



Appeal Decision

Site visit made on 24 March 2026

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal Ref: APP/P1805/D/25/3376519

Gorse Grove Lodge, Bromsgrove Road, Belbroughton, Worcestershire DY9 9UJ

- 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 Alan Baker against the decision of Bromsgrove District Council.
 - The application Ref is 25/00698/FUL.
 - The development proposed is demolition of garage to be replaced with car port. Construction of new garage at the rear. Remedial earthworks to reduce the levels of the land to facilitate access to rear and construction of the garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site and the description of the proposal as set out in the Council's Decision Notice. These better reflect the location and the development than the address and description used in the application form. I am satisfied that no party would be prejudiced as a result.
3. At appeal stage the appellant submitted additional tree information, and I have sought comments from the Council on this. I therefore consider that no party would be adversely affected if I take the additional information and the Council's response into account. I shall determine the appeal on this basis.

Main Issues

4. The main issues are: (1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework), and any relevant Development Plan policies, including its effect on openness, (2) the effect of the proposal on biodiversity, and on the character and appearance of the area, in respect of trees and vegetation, and (3) if the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

5. The site lies within the West Midlands Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Framework paragraph 153 makes clear that inappropriate development is, by

definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

6. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless an exception applies. Applicable to the appeal, under Framework paragraph 154(c), one such exception is for 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 (as it stood in 1948).
7. Policy BDP4 of the Bromsgrove District Plan (the Local Plan), adopted January 2017, relates to the Green Belt. Relevant to this case, it makes clear that new buildings would be inappropriate except for extensions to existing dwellings up to a maximum of a 40% increase of the original (1948) dwelling. Accordingly, Local Plan policy BDP4 is broadly consistent with the Framework and so carries full weight.
8. The proposal seeks to demolish the existing side garage, and a car port would be erected in its place. To the rear, a new detached garage would be built, replacing embanked garden land. The garage would have external stairs leading to an area with timber railings above. There is no dispute that a building within five metres of the house would in principle constitute an 'extension' for the purposes of Green Belt policy. Nor is it disputed that the proposed new garage would, as shown on the submitted plans, be within five metres of a store building and first-floor balcony that was attached to the house.
9. On site, the store building and balcony have now been partially demolished, and some groundworks have taken place. The appellant states that the store was smaller than that shown on the submitted plans, and demolition has resulted in a reduction in the net increase and mass of the proposal. However, no alternative plans showing these changes are before me. Nor do I have revised calculations of the existing floorspace, or of the proposed overall increase, if any. As such, I can only base my decision on the existing and proposed plans as submitted.
10. The ground floor storage area had no internal access to the rest of the house. It did not provide primary living accommodation or a habitable area. That said, the planning policies do not make a distinction between different types of floorspace. The storage building was a solid structure attached to the house. On this basis, it should be included as 'existing' floorspace. There is no dispute that a first-floor extension to the house was carried out many decades ago, but after 1948. Nor is it disputed that the first-floor extension means that the dwelling already had a floor area greater than the 40% threshold, based on the submitted plans.
11. The existing garage would be demolished. Nevertheless, and even if the car port is not included as new floorspace, the proposed garage would result in the dwelling further exceeding the 40% restriction. It would thus be disproportionate in the terms of Local Plan policy BD4 and would not accord with Framework paragraph 154(c). No other category of Green Belt exception has been drawn to my attention as being relevant. It follows that the proposal would constitute inappropriate development.
12. Much of the area of the proposed garage would utilise embanked land, said to be filled with tipped materials. There would be few if any publicly obtainable views of the new garage. Even so, removal of the bank and its replacement with the garage would give the rear part of the site a harder, more built-up form. Furthermore, as

shown on a site section, parts of the proposal would protrude above what was the existing ground level. Consequently, it would permanently intrude into and harmfully diminish the spatial element of the openness of the Green Belt hereabouts, failing to preserve it.

13. For the reasons given above, the proposal would constitute inappropriate development in the Green Belt and would have a harmful effect on its openness. It would therefore conflict with Local Plan policy BDP4 and the Framework.

Trees and Vegetation

14. There are trees and woodland adjacent to the site which make a positive contribution to the character and appearance of the area. Furthermore, they could well provide a habitat for protected species. Paragraph 40 of the Natural Environment and Rural Communities Act 2006 (as amended) requires that every public body must, in exercising its functions, have regard to the purpose of conserving biodiversity.
15. The proposal would involve significant excavation in fairly close proximity to mature trees, within an area that the Council considered could form part of their root protection area. It was concerned that insufficient information had been provided to demonstrate the effects of the proposed excavation on the trees and their longevity. At appeal stage, the appellant has provided an Arboricultural Assessment (the Assessment). This shows that the root protection areas of the existing trees would not be breached by the proposal, including its earth works. The Assessment states that no formal tree protection is required.
16. The Council says that the Assessment does not provide enough information for its Tree Officer to be able to make comments. That said, its response does not identify what data is missing or incomplete. As a result, I see little reason to discount the Assessment, or to believe that the proposal would unduly shorten the lifespan of the trees. Accordingly, I am satisfied that it would not harm the character or appearance of the area in respect of the trees.
17. However, the proposal includes significant changes to the landform and the construction of a retaining wall at the woodland edge of the site. This includes works to the vegetation thereabouts. Little information, such as an ecological survey, is before me to demonstrate the presence or absence of protected species that could be affected by these works. Nor do I have details of any ecological mitigation.
18. During my visit, I saw that some excavation has already occurred, with what could be ecological barriers put in place. The proposed works to the vegetation may well be minor. Nevertheless, on the written information available to me, I cannot be satisfied that the proposal would not harm protected species. It is essential that any effects to species are established before planning permission is granted. As such, this matter cannot be left to a planning condition.
19. For the reasons given above, the proposal would not harm the character or appearance of the area in respect of the trees. It would therefore comply with Local Plan policies BDP1 and BDP19, and the Council's High Quality Design Supplementary Planning Document, adopted June 2019. These require consideration of the landscape and seek the retention of trees. Nonetheless, also

for the reasons set out, the proposal could well harm biodiversity, thus conflicting with the statutory duty.

Other Considerations and Planning Balance

20. Framework paragraph 153 makes clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. The proposal would be constructed of appropriate materials, and would be located within the existing garden, rather than encroaching into the countryside. It would provide additional vehicular storage, helping to reduce visual clutter at the site frontage. The proposal would increase natural light within the dwelling, improve its ventilation and reduce damp. However, as these benefits relate to a single dwelling, they are relatively small in scale and so I give them limited weight.
22. Against that, I have found that the proposal would be inappropriate development in the terms set out by the Framework, and would adversely affect Green Belt openness. I attach substantial weight to this harm in accordance with Framework paragraph 153. I attach additional moderate negative weight to the harm in respect of biodiversity. Accordingly, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

23. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight I give to them, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR