
Appeal Decision

Site visit made on 15 July 2025 by S Indermaur BA (Hons) MSc MRTPI

Decision by Kenneth Stone BSc (Hons), Dip TP, MRTPI.

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/P1805/D/25/3363193

Appletrees, Adj to Hanbury Road, Stoke Prior, Bromsgrove B60 4AF

- 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 Tav Biran against the decision of Bromsgrove District Council.
 - The application Ref is 25/00122/FUL.
 - The development proposed is a double garage
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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 Matter

3. The appeal scheme appears to have been submitted as an evolution of the design approach for development as an alternate to the previously dismissed appeal APP/P1805/D/24/3341678. In accordance with the conclusions of the previous appeal decision, the Council accepts that introducing this built form in front of the principle elevation does not cause harm to the character of the local area, and I see no reason to disagree with this conclusion. Concerns over harm to the Green Belt remain.

Main Issue

4. The appeal site is within the Green Belt and therefore the main issues are:
 - i. whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - ii. the effect of the proposal on the openness of the Green Belt; and
 - iii. if the proposal would be inappropriate development, whether the harm by reasons of inappropriateness, along with any other harm resulting from the proposal is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

5. The National Planning Policy Framework (the Framework) directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. One of these is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not have an explicit exception related to detached residential outbuildings. However, in some circumstances, it may be appropriate to consider an outbuilding as an extension to the original building (a dwelling in this case).
6. The Council argue that the proposed garage would be situated in close proximity to the dwelling and would therefore have a close association with the dwelling and is therefore a normal domestic adjunct. They have therefore considered it as an extension and applied policies relevant to that position. The Appellant on the other hand puts forward the case the proposed development is a detached outbuilding, is not an extension and should not be assessed as such. They do however therefore accept that the development is therefore inappropriate in the Green Belt.
7. Policy BDP4 of the Bromsgrove District Plan (2017) (DP) states that new buildings in the Green Belt are considered to be inappropriate, except in the following circumstances: extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² ('original dwelling plus extension(s)) provided that this scale of development has no adverse impact on the openness of the Green Belt.
8. The Council states that the dwelling has an original floorspace of 116sqm and that the dwelling has been extended since. When the existing and proposed extensions are taken together, the Council state that this would create a footprint of 272sqm, representing a total increase in volume the original dwelling by around 151 %. The appellant does not dispute these figures. This exceeds the maximum percentage increase of the original dwelling by more than three quarters and surpasses the maximum total floorspace by nearly double.
9. Given the close association of the proposed garage to the dwelling I agree that it is reasonable to treat as a residential adjunct and to be treated as an extension. In light of the above the proposed extensions would result in significantly disproportionate additions over and above the size of the original building, conflicting with the Framework and the percentage increases of floorspace and volume identified in policy BDP4. The proposal therefore amounts to inappropriate development which would conflict with Policy BDP4 of the DP.
10. Even if I were to accept the Appellants position that the proposal was not to be treated as an extension and size or percentages applied, they accept that the proposal would not benefit from any other exception in the Framework and would amount to inappropriate development in the Green Belt.
11. The proposal therefore amounts to inappropriate development in the Green Belt. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt. It goes on to explain that substantial weight should be afforded to any harm to the Green Belt and inappropriate development should not be approved, except in very special circumstances. The Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Openness

12. The proposed garage would have a modest footprint and volume and as such would have a limited spatial impact. It would be screened by dense vegetation, obscuring it from the road and partially from the public vantage points on the footpath located to the side of the dwelling. While the garage would create added bulk, the development would be contained within the curtilage of the dwelling which limits the visual impact upon openness. However, that is not the same as having no effect and it is evident that some elements of the proposed development would be publicly visible. Consequently, the proposal would cause limited harm to the openness of the Green Belt.

Other Considerations

13. The appellant notes that the site has a Certificate of Lawfulness for a detached building to house new swimming pool, double garage and workshop. They state this constitutes a fallback position that the appellant could choose to implement. The garage would be positioned to the rear of the property situated on the opposite side of the footpath. As such the garage would be mostly concealed from footpath and largely concealed from the public highway. Therefore, the garage would have limited impact on visual openness. They also identify a second Certificate of Lawfulness for a garage and workshop building. The Appellant states there are now Permitted Development options that will be implemented if the garage cannot get planning consent.
14. Whilst the general design and impact on character of the proposed development would be acceptable and the proposal is smaller in footprint and lower in height than the fallback position, the developments subject to the Certificates of Lawfulness would be set further into the curtilage and would have a more limited impact on openness than the proposal.
15. Furthermore, the appellants statement sets out that a fallback option would be implemented if the appeal is not allowed. However, there may not be greater than theoretical possibility of the fallback position being realised, given the appellants' determined pursuit of the specific proposal before me. Nonetheless I recognise that the possibility of the implementation of a fallback, rather than the appeal proposal, could be another consideration that could amount to the very special circumstances necessary to outweigh the harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt.
16. However, as I am advised that it is the appellants intention to implement a fallback position, there would be no mechanism to prevent them from implementing one of the fall-back positions in addition to the proposal. The appellant has stated that a condition could be attached removing permitted development rights from the appeal site. However, a planning condition for the removal of permitted development rights would not crystallise and take effect until the proposed development is commenced. It would not therefore prevent the possible prior implementation of elements of the fallback position which could result in further disproportionate additions to the original dwelling. Consequent further cumulative harm to Green Belt openness would occur which the Framework is clear should be given substantial weight. For these reasons, the imposition of a planning condition would not meet the tests of reasonableness or enforceability.

17. For these reasons, I find that the fallback position does not constitute another consideration which would amount to very special circumstances and no other considerations have been put before me to justify the disproportionate additions to the original dwelling.

Green Belt Balance and Conclusion

18. The proposal would amount to disproportionate additions to the original dwelling such that it would amount to inappropriate development. Harm to the spatial openness of the Green Belt and visual harm would also arise. In the absence of a suitable mechanism to prevent the fallback position from being implemented in addition to the proposal, the very special circumstances necessary to justify the proposal do not exist.
19. The proposed development conflicts with the Green Belt protection aims of Policy BDP4 of the DP and the Framework as outlined above. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

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

Kenneth Stone

INSPECTOR