



Appeal Decision

Site visit made on 12 February 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2026

Appeal Ref: APP/C3430/C/24/3336376

1 Broomhall Cottages, Horsebrook Farm Lane, Brewood, Stafford ST19 9LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Stuart Maloney against an enforcement notice issued by South Staffordshire District Council.
 - The enforcement notice was issued on 1 December 2023.
 - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref 18/00338/FUL granted on 19 July 2018.
 - Planning permission 18/00338/FUL is for: Demolition of existing semi-detached dwelling and erection of detached dwelling.
 - The condition in question is no. 5 which states that: The existing dwellinghouse on site shall be demolished concurrently with the development. All material resulting from the demolition shall be reused in the proposed development or removed from the site and lawfully disposed of.
 - The notice alleges that the condition has not been complied with in that: There has been a failure to comply with condition 5 in that the existing semi-detached dwelling house at 1 Broomhall Cottages has not been demolished and remains in situ.
 - The requirement of the notice is: Demolish the dwellinghouse and remove all material resulting from the demolition from the land and lawfully dispose of it.
 - The period for compliance with the requirement is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The ground (a) appeal is allowed and the enforcement notice is quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act (as amended), condition no. 5 attached to the planning permission dated 19 July 2018, ref. 18/00338/FUL, is discharged.
2. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for demolition of existing semi-detached dwelling and erection of detached dwelling without complying with condition 5 but subject to the other conditions attached to planning permission 18/00338/FUL.

Preliminary matters

3. After the date of the site visit the Government issued a revised National Planning Policy Framework (NPPF). The main parties were asked to submit their comments on the revised NPPF and the comments received have been taken into account.
4. The Appellant was provided with the opportunity to submit a legal agreement to support his ground (a) appeal. A signed Unilateral Undertaking, made under Section

106 of the Act and dated 23 September 2026, has been submitted and will be taken into account in determination of the ground (a) appeal.

Reasons

The ground (a) appeal

5. 1 Broomhall Cottages is a semi-detached two-storey dwelling; its adjoining similar neighbour is no. 2. The detached dwelling that was granted pursuant to planning permission 18/00338/FUL has been built and is occupied. The deletion of condition 5 would result in the retention of no. 1. The reason for condition 5 is 'The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development'.

The main issues

6. The main issues are: first, whether the retention of 1 Broomhall Cottages is inappropriate development in the Green Belt; and second, the effect of the retention of the cottage on the openness and visual amenity of the Green Belt.

The first issue – inappropriate development

7. The application for the deletion of condition 5 was submitted on the basis that no.1, if retained, would become part of no. 2. No. 1 would therefore be, as a matter of fact, an extension of no. 2. Paragraph 1 of policy GB6 of the NPPF states that development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7; one of the categories being the extension of an existing building provided that it will not result in a disproportionate increase in size compared to the original building. This national policy requirement is repeated locally in policy GB1 of the South Staffordshire Core Strategy (SSCS).

8. The Council has adopted a 'Green Belt and Open Countryside Supplementary Planning Document' (SPD). The SPD, at paragraph 1.17, applies a range of percentage increases for extensions to dwellings "...to allow for flexibility in the application of this policy". The range of percentages is 20-40%, which is repeated in paragraph 4.3, and "All proposals will...be considered on the individual merits of the case". The Council, in their appeal statement and in an 'Authorisation for Enforcement Action', refer to a range of 10-20%, but this is to be applied for replacement buildings not for extensions. The Council has not, at any stage, sought to question the Appellant's application of the correct 20-40% range.

9. Detailed plans of nos. 1 and 2 have not been provided but, from a block plan submitted for application ref. 21/00470/LHSHLD, no. 1 has a floor area about 55% of the floor area of no.2, excluding rear single storey extensions. If these extensions are taken into account the increase in floor area of no. 2 would be, if no. 1 is an extension, about 50%. This exceeds the range specified in the SPD. The Council determined, in consideration of the aforementioned application, that prior approval was not required for a single storey rear extension, 6 metres deep by 4 metres wide, of no. 2. That extension has not been constructed and the Appellant accepts that permitted development rights could be withheld for this and any future extensions.

10. Permitted development rights, afforded by The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), could be withheld as they are for the dwelling erected pursuant to planning permission 18/00338/FUL. The effect of withholding permitted development rights for extensions would prevent the

erection of the extension at no. 2, for which prior approval is not required, without first obtaining planning permission. The Appellant therefore argues that the floor area of the proposed extension can be taken into account in considering whether no. 1 would be a disproportionate 'extension' of no. 2. A similar consideration led to the grant of planning permission 18/00338/FUL.

11. The Council has stated that "The new dwelling approved in 2018 was to replace the existing cottage which is subject to this current application. Whilst it was considered 'materially larger' than the building it was to replace, the 2018 application was approved on the basis that extensions which could be constructed under permitted development rights would be more harmful to openness than the proposed new dwelling". Setting aside harm to openness, if permitted development rights are withheld for extensions to no. 2 then the addition of no. 1, to assess whether it would be a disproportionate extension, can be compared to the floor area of no. 2 with the rear extension that could be lawfully erected under permitted development rights.

12. No. 2 has a small existing rear extension but this has not been taken into account because the Appellant accepts that it could be demolished if planning permission is granted for retention of no. 1. Neither main party has carried out any detailed calculation and comparison of floor areas of nos. 1 and 2 and existing and proposed extensions. Having taken all evidence into account no. 1 would be an 'extension' of slightly less than 40% when compared to no. 2 and what could be a lawful extension. The 'extension', in adopted local policy terms, would not be a disproportionate addition to no. 2, subject to withholding permitted rights and ensuring that no. 1 is used for no other purpose than as residential accommodation associated with no. 2.

13. The Unilateral Undertaking has three Owner's Obligations; permitted development rights are withheld for development falling within Classes A and B of Part 1 of Schedule 2 of the GPDO, no. 1 shall be retained as an extension of no. 2 and shall not be subdivided or used independently of no. 2 at any time, and within six months of the date of this decision the existing small rear extension of no. 2 shall be demolished. The Undertaking has been executed as a deed by the Appellant.

14. With the Unilateral Undertaking in place the retention of 1 Broomhall Cottages and its use as an extension to 2 Broomhall Cottages would not constitute inappropriate development in the Green Belt. The proposal does not conflict with CS policy GB1 or NPPF policies GB6 and GB7.

The second issue – openness and visual amenity of the Green Belt

15. Nos. 1 and 2 were built at the same time before 1882 and, as can be expected given that they are a pair of dwellings, have the same form, design, materials and architectural details. Views of the dwellings from Horsebrook Farm Lane are of the gable end of no. 1 and a very oblique view of the north-west frontage of the building. If no. 1 was to be demolished these views would be of the gable end of no. 2 and a very oblique view of its south-west frontage. In views from the lane there would be no material change to the visual openness of the Green Belt if no. 1 was to be demolished or retained. In fact, if no. 1 was to be demolished and if the Appellant was to exercise his permitted development rights to erect a rear six metre deep single storey extension of no. 2, then there would be a material change to the openness of the Green Belt.

16. The lane that provides access to nos. 1 and 2 is a public right of way that extends as a footpath to the west. From this right of way the demolition would have an effect on the visual openness of the Green Belt. However, given the similarity of visual

appearance of nos. 1 and 2 it is unlikely that a walker on the right of way would notice any material change to visual openness. The proposed rear extension of no. 2, which could be built under permitted development rights, would have about the same footprint as no. 1. Though no. 1 is two storeys and has a greater volume than would the extension its effect on spatial openness of the Green Belt would not be materially different, given its different location and orientation. The obviously sympathetic appearance of no. 1 to no. 2 would result in no harm being caused to visual amenity.

17. The retention of 1 Broomhall Cottages and its use as an extension to 2 Broomhall Cottages would not result in a material loss of openness or any harm being caused to the visual amenity of the Green Belt.

Conclusion on ground (a)

18. The deletion of condition 5 of planning permission 18/00338/FUL and thus the retention of 1 Broomhall Cottages as an extension to 2 Broomhall Cottages would not constitute inappropriate development in, and would not result in any material harm to the openness of, the Green Belt. The ground (a) appeal succeeds and planning permission has been granted for demolition of existing semi-detached dwelling and erection of detached dwelling without complying with condition 5 but subject to the other conditions attached to planning permission 18/00338/FUL. The ground (f) appeal does not need to be considered.

John Braithwaite

Inspector