



Appeal Decision

Site visit made on 23 September 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/C3430/D/25/3369071

Ellesmead, Stable Lane, Calf Heath, Wolverhampton WV10 7DN

- 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 Mark Aske against the decision of South Staffordshire District Council.
 - The application Ref is 25/00201/FULHH.
 - The development is described as 'Proposed increase in height to existing breeze block pool flat roof pool house structure.'
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Decision

1. The appeal is allowed and planning permission is granted for erection of replacement pool house at Ellesmead, Stable Lane, Calf Heath, Wolverhampton, WV10 7DN in accordance with the terms of the application, Ref 25/00201/FULHH, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 100/1080/2025 Rev A; 100/1081/1025 Rev A; and 100/1079/2025 Rev A.

Preliminary Matters

2. Whilst the description of development on the application form was 'Proposed increase in height to existing breeze block pool flat roof pool house structure', the development was described as the erection of replacement pool house (retrospective) in appellant's Statement of Case. The Council plainly considered this as a replacement building as set out in the Officer's Report. That is also clear in the reasons for refusal with reference to the building being materially larger. The appellant is content that the development is considered as the erection of replacement pool house (retrospective) and has suggested that the development is described in that way. I have used this description in my formal decision, but I have not included the term 'retrospective' as this is not an act of development.
3. The site is located within the buffer zone of the Cannock Chase Special Area of Conservation (SAC). Whilst not forming part of the Council's reasons for refusal, as the competent authority I need to consider whether there would be adverse effects on the integrity of the habitats site in accordance with The Conservation of Habitats and Species Regulations 2017.

Main Issues

4. The main issues relevant to this appeal are: whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan

policies; and the effect of the development upon the character and appearance of the area.

Reasons

Whether Inappropriate Development

5. A lawful development certificate was granted in 2013 for the construction of a breeze block structure enclosing the swimming pool on the appeal site. Based on the evidence before me, a replacement building has since been erected in broadly the same location as the original structure.
6. Policy GB1 of the Core Strategy Development Plan Document (CS) set out that development acceptable within the terms of national planning policy set out in the Framework will normally be permitted concerning several different types of development. This includes the replacement of an existing building where the new building is not materially larger than the building it replaces. Paragraph 154d) of the Framework is similarly worded but also requires that the new building is in the same use.
7. The submitted evidence indicates that the original pool house featured a pitched roof, whereas the replacement building has a flat roof. It is agreed that the footprint of the new building is broadly comparable to that of the original. Therefore, the primary difference in scale between the two structures arises from the change in roof form. It is also agreed that the use of the building remains consistent with that of the previous structure.
8. The appellant states that the height of the flat-roofed building is approximately 3.29 metres, compared to a ridge height of around 5 metres for the original pitched-roof structure. The Council has not disputed these figures, and based on the evidence before me, I find no reason to so either. While the flat roof results in an increased eaves height and a more uniform wall height across the building's footprint, the overall height is reduced in comparison to the original. This change in design has resulted in a building that, although different in form, is not materially larger than the structure it replaced when considered as a whole.
9. For the reasons given above, the development is not inappropriate development in the Green Belt and consequently, it complies with Policy GB1 of the CS as well as paragraph 154d) of the Framework, insofar as the replacement building is not materially larger than the one it has replaced and is in the same use.

Character and Appearance

10. The appeal building is a cuboid structure featuring predominantly glazed elevations, interspersed with sections of red brick and cream render. It has a flat roof, upon which several photovoltaic panels are installed, angled upwards. Due to its siting behind the main dwelling, Ellesmead, the appeal building is well screened from public viewpoints.
11. Ellesmead is a substantial two-storey dwelling constructed using red brick, cream render, and exposed timber detailing, with a pitched roof finished in red tiles. While the Council has noted some variation in the brickwork, possibly indicating recent construction activity, based on my site visit, the materials used in both buildings appear broadly consistent.

12. The appeal building is noticeably smaller in scale than the host dwelling and is therefore subordinate to it. The use of red brick and cream render establishes a visual relationship between the two structures. The previous building on the site reportedly featured extensive glazing and whilst the current structure includes full-height windows, these are not uncommon in pool buildings. The flat roof design does not replicate the pitched roof of the host dwelling; however, the inclusion of photovoltaic panels introduces visual interest at roof level. While the building incorporates large, glazed areas, this is appropriate for its intended use, and the interspersed brickwork and render helps to soften the overall appearance. Although the building's rectilinear form is not typical of a domestic outbuilding, its modest scale and the use of sympathetic materials ensure that it does not appear unduly commercial or incongruous within this residential setting. Overall, the building is appropriate in both scale and appearance for its function as a pool house in this context.
13. Therefore, the development does not harm the character or appearance of the area and complies with Policy EQ11 of the CS. This expects that, amongst other matters, in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale and spaces and buildings in the local area.

Other Matters

14. The appeal site is within the 8-kilometre buffer zone of the SAC, a European site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of European sites. This requires consideration of whether the development has an effect on the qualifying features of the site, either alone or in combination with other plans and projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of whether the plan would affect the integrity of a European site must be undertaken.
15. The qualifying reasons of the SAC and its primary reasons for selection as an SAC are its European dry heaths and North Atlantic wet heaths with cross-leaved heath. The conservation objectives of the SAC include ensuring that the integrity of the site is maintained or restored as appropriate, including its structure and function, supporting processes on which the qualifying natural habitats rely.
16. Given the separation distance between the appeal site and the SAC, the development does not result in the direct loss of any habitats associated with the SAC. Taking into consideration the nature, scale and location of the development and nature of the receiving environment, I consider there to be no evident pathway that would result in the development having a likely significant effect on any qualifying features of the SAC, whether alone or in combination with other developments.
17. Therefore, the scheme does not undermine the conservation objectives of the identified habitats site, and an appropriate assessment is not required. Consequently, the development accords with the policies in the Framework that seek to protect areas of particular importance relating to habitats sites.
18. The appeal site is identified that as being within a Red Zone for Great Crested Newts. However, the Staffordshire District Licensing Officer (Great Crested Newts)

did not object to the application. Given that this development relates to retrospective development and replaced a building in the same general location I find no reason to come to a different conclusion.

19. The Council concluded that due to the distance between the pool building and the nearest residential dwellings and its ancillary nature that the development does not result in any undue harm to noise or privacy issues to nearby neighbouring occupiers. Based on the information before me and for similar reasons, I concur.

Conditions

20. Given that the development has already taken place it is not necessary to include the statutory commencement condition. However, a condition requiring the development is carried out in accordance with the permitted plans is necessary in the interests of certainty.

Conclusion

21. For the reasons given above, the development accords with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with it. Therefore, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR