



# Appeal Decision

Site visit made on 4 August 2010

by **Alan Boyland** BEng(Hons) DipTP CEng  
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an Inspector appointed by the Secretary of State  
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**Decision date:**  
**24 August 2010**

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## Appeal Ref: APP/R1845/A/10/2127798

### The Tythe House, Broome, Stourbridge, Worcs., DY9 0ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Potter against the decision of Wyre Forest District Council.
- The application Ref 09/0565/FULL, dated 4 August 2009, was refused by notice dated 20 November 2009.
- The development proposed is a storage building.

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### Decision

1. I dismiss the appeal.

### Policy

2. Since the appeal was made, the Regional Spatial Strategy (RSS) for the West Midlands has been revoked and so no longer forms part of the development plan. However, although policies QE.1 and QE.3 of the RSS are referred to in the Council's reasons for refusal and listed amongst the relevant policies in the officers' report on the application, they are not mentioned further in the authority's submissions and I note the appellant's view that they do not add anything to the policy in Planning Policy Guidance (PPG) 2: *Green Belts*. I am satisfied that the decision on this appeal does not turn on the RSS policies, and that the policies in the Worcestershire County Structure Plan (SP), Wyre Forest Adopted Local Plan (LP) and PPG can be relied on in this instance.

### Main issue

3. It is undisputed that the proposed storage building would represent inappropriate development in the Green Belt, within which the site is situated. It is not required for any of the purposes listed in LP policy GB.1, in paragraph 3.4 of PPG2 and embodied in SP policy D.39. As the PPG indicates, inappropriate development is, by definition, harmful to the Green Belt.
4. The main issue, therefore, is whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

**Reasons***Other harm*

5. The PPG stresses that the most important attribute of Green Belts is their openness. Openness is essentially freedom from development, irrespective of its visibility, and it follows that a new building such as is proposed here would harm that attribute.
6. The scale of the building has a considerable bearing on the extent of the harm. The one proposed here would be 12m long by 7.5m wide (including the overhanging canopy which I consider should be counted as within the footprint of the building for the purposes of this assessment) and 5.5m high to the ridge. However, the appellant suggests that account should also be taken of a previous building on the same site and a planning permission elsewhere on his property.
7. It is undisputed that until 2006 there was an originally agricultural shed on part of the site, which was then demolished and not replaced. As it is clear that a like-for-like replacement would not meet the appellant's current requirements, I attach only limited weight to the possibility of such a replacement as a fall-back that might be offset against the impact of the proposed building. In any event, the submitted plan shows that the footprint of the former shed was only about 40% of that of the structure now proposed. Moreover, it appears to have been a simple structure with a mono-pitched roof, and I estimate that it is unlikely to have been much more than half the height of the building now proposed. The latter would therefore have a significantly greater bulk and hence impact on the openness of the Green Belt.
8. Planning permission was granted in 2007 for a stables and tack room building about 100m from the appeal site. I saw that the only work there so far has been excavation for the base of the building, and the appellant's contention that this constitutes commencement of the development has not been challenged. That being so, as I understand it the building could still be completed even though the permission is more than 3 years old.
9. However, the appellant has entered into a planning obligation by way of a unilateral undertaking dated 13 August 2009. The main provision of this is that, subject to the granting of planning permission for the proposal that is the subject of this appeal, the appellant will not continue with the development of the stables and tack room building, and will reinstate the site. This, if put into effect, would reduce the net increase in the overall extent of built development on the property. However, I note that the date by which the obligation requires reinstatement of the land to be complete (6 months from the date of the undertaking) has already passed. It seems to me that this casts doubt on whether the obligation could be enforced if it were now to be 'triggered' by a permission arising from this appeal.
10. The appellant acknowledges that the stables and tack room building would be smaller than the currently proposed building, and has not challenged the Council's indication that it would be 11m x 3.5m x 3.5m. Thus its footprint would be less than half that of the building now proposed and its roof would be 2m lower. Accordingly I consider that, even if the intentions expressed in the obligation were implemented, there would still be a net reduction in the

- openness of this site and hence of the Green Belt. Indeed, this would still be so if the former shed were also taken into account.
11. For the same reasons I consider that the proposed development would conflict with one of the purposes of including land in Green Belts as indicated in the PPG, namely to assist in safeguarding the countryside from encroachment.
  12. I recognise that the degree of conflict with that purpose and the loss of openness arising from this individual building would be modest, but that argument could be repeated too often. The cumulative effect of many such incursions would be very harmful to the Green Belt.
  13. Apart from its concerns about the size of the proposed building, the Council raises no objection to its appearance. I consider it to be acceptable in this respect subject to the use of appropriate external materials, which could be secured through a planning condition.
  14. However, I share the authority's concern about the proposed location. Despite having cited LP policy AG.4 in one of its reasons for refusal, the Council acknowledges that it is strictly not applicable to this proposal as it relates only to new agricultural buildings. But the principle in that policy that new agricultural buildings should be sited adjacent to existing farm buildings rather than in isolated positions is also extended more generally by LP policy D.5 to any development in the countryside. The proposed building would be well away from the other buildings in the group around the Tythe House (it would be closer to buildings on the adjacent property, but would not be functionally related to these). In my view this would be harmful to the character of the countryside and contrary to LP policy GB.6 through harm to the visual amenity of the Green Belt by virtue of siting.
  15. Similarly, the Council's reasons for refusal cite LP policy GB.3, which relates to outdoor sport and recreation, including necessary ancillary buildings, in the Green Belt. The appellant makes it clear that he does not rely on the exception provided for under this policy, which is consistent with his acceptance (and the Council's view) that the building would represent inappropriate development in the Green Belt. To the extent that its principles are nevertheless pertinent, I note that, while the appellant claims on the one hand that the building would be no larger than necessary for storage purposes, he also stresses on the other hand that its height is necessary to interrupt sightlines. I return to these points below, but the latter does not constitute a need ancillary to the use of the paddocks within which the building would be situated.

*Other considerations*

16. The appellant advances two main justifications for the proposed building. Firstly it is stated that it is needed for the storage of hay and bedding for horses and to house two tractors and associated equipment. The need for such facilities is not disputed, but I have seen nothing to demonstrate that it cannot be met within existing buildings in the group adjacent to the house. These comprise a building containing stables and various storage bays and rooms, a large garage block comprising the equivalent of at least 3 double garages, and a barn, all grouped around a yard. The first two of these are of fairly recent construction. The barn is much older, listed and partially-restored.

17. I saw that the appellant currently keeps the tractors and equipment in the barn. Access to it is awkward due to differential ground levels and the limited height of the doorway, but it seems to me that both of these issues could be addressed by modest, carefully-designed works while preserving the character of the building. I note the appellant's aspiration to convert the barn into ancillary residential accommodation, for which he says planning permission has been granted but has lapsed. However, that is a matter of personal choice on his part. Similarly the fact that he uses the garage to store his collection of classic cars, rather than using at least part of it to house the tractors, is again a personal choice. To my mind neither choice creates an essential need for an additional building elsewhere on the property.
18. Secondly, the appellant indicates that the proposed building is intended to block views from and to a building including living accommodation within the curtilage of the adjoining property. Its position and height are specifically designed for that purpose. With regard to views from that building, the appellant cites security concerns, particularly that the front door to the Tythe House would be visible from the upper rear window in the building in question. Such passive surveillance is often regarded as increasing, rather than adversely affecting, security but in any event I consider that at a distance of some 200m and an angle of some 45° from the relevant window any adverse impact on security or privacy would be minimal.
19. I agree that the bright colour of the roof of the neighbouring building is striking and discordant, but it is only glimpsed from the Tythe House through a narrow gap between trees and hedges at a distance of some 200m. I do not consider that the harm to the appellant's living conditions is limited. Moreover, there are other means of blocking the sightline between these two buildings, such as closing the gap in the boundary planting by tree and/or hedge planting or introduction of some form of screening closer to the Tythe House.
20. In addition to the policies to which I have referred above, the Council's reasons for refusal also cite LP policies D.1 and D.3. While I consider that the proposed development would not fully accord with these general design policies, my decision does not turn on this.

### **Conclusions**

21. I have found that the proposed development would be harmful by virtue of inappropriateness, conflict with one of the purposes of including land within the Green Belt, loss of openness and the impact on the character of the countryside. I consider that this harm, cumulatively, is not outweighed by the claimed need for the building. Accordingly I conclude that very special circumstances to justify inappropriate development do not exist. It follows from this that the requirements of SP policy D.39, LP policy GB.1 and PPG2 would not be met.
22. For the reasons given above I conclude that the appeal should be dismissed.

*Alan Boyland*

Inspector