



Appeal Decision

Site visit made on 25 July 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/K3415/D/25/3366018

217 Brownhills Road Norton Canes Cannock WS11 9SN

- 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 G Mason against the decision of Lichfield District Council.
- The application Ref 25/00143/FUH.
- The development proposed is Extension and alteration of dwelling to create first floor accommodation.

Decision

1. The appeal is allowed and planning permission is granted for Extension and alteration of dwelling to create first floor accommodation at 217 Brownhills Road Norton Canes Cannock WS11 9SN in accordance with the application Ref: 25/00143/FUH and the plans submitted with it, subject to the following conditions:
 - 1) The construction of the development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plan: GM-03 (dated 02/24).
 - 3) Notwithstanding the plans hereby approved, materials to be used in the external surfaces of the development shall be submitted to, and approved in writing by, the local planning authority prior to their use.
 - 4) Prior to the commencement of any development, including groundworks or demolition, a scheme of measures relating to the protection of Great Crested Newts during the period of construction shall be submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved measures.
 - 5) Prior to first occupation of the development hereby approved, details of fencing or other means of enclosure shall be submitted to, and approved in writing by, the local planning authority. The development shall then proceed in accordance with the approved details.

Preliminary Matter

2. The Council's refusal reasons refer firstly to the appellant fallback position but then concludes that 'the sum of the weight of the other non-Greenbelt harm does not

outweigh the harm in this case' which fails to reflect the balancing exercises to be undertaken in this matter that I have more appropriately set out below.

Main Issues

3. The main issues are, firstly, whether the proposed development (the Proposal) would be inappropriate development in the West Midlands Green Belt, and, if so, whether other considerations exist that clearly outweigh the totality of harms, including non-Green Belt harms, that have been identified.

Reasons

Inappropriate Development

4. The appeal site (No.217) is a residential curtilage within a much larger plot of open land which lies close to the boundary of Lichfield District with Cannock Chase District. This demarcation appears to correspond to a change of visual character in the Green Belt in that the built-up area of Norton Canes which has a suburban character dominated by two-storey housing, lies to the west, whereas the appeal site and its surrounding wider plot lies within the otherwise open land to the east extending towards Chasewater, a substantial area of open water some 250m to the east of the site.
5. The existing building, although with a large floor area, is a distinctively low-lying dwellinghouse likely originating in the third quarter of the twentieth-century being of a design which is both cost-conscious and seeking to minimise visual bulk. I note that the Council refer to No.217 as the 'last dwelling' within the settlement of Norton Canes (on the Brownhills Road) although this description blurs the significance of the location of the building in consideration of impact upon openness. This is currently limited due to the low height and spacious setting of No. 217 notwithstanding its position in the street scene (Brownhills Road). No.217 is separated from the suburban area of Norton Canes by a well-used footpath along the site's western boundary which joins the Brownhills Road with other parts of Norton Canes.
6. The Proposal would, by changes to the footprint and internal layout, together with the introduction of accommodation into a large roof void, result in a substantial increase in volume and apparent mass of the dwelling. However, the result would not be correctly described as a two-storey dwelling as the upper level is wholly contained within a steep-pitched roof that is oriented such that its tiled roof is presented to the street and with fenestration limited to rooflights and a 'porthole' window in each gable. Notwithstanding its additional bulk, the design would be in a form which I consider is generally more sympathetic to open land uses than a conventional two storey dwelling. Nevertheless, the degree of change is of an extent which the appellant allows might reasonably be considered disproportionate¹. Being not exempt for other reasons² the proposal would thereby be inappropriate in the green belt and would harm openness in that by its location and the loss of its unusual low-lying built form, it would appear to extend the generally suburban development pattern of the adjacent settlement of Norton Canes into the otherwise open land which surrounds the appeal site.

¹ Paragraph 6.4 of the appeal statement

² Set out at paragraph 154 of the Framework

Other considerations

7. The appellant refers to a fall-back position in that the Council have granted prior approval³ for a full one-storey upward extension of No.217; a permission which is reported as extant at the date of this decision. The resultant dwelling would be significantly more bulky and visually more impactful than the Proposal (the subject of this appeal) and therefore significantly more harmful to openness. This is mainly due to the retention of the original roof form but at a higher level and because the additional storey it admits would duplicate the existing ground floor with full height two-storey walls on all elevations. The result would be much more prominent in the wider area to the east of the site and in the street scene, removing the differentiated sense of openness⁴ which the existing building allows due to its restricted height. Although the Council mention the Proposal would be slightly higher than the approved fallback, this relates only to a comparison of ridge heights and not to bulk or mass. I consider the steep pitched tiled roof of the Proposal to be significantly less impactful on the street scene and of less detriment to openness than would be the case if the fallback design were implemented.
8. Where a fallback position is argued in support of a proposal it is necessary to consider whether there is a greater-than-theoretical prospect of implementation. In this case although it may be that the fallback position has been generated with the primary purpose of persuasion, the permission is nevertheless extant and the Council accept that this is a realistic fallback position for the appellant and I concur. Having concluded that the fallback scheme would cause significantly greater harm to the openness of the green belt than the Proposal, it follows that significant weight should be attached in favour of the appealed Proposal in consideration of harm to the openness of the Green Belt.

Other harms

9. A further consideration arises from the Council's second reason for refusal in that they object to the design by reference to the Council's recently adopted district-wide design code and from the proposed application of large areas of render to the external walls. However such treatments are frequently employed where it is necessary to improve the thermal performance of older buildings and to mask changes in fabric which arise from extensive alteration such as proposed here. The appellant points to the proximity of housing in Norton Canes⁵ where a variety of external materials are evident, in any event the choice of external materials can be the subject of further consideration by the parties if suitable conditions are applied and on that basis I consider the matter of materials and visual character to be a neutral factor in the overall balance.

Conclusion

10. It is not disputed that the Proposal intends alterations and extension of a dwelling which are disproportionate in size. I have concluded that the Proposal would fail to protect openness and would be inappropriate development in the Green Belt. However, the fallback position which exists as a result of the grant of prior approval

³ Ref: 24/00977/PNHF

⁴ In the context of the development pattern of the adjacent settlement.

⁵ which is in the adjacent District of Cannock Chase

for a much bulkier upward extension⁶ of the building would have both a more-than-theoretical prospect of implementation if this appeal fails and also a significantly greater detrimental impact upon the openness of the Green Belt. This is a consideration⁷ which clearly outweighs the identified harm to the Green Belt of the appealed Proposal and, by the significant weight which harm to openness should attract, sufficient to demonstrate that very special circumstances exist as set out in the Framework. I have also considered the suggested conflicts with policies CP3 of the Core Strategy and Policy BE1 of the Lichfield District Local Plan Strategy and with the Lichfield District Design Codes but in all respects my reasoning on the first main matter is similarly material to the appearance and design as referred to in these policies. I conclude that any conflict with those policies would be of neutral effect in the overall planning balance if suitably-worded conditions are applied.

11. Consequently, taking all matters raised into account, the appeal succeeds subject to a number of conditions in addition to the usual plans and timing conditions, being those suggested by the Council with regard to protection of ecology and use of materials. It is also clear that some forms of enclosure or prominent subdivision can impact upon wider openness and rural character of this site such that a condition in that regard would also be necessary to prevent undue or inappropriate subdivision of the site.

Andrew Boughton

INSPECTOR

⁶ Ref: 24/00977/PNHF

⁷ An 'other consideration' in terms of the Framework