a five year housing land supply. That said, there is no cap on the supply of housing and recent Government statements and the Framework emphasise the need to significantly boost the supply of homes. This is just one dwelling but nonetheless, even if this unit was considered an open market property, it would contribute to the supply of housing in the district and this matter attracts significant weight in this decision.
62. This is a small windfall site that could be built out quickly. The property is in a small hamlet with limited services, but nevertheless it is in a settlement. The Framework attaches substantial weight to the value of using brownfield land within settlements for homes unless substantial harm would be caused. Setting aside the need to address the statutory requirement in respect of biodiversity net gain, I find no substantial harm in respect of any other relevant matter would arise in this case. This proposal would also remediate a derelict site which again is supported in the Framework. These are matters that very much weigh in favour of this development.
63. However, as already outlined I am not persuaded that this would be a self-build project in the terms that would qualify it as an exemption with regards the mandatory biodiversity net gain. Moreover, the minimum national information required by article 7(1A) of the DMPO has not been submitted in this case. While there is no conflict with Policies relevant to protected species and living conditions, I find the failure to address this statutory requirement provides grounds to dismiss this appeal.

Conclusion

64. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR