

Open

Planning Committee

Agenda

6pm
Tuesday, 21st March 2017
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams
Vice-Chairman: Councillor C Rogers

Councillor J Aston

Councillor J R Desmond

Councillor M J Hart

Councillor N Martin

Councillor J A Shaw

Councillor S J M Clee

Councillor J A Hart

Councillor D Little

Councillor F M Oborski MBE

Councillor R J Vale

Information for Members of the Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Lynette Cadwallader Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732729 or email lynette.cadwallader@wyreforestdc.gov.uk

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of the Council’s constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council’s Legal Officer at the meeting.

*Unless there are no reports in the open session.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or Director of Economic Prosperity & Place before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Economic Prosperity & Place.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, “background papers” in accordance with Section 110D will always include the case Officer’s written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 21st March 2017

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 21st February 2017.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	45
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

8.	Exclusion of the Press and Public To consider passing the following resolution: “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.	
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Part 2

Not open to the Press and Public

9.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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**WYRE FOREST DISTRICT COUNCIL
PLANNING COMMITTEE
COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER
21ST FEBRUARY 2017 (6PM)**

Present:

Councillors: S J Williams (Chairman), C Rogers (Vice-Chairman), J Aston, S J M Clee, J R Desmond, J A Hart, M J Hart, D Little, N Martin, F M Oborski MBE, J A Shaw and R J Vale.

Observers:

Councillor: H E Dyke.

PL.63 Apologies for Absence

There were no apologies for absence.

PL.64 Appointment of Substitutes

No substitutes were appointed.

PL.65 Declarations of Interests by Members

There were no declarations of interests.

PL.66 Minutes

Decision: The minutes of the meeting held on 17th January 2017 be confirmed as a correct record and signed by the Chairman.

PL.67 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 551 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No.551 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.68 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

There being no further business, the meeting ended at 7.06pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

21st February 2017 Schedule 551 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Development Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference: 17/0008/S73

Site Address: EASTER PARK, HOO FARM, WORCESTER ROAD, SUMMERFIELD, KIDDERMINSTER, DY11 7AR

REFUSED for the following reason:

There will be an adverse effect on local amenity given the increase in noise by permission being granted for night time deliveries as a result of the variation of condition 4 of 06/0065/RESE.

Application Reference: 16/0325/FULL

Site Address: PARK ATTWOOD CLINIC, TRIMPLEY LANE, SHATTERFORD, BEWDLEY, DY12 1RE

APPROVED, subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Materials to be agreed
4. Removal of PD rights – extensions and outbuildings and fences
5. Scheme for surface water drainage
6. Disposal of foul water flows
7. Satisfactory means of drainage
8. Scheme of archaeological work
9. Site investigation and post investigation assessment
10. Arboricultural Method Statement
11. Provision for accommodating bat roost facilities
12. External lighting
13. Badger survey
14. Owl boxes and hedgehog homes to be installed
15. Landscaping plan to include a habitat plan
16. Landscaping works

Notes

- A Public sewers
- B Building Regulations
- C Wildlife and Countryside Act 1981

Application Reference: 16/0688/FULL

Site Address: RIFLE RANGE COMMUNITY CENTRE, DOWLES ROAD, KIDDERMINSTER, DY11 7NU

Delegated authority to **APPROVE** the application be granted, subject to:-

- a) the signing of the **Section 106 Agreement**; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. Materials to be agreed
 - 4. Landscaping (Small scheme)
 - 5. Affordable housing only
 - 6. Drainage to be agreed
 - 7. Closure of existing vehicular access
 - 8. Stopping up of existing layby
 - 9. Provision of visibility splays
 - 10. Parking in accordance with approved plans
 - 11. Cycle parking
 - 12. Construction Management Plan
 - 13. Welcome pack for new residents

Notes

- A SN2 (Section 106 Agreement)
- B Private apparatus within the highway
- C Section 278 Agreement
- D Protection of visibility splays

Should the S106 Agreement as required not be signed and agreed by 18/07/2017 then **delegated** authority is given to **REFUSE** the application for the following reason:

The applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act (1990)(as amended) for the contributions required towards open space provision in the District. To approve the application without such agreement would be contrary to the policies of the development plan. There are no material consideration, in this instance, which would override the requirement to provide such contributions. The proposal therefore fails to satisfy the requirements set out in the Planning Obligations SPD.

Application Reference: 16/0708/FULL

Site Address: 2 QUEENS ROAD, STOURPORT-ON-SEVERN, DY13 0BH

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Materials to be approved
4. The use shall not commence until an extraction system, to the satisfaction of WRS, has been installed and made fully operational. The extraction to remain in-situ for the lifetime of the development.
5. Opening hours
6. Provision of bin and litter collection management plan

Application Reference: 17/0020/REGS3

Site Address: 2-3, NEW STREET STOURPORT-ON-SEVERN, DY13 8UN

APPROVED subject to the following conditions:

1. Permission to enure for the benefit of the Council only
2. A6 (Full with no reserved matters)
3. A11 (Approved plans)

Application Reference: 17/0021/LIST

Site Address: 2-3, NEW STREET STOURPORT-ON-SEVERN, DY13 8UN

APPROVED subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. B2 (Sample brick panel - doorway)
5. B9 (Details of windows and doors)

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

21/03/2017

PART A Report

Ref.	Address of Site	Recommendation	Page No.
16/0703/FULL	FIELD 2 GLEBE LAND CHURCHILL LANE CHURCHILL KIDDERMINSTER	REFUSAL	12

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
16/0740/S106	4-36 (even) GALA DRIVE STOURPORT-ON-SEVERN	DELEGATED APPROVAL	37
17/0006/S106	LAND OFF MILL LANE STOURPORT-ON-SEVERN	DELEGATED APPROVAL	40

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
21st MARCH 2017

PART A

Application Reference: 16/0703/FULL **Date Received:** 15/11/2016
Ord Sheet: 388207 279617 **Expiry Date:** 10/01/2017
Case Officer: John Baggott **Ward:** Wyre Forest Rural

Proposal: Construction of detached 4 bed dwelling (Resubmission)

Site Address: FIELD 2 GLEBE LAND, CHURCHILL LANE, CHURCHILL,
KIDDERMINSTER, DY103LX

Applicant: Mr R Owen

Summary of Policy	DS01, CP01, CP02, CP03, CP05, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.PDS1 (SAAPLP) CB3, CB5, CB6, CB8, CB17, CB18 (Churchill & Blakedown Neighbourhood Plan) Design Guidance SPD NPPF (Sections 3, 4, 6, 7, 9, 11 and 12)
Reason for Referral to Committee	Councillor request for application to be considered by Committee Parish Council Request to Speak on the Application
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site is located off Churchill Lane, Churchill, and is adjacent to but outside of the Churchill Conservation Area. The site, as with the entire settlement of Churchill and the surrounding area, is located within the Green Belt
- 1.2 The site is accessed directly from Churchill Lane via an existing gated access, and consists of largely disused equestrian related land made up of mostly open grassland, rising to the north west, with an area of concrete hardstanding at the south east end of the site (nearest to Churchill Lane) along with a stable block and tack room (capable of accommodating 3 horses).
- 1.3 The site features mature boundary hedging supplemented by young trees in the vicinity of the entrance to the site.
- 1.4 A public footpath runs along the north west boundary of the overall site.

16/0703/FULL

2.0 Planning History

- 2.1 WF/0758/02 – Change of use of land to the keeping of horses and erection of building for loose boxes, implement and feed storage – Approved.
- 2.2 02/0960/FULL – Change of use of land for the keeping of horses and erection of 3 stables and tack room – Approved.
- 2.3 07/0258/FULL – Erection of wooden chalet (dwelling) in association with the keeping of horses – Refused and Dismissed on Appeal (as inappropriate development in the Green Belt and impact on openness).
- 2.4 08/0254/FULL – Erection of hay and implements barn – Refused and Dismissed on Appeal (as inappropriate development in the Green Belt and impact upon openness).
- 2.5 16/0442/FULL – Construction of detached two storey dwelling - Withdrawn

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – No Objection. Members agreed in principle that the (Applicant's) case, in their opinion, meets the criteria of the NPPF, Wyre Forest District Council's Site Allocations and Policies Local Plan, and the emerging Churchill & Blakedown Neighbourhood Plan regarding Local Housing Need for families and those with disabilities, and persons wishing to build their own home.

If their planning application is recommended for approval Members are minded to designate the area of the proposed building plot (being the land currently developed as stables) as a Rural Exception Site reflecting the Owen's exceptional circumstances, subject to the further advice requested from Wyre Forest District Council's Planning Policy and Development Control Officers regarding the procedure for designating this land.

The Parish Council would not wish to see any wider or more intensive development of the proposed building plot or the Green Belt land adjoining it.

- 3.2 Highway Authority – No objection, subject to conditions.
- 3.3 Planning Policy Manager – Objection, and recommends Refusal.

The application has been supported by additional information regarding the health of the applicant who currently lives in Churchill. The evidence states that the dwelling that the applicant currently occupies cannot be adapted satisfactorily to meet the applicants needs. The applicant is seeking support for the scheme under paragraphs 87, 88 and 89 of the NPPF which relate to very special circumstances.

16/0703/FULL

However in planning policy terms it is considered that the requirements of the applicant and his personal circumstances do not override the requirements to safeguard the Green Belt.

In conclusion, the proposals are considered to be contrary to Chapter 9 of the NPPF and policies DS01 and CP05 of the Adopted Core Strategy and policies SAL.UP1, SAL.DPL1, SAL.DPL2 of the Wyre Forest District Site Allocations and Policies Local Plan.

3.4 Countryside Conservation Officer – No objection.

3.5 Conservation Officer – No objection.

The application site lies adjacent to but not within the Churchill Conservation Area. It is also within quite close proximity to Bache's Forge, a scheduled monument and listed building however it is separated from the monument by a minor road with densely wooded and hedged verges and a small stream.

Given that development of the type proposed may be considered inappropriate within the Green Belt I note that the proposal has been designed to meet the tests set out in paragraph 55 of the NPPF and very special circumstances have been outlined.

The Churchill Conservation Area is vulnerable to development which impinges on wide-reaching views across the Area from both the high ground at the western edge of the Area and from the railway line and A456 road which run to the east. Views across the Area from within the Area itself, with the exception of the high ground to the rear of Church Farm are limited due to the linear nature of the majority of the Area, which follows Churchill Lane and the adjacent stream.

In the Planning Statement (Section 6, Heritage Statement) the applicant clearly analyses the potential impact the proposed development could have on views across the area. I generally agree with this analysis however I do consider that in winter (when the tree screen is less effective) the development will be somewhat more visible from both the west and east of the Area than is suggested in the application documents.

The Planning Statement also refers to paragraph 137 of the NPPF which states that "proposals that make a positive contribution to....the heritage asset should be treated favourably".

In this application the design of the proposed dwelling has been very carefully considered both in relation to the end-users and to the context in which it will sit. I note that the design has been subject to a full Review by the Design Panel at MADE and I concur with its conclusions:

16/0703/FULL

“The Panel welcomed the proposed location of the new dwelling at the lowest point of the site currently occupied by the stable block.”

“Indeed the Panel recognised the careful consideration and extensive analysis that had gone into the development of the design and the overall high quality of the proposed dwelling, its landscape setting and the combination of sustainable design features incorporated in nearly every element of the building including high levels of insulation, ground heat pumps and solar shading.”

“...given its juxtaposition with other buildings in the village and that its development would be a natural evolution of Churchill’s rather loose and informal settlement pattern.”

I consider that this building which has resemblance to a cluster of agricultural or historic forge buildings is entirely appropriate to the location, set into the east-facing sloping ground leading down to Churchill Lane. I am not overly concerned that it could be partially visible from the west or east, particularly in winter, as its design makes a positive contribution to the adjacent Churchill Conservation Area, and will enhance views of it. If it is visible at all from Bache’s Forge it will again provide a degree of enhancement of that view across the Conservation Area.

As such I believe the proposal meets the requirements of the NPPF and WFDC Policy SAL.UP6 and I have no objections.

- 3.6 North Worcestershire Water Management (NWWM) – No objection, subject to conditions.
- 3.7 Severn Trent Water – No objection, subject to conditions.
- 3.8 Strategic Housing Services Manager – No comments received.
- 3.9 Arboricultural Officer – No objection.
- 3.10 Campaign to Protect Rural England (CPRE) – We object to this application as premature and as being unacceptable development in the Green Belt.

The site is in Green Belt, adjoining but outside the Churchill Village Envelope. Your Council is undertaking a review of its Green belt boundary, but this is at an early stage and has not yet been consulted upon. The site falls in a gap in the developed frontage that might conveniently be filled in by the Envelope boundary being altered through the Green Belt Review. However, unless and until the boundary is altered, this application is for unjustified and unacceptable development in the Green Belt. No Very Special Circumstances have been shown by the applicant to justify departure from the normal prohibition on most development in the Green Belt.

16/0703/FULL

Churchill and Blakedown Neighbourhood Plan has reached its Submission stage. The existence of this is not a “Very Special Circumstance”. Indeed, the Submission Version of it gives no aid to the applicant at all. Its Objective 7 refers to “small-scale housing developments within the village boundaries”. Since the term “village boundaries” is not otherwise defined, it appears to be identical to the village envelope, which is identical to the Conservation Area, shown on one of its plans. Furthermore its policy CB18 expresses a preference for small “affordable” schemes and bungalows. This is about small dwellings for local people to meet local needs. This would be a large dwelling and likely to be for an outsider.

As a site adjoining the Churchill Conservation Area, it is important that the development should conform to (and better still enhance) the character of that Area. The artist’s impression on the front of the Design and Access statement shows a design which would be a punch in the face to the Conservation Area: it is much too bold in its impact. A black steel roof is inappropriate for a dwelling in an area where the norm is red tiles or grey slates.

The proposal appears to indicate that the whole of a substantial field would be taken out of agriculture (currently perhaps keeping horses for leisure) and become garden land. This is also an unacceptable change to the Green belt. At worst, the part of the site beyond the proposed house should retain an agricultural use. Otherwise the argument may be made in future that it is garden land, whose development is (at that point) acceptable, making it difficult to resist an application for housing on a scale that would be wholly inappropriate to Churchill.

Approval of this application would be an unjustified departure from planning policy. If it is recommended for approval, we would ask that the decision should be referred to the Planning Committee, not taken under delegated powers.

Officer comment: Whilst the CPRE’s comments have been reproduced in full, Members are advised that they do contain some factual inaccuracies (e.g. the origin of the Applicant) and include comments in relation to the Conservation Area and the building design which are arguably beyond the remit of the CPRE. There are also comments which speculate as to the future development of the site, which are not relevant to the current application.

- 3.11 Neighbour/Site Notice – The application has been the subject of local neighbour notification and site notices have been posted.

A single letter of objection has been received, raising concerns regarding:

- Inappropriate development in the Green Belt;
- Incongruous design and adverse impact upon the streetscene;
- Highway Safety

16/0703/FULL

In addition, a total of 90 letters of support have been received, with approximately 50% of these response coming from addresses within the Churchill and Blakedown area; 25% from within the wider vicinity of the site (i.e. elsewhere in the Wyre Forest District and beyond into the Dudley Metropolitan Borough); and, the remaining 25% somewhat further afield from addresses elsewhere within the UK, which suggests that the applicant has proactively sought support for the proposal from friends and family.

The ground for support can be summarised under the following two bullet points:

- The personal circumstances of the applicant and the associated long term needs of the family;
- The quality and design of the proposed dwelling.

4.0 Officer Comments

4.1 Planning permission is sought for the erection of a substantial, and distinctive, 4 bedroom detached dwelling which would also feature additional carer facilities, the need for which is described later within this report.

4.2 In addition to the requisite application forms and plans, the application has been accompanied by the following documents:

- Planning Statement;
- Design and Access Statement;
- Landscape Design Statement;
- Landscape and Visual Assessment Report;
- Structural Feasibility Report;
- Construction Methodology Statement;
- Phase 1 Habitat Survey.

4.3 In addition, and in support of the application in terms of the Personal Circumstances of the Applicant, which are discussed in detail later in the report, the following additional (confidential) submissions have been provided, which are not in the public domain due to the personal and sensitive nature of their content:

- Suitability Statement (in terms of the Applicant's existing nearby property);
- Accessibility Statement ((in terms of the Applicant's existing nearby property);
- Very Special Circumstances and Justification Statement;
- Letters from the Medical Profession regarding the Applicant's Medical condition and associated needs.

16/0703/FULL

- 4.4 The Applicant's Agent claims that the proposed dwellinghouse takes its design influences from the existing local agricultural buildings resulting in a contemporary, open plan, property, which takes advantage of the contours of the site to present a single storey elevation to the North.
- 4.5 The proposed property would be entirely DDA (Disability Discrimination Act) compliant and has been designed specifically to meet the needs of the applicant, and the existing site constraints and characteristics. Laid out over 3 floors (including the roof space), the internal layout is fairly simplistic, allowing for the necessary accessibility and adaptability to meet the needs of the applicant, whilst delivering a functional family friendly home. Whilst the principal living area would be on one level, the house has been designed around the provision of a DDA compliant through lift to maximise access to all areas for the applicant, again for the reasons set out later in this report. There are 4 bedrooms, along with separate carer accommodation integral to the dwelling, but with no direct access between the two. The varied roof form and split level design serves to reduce the overall bulk and massing of what is a not insignificant building, but which nevertheless would not sit uncomfortably within the surrounding landscape.
- 4.6 The design is considered to be of a high quality and the proposed palette of external materials, which include larch cladding; corten steel (i.e. a weathering steel which is corrosion resistant and when left uncoated develops an outer layer patina); white render; and, zinc roof, which is reflective of the agricultural heritage of buildings within the wider vicinity, are considered appropriate, notwithstanding the immediate proximity to the boundary with the Churchill Conservation Area. In this particular regard, the comments of the Conservation Officer at paragraph 3.5 of the report are noteworthy and confirm the support for the design and appearance of the building as proposed.
- 4.7 There is much to commend the proposed design, not least of which being the use of sustainable technologies within the build to include, but not restricted to, a SUDs drainage scheme; Rainwater harvesting; Solar PV roof mounted panels (integral to the design rather than an "add-on" or after thought); Energy Management technologies; Internal Thermal Store; Mechanical Ventilation with Heat Recovery (MVHR) technologies; and, the latest technologies in terms of insulation and the circulation of heat within the property. That said, whilst welcomed these are not unusual or ground breaking.

PLANNING POLICY

- 4.8 The starting point in considering the application in terms of relevant planning policy must be National and Local Green Belt Policy, give the above mentioned location of the site within the Green Belt. To clarify, at this point, with the exception of the stable building and associated hard-standing, the site has not previously been developed.

16/0703/FULL

4.9 Paragraph 79 of the National Planning Policy Framework (NPPF) states that:

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

4.10 The status and importance of the Green Belt has been the subject of a relatively recent (July 2016) Ministerial Statement, which in turn is a material planning consideration. Within the Statement, the Communities and Local Government Secretary of State stressed that the Green Belt is “*absolutely sacrosanct*” and that:

“The Green Belt remains special. Unless there are very exceptional circumstances, we should not be carrying out any development on it”.

4.11 Paragraph 87 of the National Planning Policy Framework (NPPF) states that:

“... inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (Officer’s emphasis).

While Paragraph 88 of the NPPF makes it clear that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “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.” (Officer’s emphasis)

4.12 Paragraph 89 of the NPPF goes on to add that:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”.

However, listed (within paragraph 89) exceptions to this statement are:

- *Buildings for agricultural and forestry;*
- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries;*
- *The extension or alteration of a building provided that it does not result in disproportionate additions*;
- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infilling in villages, and limited affordable housing for local community needs*;

16/0703/FULL

- *Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact upon the openness of the Green belt and the purpose of including land within it than the existing development”.*

These exceptions are essentially replicated, and supplemented, within Policy SAL.UP1 “Green Belt” of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (SAAPLP).

- 4.13 The Applicant’s Agents have identified Bullet Point 5 *“Limited infilling in villages, and limited affordable housing for local community needs ...”* as being relevant to their client’s application, and in doing so state that the NPPF provides no definition as to what is meant by *“infilling in villages”*.
- 4.14 Firstly, in considering this argument it is necessary to establish whether Churchill represents a village in terms of the policies of the SAAPLP. Whilst on the face of it this may appear so, Paragraph 4.19 of the SAAPLP, under the heading of *“Housing within Settlement Boundaries”*, identifies a number of rural settlements which have settlement boundaries for the purposes of allowing infill development. However, Churchill is not included in this list
- 4.15 Secondly, whilst it is the case that *“limited infilling”* is not defined within the NPPF, it is Officers’ opinion, based upon past experience, that *“limited infilling”* normally comprises the development of a modest gap in an otherwise substantially built up frontage. The application site consists of a large enclosed paddock with associated stables, with an extensive frontage width of some 35 metres, which in Officers’ opinion does not constitute a modest gap.
- 4.16 The site is situated on the western side of Churchill Lane which in this vicinity is characterised by occasional residential development interspersed with paddock land and pockets of trees. The large landscaped plots serving the small number of dwellings located along this part of Churchill Lane add to the sense of spaciousness, and one might say *“openness”* of this area. The proposed development would punctuate the existing tapestry of fields and paddocks, rather than providing a cohesive group of buildings. This being the case, it is considered that the application cannot be viewed as being located within an otherwise built up frontage.
- 4.17 Whilst it is the case that Policy SAL.UP1 of the SAAPLP is silent on the matter of limited infilling in villages, it remains closely aligned with the NPPF in respect of limited affordable housing for local community needs, stating there would be support for:

“.... small-scale affordable housing, reserved for local needs in accordance with Policy SAL.DPL2: Rural Housing” (of the SAAPLP).

16/0703/FULL

- 4.18 The personal circumstances, and in turn the needs, of the Applicant, are discussed more fully later in this report. Policy SAL.DPL2 “Rural Housing” of the SAAPLP states that:
“Within the rural areas of the District, proposals for residential development will not be permitted unless one of the following exceptional circumstances applies:
- *The site is identified by the relevant town/parish Council as an exceptions site to meet an identified local housing need;*
 - *The site is required to meet an established existing functional need for a rural worker’s dwelling;*
 - *It is for the replacement of a permanent existing lawful dwelling;*
 - *The site is subject to a Community Right to Build Order.”*
- 4.19 The proposed residential development does not satisfy any of the above listed exceptions, and in terms of the first of the above bullet points, whilst there is support for the Applicant and his development from Churchill and Blakedown Parish Council, as reported above, it is the case that the application site has not been formally identified as an exception site to meet an identified housing need; its has not been promoted as such within the Churchill and Blakedown Neighbourhood Plan; nor has any detailed evidence been supplied to demonstrate why there is a strong case for the land in question to be included within any local Housing Needs Survey.
- 4.20 In any event, given the size and likely cost of the proposed dwelling, Officers question if the new property would meet the definitions of *“limited affordable housing for local community needs”* or *“small-scale affordable housing reserved for local community needs”*, (Officers emphasis) as referred to within the above referenced National and Local Policies.
- 4.21 For the above reasons, Officers are of the opinion that, contrary to the Agent’s assertions, the development would not represent *“limited infilling”* within a village. Nor does it provide *“limited affordable housing for local community needs”*. This being the case, the proposed development fails to satisfy any of the criteria set out within the aforementioned exception list under Paragraph 89 of the NPPF, and as such must be viewed as constituting inappropriate development in the Green Belt, which is therefore harmful by definition.
- 4.22 At this juncture, Members attention is drawn to Section 2 of this report and the relevant planning history for the application site. At paragraph 2.3 in particular, reference is made to a previous planning application for what was a two bedroom dwelling on this site which was refused on the grounds of being inappropriate development in the Green Belt and harmful to the openness of the Green Belt, amongst other reasons. Members will have noted that a subsequent appeal against the Council’s decision was dismissed, with the Planning Inspector also concluding that the proposed development was harmful to and inappropriate within the Green Belt. Such previous decisions cannot be ignored and are relevant and material to the consideration of the current application.

16/0703/FULL

- 4.23 Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas, but states that *“local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances”* which at associated bullet point 4 includes:

“the exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- *Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *Reflect the highest standards in architecture;*
- *Significantly enhance the immediate setting; and*
- *Be sensitive to the defining characteristics of the local area”.*

- 4.24 As has already been stated, the proposed dwelling is of a high quality design and makes effective use of the topography of the site. The design takes its references from traditional agricultural and stable buildings evident in the wider area and the sustainable credentials, in terms of building and renewable technologies, is recognised and to be applauded. However, under no circumstances could the design be considered to be *“exceptional”* or *“truly outstanding”*, an observation confirmed by an independent MADE Design Review Panel Report issued in April 2016 (in respect of the earlier identical, but subsequently withdrawn planning application – 16/0442/FULL). The summary of the Report commented that:

“The Panel were impressed by the effort and careful consideration that had gone into the development of the design to date and how these were focused around the specific needs of the client and the particular opportunities and constraints of the site.

The rationale for the dwelling’s location, form and architectural treatment was clear and to a high standard. Much thought had also been given to the way the building would sit in this sensitive setting.

This was a very good building which could be a great building. Further work was thought necessary, however, to..... reach the standards necessary to meet the requirements of NPPF Paragraph 55”.

- 4.25 Policy CP05 of the Adopted Wyre Forest Core Strategy which, amongst other things, supports *‘innovative housing schemes which assist older and vulnerable people to live securely and independently in sustainable locations with access to local services’*. Whilst there is a degree of support for the current proposal under this Policy, such development should be situated in sustainable locations with access to local services.

16/0703/FULL

4.26 Churchill comprises of a fragmented cluster of development which extends south from Stakenbridge Lane towards the village of Blakedown. Despite its proximity to other properties on Churchill Lane, the application site is situated over 1.4 kilometres from services and transport links including a primary school, post office, general store and railway station in Blakedown. Given the distance involved and the absence of a continuous footway and street lighting, it is unlikely that the occupants of the dwelling would access these facilities on foot or by bicycle. As such, the applicant and his family would be reliant on the private motor vehicle to meet their basic daily requirements.

4.27 The proposal would introduce a somewhat isolated home within the countryside which is poorly located in terms of accessibility to local services and facilities. Whilst it is acknowledged that the same argument would apply equally to the existing long established properties in the vicinity, that is no basis for arguing that an additional dwelling would be acceptable. As such, the proposed development is considered to be in conflict with the sustainability objectives in the NPPF, and Policies SAL.UP1 and SAL.DPL2 of the SAAPLP, as well as Policy CP05 of the Core Strategy. The development would also conflict with two of the three dimensions which define the NPPF's presumption in favour of sustainable development. These are matters to which Officers must attach considerable weight in the planning balance.

4.28 At the very local level, the policies contained within the (post examination, pre-referendum) Churchill and Blakedown Neighbourhood Plan are of relevance, with Policy CB17 "Scale and Type of New Residential Development" worthy of note and which states that within the settlement boundary defined within the Wyre Forest SAAPLP:

"... small-scale affordable/market housing development that meets local needs and is in keeping with the scale, demands and population profile will be permitted"

Subject to the criteria listed within that policy.

4.29 As stated previously, however, whilst Blakedown does, Churchill has no defined settlement boundary within the SAAPLP and as such Policy CB17 would not come into play on this occasion.

4.30 In any event, Policy CB18 (Ensuring an appropriate range of tenures, types and size of houses" of the Neighbourhood Plan states that:

"As the Parish has a preponderance of 4+ bedroom detached dwellings, significantly above the national average, preference will be given to applications for

16/0703/FULL

- *Smaller houses of 2 or 3 bedrooms, for affordable rental/shared ownership housing*

And

- *Private market bungalows to meet local needs of mature residents wishing to downsize from larger homes”*

Clearly, the application as proposed is at odds with this Policy.

- 4.31 As previously stated, the application site lies adjacent to but not within the Churchill Conservation Area. It is also situated within relatively close proximity to Bache’s Forge, a scheduled monument and listed building. However, the site is separated from the monument by Churchill Lane and mature tree and hedgerow planting which is a key characteristic of the area. The Conservation Area is vulnerable to development which impinges on wide-reaching views across the area from both the high ground to the west and from the railway line and A456 road which run to the east. Views across the area from within the area itself, with the exception of the high ground to the rear of Church Farm, are limited due to the linear nature of built development which largely follows Churchill Lane and the adjacent stream.
- 4.32 The submitted Heritage Statement and Landscape & Visual Assessment clearly analyses the potential impact of the proposed development on views across the area. Although Officers broadly agree with the applicant’s analysis, in the winter months when the tree screen is less effective the proposed development will be somewhat more visible from both the west and east of the area than is suggested.
- 4.33 The Applicant makes reference to Paragraph 137 of the NPPF which states that *“proposals that make a positive contribution to....the heritage asset should be treated favourably”*. In this application the design of the proposed dwelling has been very carefully considered both in relation to the end-users and to the context in which it will sit.
- 4.34 The building which would have a resemblance to a cluster of agricultural or historic forge buildings is appropriate to the location, set into the east-facing sloping ground leading down to Churchill Lane. Notwithstanding earlier observations, Officers are not overly concerned that it could be partially visible from the west or east, particularly in winter, as its design would make a positive contribution to the adjacent Conservation Area, and will enhance views of it, as confirmed by the Conservation Officer. If it is visible at all from Bache’s Forge it will again provide a degree of enhancement of that view across the Conservation Area. This all being the case, Officers are satisfied that the proposal meets the requirements of the NPPF and Policy SAL.UP6 of the SAAPLP.

16/0703/FULL

- 4.35 The site forms part of the 'Sandstone Estatelands' character area as defined in the Worcestershire County Council Landscape Character Assessment (LCA) which comprises of an *'open landscape characterised by an ordered pattern of large, arable fields, straight roads and estate plantations. Fields are typically defined by straight thorn hedges, reflecting the late enclosure of much of this landscape from woodland waste.'* Whilst the land shows some characteristics of the 'Sandstone Estatelands' with its well-defined straight boundary hedges its landscape quality is somewhat compromised by its use a pasture land for horses rather than arable grazing by livestock. Officers concur with the conclusions of the LCA that the quality of the landscape character is ordinary, and is of medium value with medium sensitivity to change. These observations, however, should not be confused with concerns expressed regarding impact upon the openness of the Green Belt.
- 4.36 Although the proposed dwelling and its associated curtilage would encroach slightly beyond the existing built up part of the site and there would be a temporary adverse effect on landscape character during the construction phase, the proposed landscape enhancements including additional planting and establishment of a field flower meadow on the existing paddocks, over time would lead to a small to medium positive effect on the landscape character of the area.
- 4.37 Turning to its visual effect, the development would be largely hidden from the public views identified in the submitted Landscape Visual Impact Assessment (LVIA), including public footpaths, by a combination of intervening landscaping and the topography of the site and its immediate surroundings. Given its overall design which is characteristic of a group of agricultural buildings and in combination with the schedule of landscape enhancements, Officers find that the development would, admittedly over time, also lead a small to medium effect on visual amenity. In this respect the development would accord with Policy SAL.UP9 of the SAAPLP which, amongst other things aims to enhance landscape character and the visual effect of developments.
- 4.38 Having assessed the application against the relevant National and Local policies above, and having established, without any doubt, that the proposed development would constitute inappropriate development within the Green Belt and would therefore be harmful by definition, and be harmful to the openness (Officer's emphasis), not to mention the non-compliance with other SAAPLP and emerging Neighbourhood Plan policies, it remains to be assessed as to whether Very Special Circumstances exist in this case which would outweigh the harm to the Green Belt, along with the other harm identified, and would tilt the planning balance in favour of the application. In this case, the Very Special Circumstances promoted by the Applicant are entirely Personal Circumstances.

16/0703/FULL

PERSONAL CIRCUMSTANCES

- 4.39 Members are advised that guidance from the Government (in the form of DCLG) states that an applicant's personal circumstances would not be a material planning consideration, unless exceptionally or clearly relevant, a stated example of which would be the provision of facilities for someone with a physical disability.
- 4.40 The application site is located in relatively close proximity to the Applicant's current property, both of which are located within Churchill. The application site, as previously described, consists of stable block, an associated area of hardstanding and a rising area of open grassland/paddock beyond. The Applicant has purchased the site, which given its planning status and Green Belt location, was not marketed as a residential plot at the time of its sale/purchase.
- 4.41 Given the personal and sensitive nature of the Personal Circumstances being presented in this case, it is not considered at all appropriate to divulge in this report, which is a public document, the full extent of the personal circumstances at play in this case. Rather the full details should be kept as confidential. However, to assist Members in appreciating and understanding the background to this application, and ultimately being able to determine the application, Officers have provided a summary of the key facts within the following paragraphs.
- 4.42 The Applicant, and his family, currently live in a detached property in nearby Stankenbridge Lane. This property was originally of modest proportions but over the passage of time it has been the subject of a series of extensions culminating in the property as it stands today, which features 4 bedrooms at first floor level. The Applicant has lived within the property for the last 9 years and has close ties to the area, especially with the children attending the local schools. Against this backdrop, and given what follows, it is perhaps easy to understand why the Applicant is seeking to continue living in the Churchill area.
- 4.43 The applicant has been diagnosed with a life-limiting, degenerative condition, which causes increased loss of mobility and associated complications, and at some point he will be reliant upon a motorised wheelchair for accessibility. More latterly, it has also been suggested that this condition may be hereditary and as such there may be longer term implications for the children of the Applicant, although at this stage this remains unclear. Officers have met with the Applicant to better understand the nature, and implications (short, medium and long term) of the condition.

16/0703/FULL

- 4.44 The Applicant has stressed his desire to remain in the vicinity of Churchill and in doing, and given his condition, he is seeking living accommodation which, notwithstanding the known implications of his degenerative disease, would enable him to not have to rely upon others for assistance for as long as possible. At some point it is inevitable that he will become wheelchair bound and in turn would need adequate space to move from room to room, and floor to floor, of the family home. In the longer term, sadly, he will become dependant upon others and rather than place such burdens upon his family, he would wish to be able to make provision for a “live-in” carer.
- 4.45 At the same time, the Applicant is keen for his family to live as normal a life as is possible and as such would wish to be able to access his children’s bedrooms, and all rooms within the home, as well as keep some of the more sensitive activities of a future carer out of sight of the family.
- 4.46 Whilst not wishing to sound in anyway patronising, Officers are understanding of the Applicant’s aspirations in this regard and do have every sympathy for the Applicant and the clearly devastating impact his condition will have, and arguably is already having, upon him and his family, and their “way of life” both currently and in the future. It is difficult to remain dispassionate when faced with the personal circumstances at play in this case. Whilst it would be wrong to say that the circumstances in this case are unique, they are most certainly rare, and full consideration is warranted and a factor in the overall planning balance and in arriving at a recommendation.
- 4.47 As indicated above, the Applicant is wishing to maintain as active a role with his children for as long as his condition will allow, and critical to that is the issue of accessibility, not just to and from the property, but within and throughout the property. In this regard, the Applicant states that the existing family home in Stakenbridge Lane, which is a short walk from the application site, is incapable of adaption to meet his accessibility requirements; that there are no other suitable properties available in the local area; and, as such the option of a purpose built, new build, dwelling as is being proposed is the only feasible option to meet the Applicant’s specific needs and the only viable option for his family who wish to remain within the area, where they are active members of the local community and the children attend local schools.
- 4.48 In terms of no other suitable or available properties which might satisfy the Applicant’s existing and future needs, it is accepted that given the modest size of Churchill and the surroundings, there will be a limit on the range of properties available. No details have been submitted in respect of any property searches which may have been undertaken by the Applicant. However, Officers have undertaken an admittedly rudimentary search via a recognised Property Search Company (i.e. Right Move – although other search companies are available), and as of 7 March 2017, it appears that there were 4 properties on the market within the Churchill area, of which 2, admittedly with some adaption, may be suitable for the family’s future occupation.

16/0703/FULL

The applicant's existing property

- 4.49 Officers have visited the applicant's existing property, which as stated above is located a short walk from the application site (in Stakenbridge Lane, Churchill). As previously identified, the property features 4 bedrooms and takes its current form following a series of extensions to the somewhat modest original building. At ground floor, as well as the first floor, the rooms are all of a good size and at first glance appear capable of adaption to meet the Applicant's needs. However, and especially at first floor, the nature of the staircase: configuration of the landing, which includes a small flight of steps up to 2 of the children's bedrooms; and, access to rooms is relatively narrow, and wheelchair accessibility (even if a through lift were installed) does appear to Officers to be at best restricted, such that access to all rooms would not appear to be possible without major alterations, and even then it would appear that some rooms would remain inaccessible.
- 4.50 The Applicant has submitted supporting reports regarding the ability, or otherwise, of the property to be converted, altered and adapted to meet the Applicant's future accessibility requirements. The content of these reports supports the observations made by Officers that future accessibility would be restricted, based upon the current property layout and configuration.
- 4.51 Notwithstanding the above, however, and whilst acknowledging that in the past the Applicant had been verbally advised (quite correctly in light of the previous extensions to the property) that further extensions to the property would not be encouraged, given the Applicant's significant change in personal circumstances, Officers have indicated that they would be more amenable to consider more favourably extensions to the existing property to assist in making it more accessible. After all, this is the established family home, and extensions to the property, despite its Green Belt location, could be supported, in principle, under the circumstances.
- 4.52 Officers have discussed "in principle" additions to the property with the author of one of the Applicant's submitted supporting accessibility reports and it has been acknowledged that, in admittedly crude terms, extensions could be added, certainly at the ground floor, which would assist in facilitating circulation between the principal rooms. Furthermore, whilst admittedly not an ideal solution an external lift could be accommodated to allow for access to the first floor. However, given the previously acknowledged constraints at first floor, this may only allow for access to one or two of the first floor rooms, and not provide the level of accessibility the Applicant is ideally seeking. No detailed discussions have taken place as to how any such extensions might be designed, and in turn what impact they would have upon the appearance of the host property.

16/0703/FULL

- 4.53 It is also worthy of note that the existing property is located within the Churchill Conservation Area, and as such the issue of design and appearance of any extensions takes on more importance. Whilst no plans have been prepared or considered it is likely that, out of necessity, any such extensions would be likely to be somewhat functional to the possible detriment of overall form, design and appearance of the host dwelling. However, under the circumstances, Officers are of the opinion that some compromises would be appropriate and could be accommodated in order to assist the Applicant. In turn, the Applicant may also have to accept a compromise solution that falls short of his current vision.
- 4.54 In light of the above, and notwithstanding the supporting submissions made on behalf of the Applicant, Officers are not sufficiently persuaded that the existing house cannot be altered and/or extended sufficiently to provide an appropriate level of accommodation, albeit perhaps not to the level that the Applicant aspires to, for both himself and his family.

New Build on the site of the Applicant's existing property

- 4.55 Paragraph 89 of the NPPF does make provision for the erection of replacement buildings within the Green Belt as appropriate development and on that basis there is clear "in principle" support for such an alternative, which would allow for a DDA compliant property to replace the existing. Granted, in order to erect a replacement dwelling the existing property would have to be demolished in its entirety. Given the size of the existing residential curtilage, it would appear impossible to retain the existing dwelling whilst a replacement dwelling of the nature and size envisaged is being constructed.
- 4.56 That being the case, were the option of a replacement dwelling to be pursued then it would be necessary for the Applicant and his family to find alternative, temporary, accommodation elsewhere. Such a course of action is not at all unusual and on that basis Officers consider the principle of such an arrangement perfectly reasonable and achievable. Of course, there would be some short term upheaval but these are the compromises applicants sometimes have to make in order to achieve their long term goals.
- 4.57 The Applicant contends that this would not be desirable or realistic, but appears to be doing so purely on the basis that the proposed dwelling, and reconfiguration of the property, could not be satisfactorily accommodated onto the site of the existing house. Whilst this may be true, although Officers are not entirely convinced of this argument, no evidence has been presented to demonstrate that alternative designs and layouts have been considered. Indeed, to support this observation, at page 15 of the submitted Design and Access statement it is stated that the proposed dwelling:

"... has been designed as absolutely site-specific. The design is in no way interchangeable, and could not be used anywhere other than on this site in Churchill".

16/0703/FULL

Yet, in an attempt to demonstrate that a replacement dwelling on the site of the existing family home could not be accommodated, the Applicant's Agent appears to have done little more than superimpose the existing "*site-specific*" and "*in no way interchangeable*" design onto the plot it was not designed for. In this regard, Officers do not consider that sufficient and demonstrable evidence has been provided that a replacement dwelling on the site of the current property is truly unachievable.

- 4.58 There is no doubt that a new build on an essentially virgin site, such as is being proposed, is the least complicated solution for the applicant, and as such the proposal as presented is understood. However, the fact remains that this would establish a new, additional, permanent dwelling within the Green Belt and the implications of this in terms of National and Local Green Belt policy have already been identified.

ADDITIONAL SUBMISSIONS AND CASE LAW

- 4.59 In support of the application, and more latterly, additional submissions have been made on behalf of the Applicant which reference planning appeal cases, all of which in some form or another relate to Green Belt development where the personal circumstances of the applicants have been pivotal to the decision of the Planning Inspector. In addition reference is made to an application considered by Planning Committee in 2016 to allow an extension to a previous barn conversion in the Green Belt, due to the personal circumstances of the Applicants. In that instant, however, the development proposed was in accordance with Green Belt policy and rather it was the Council's own Rural Building Conversion policy that the development did not comply with. In short, the comparison of the two cases is flawed.
- 4.60 The appeal cases presented all do reference personal circumstances, and in particular medical conditions, and Officers would be the first to acknowledge that such matters can be material planning considerations and are capable of carrying weight in the overall planning balance. In each of the Green Belt cases presented, however, other factors also appear to have been at play and it must be stressed that direct comparison with the current proposal does not appear relevant in the majority of the cases cited, with the possible exception of the case where the medical needs of children formed the very special circumstances to justify the granting of, albeit, temporary permission for a gypsy pitch in the Green Belt (Officers emphasis). This case, which made its way as far as the Court of Appeal (ref: Wychavon DC v SoS for Communities and Local Government (and others) (2008) EWCA Civ 692) made it clear that it is open for the relevant local planning authority (i.e. The Council) to find that medical requirements can amount to very special circumstances.

16/0703/FULL

- 4.61 Notwithstanding this, and as acknowledged by the author of the additional submissions, each case must be considered on its merits. In this case, unlike the Court of Appeal case referred to above, and as previously stated, the current application proposes a permanent development within the Green Belt which would have a lasting impact, unlike the temporary permission granted in the Wychavon case. It is Officers opinion that the permanence of the proposed development must carry greater weight in the planning balance in terms of the impact upon the Green Belt.
- 4.62 Members are advised that officers have undertaken their own search of appeal cases, independent of the Applicant's own submissions referred to above, and in doing so have been unable to identify a truly comparable appeal case, which has been allowed by an Inspector, which may be referenced or otherwise used to support the Applicant's case. It may well be that such a case does exist, but the fact that both Council Officers and the Applicant's own representatives have been unable to locate such a case speaks volumes.

THE PLANNING BALANCE

- 4.63 The matter of personal circumstances has been debated in the Courts, with Lord Scarman in the case of *Westminster City Council v Great Portland Estates PLC (1985)* defining a material consideration by whether it served a planning purpose and whether that planning purpose related to the use and character of land. Of particular relevance, he added:
- “Personal circumstances of the occupier are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of the environment the human factor. The human factor is always present, of course, indirectly as background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases. If a planning authority is to give effect to them, a specific case has to be made and the planning authority must give reasons for accepting it.”*
- 4.64 In *Chelmsford BC v First Secretary of State and Draper (2003)* the conclusion was made that very special circumstances, if personal to the applicant, do not create a precedent. That would very much support the well worn phrase of “each case on its merits”, and the following paragraphs explore the merits of this case before arriving at the a recommendation.
- 4.65 Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

16/0703/FULL

- 4.66 In this case the harm to openness and purposes of including land within the Green Belt must be added to the harm by reason of the development's inappropriateness. In accordance with national policy, Officers must therefore attribute very substantial weight to the totality of harm to the Green Belt.
- 4.67 In addition to this, the proposal would also introduce an isolated home within the countryside which is poorly located in terms of accessibility to local services and facilities. As such, it would conflict with the sustainability objectives in the NPPF and Policies SAL.UP1 and SAL.DPL2 of the SAAPLP and Policy CP05 of the Core Strategy. In identifying such environmental and social harm, the scheme would also conflict with two of the three dimensions which define the NPPF's presumption in favour of sustainable development. These are matters to which Officers attach considerable weight.
- 4.68 The applicant has put forward a number of other considerations to weigh into the Green Belt balance. These can be grouped into two broad categories, namely those associated with the personal circumstances of the applicant, and secondly, the benefits derived to the character and appearance of the area, including the setting of the adjacent Conservation Area, nearby scheduled monument and surrounding landscape.
- 4.69 In the first group, Officers attach some weight to the applicant's medical condition and the requirement for a DDA compliant property to meet his existing and future needs. However, the weight which Officers attribute to such benefits is tempered by the absence of clear evidence to demonstrate that it is neither feasible nor possible for the applicant's existing property to be adapted to meet his existing and future needs. Therefore, whilst the needs of the Applicant are understood only moderate weight is attached to these matters, despite the fact that they go to the very heart of the proposed development.
- 4.70 Furthermore, Officers do not consider that every alternative to a new build dwelling in the Green Belt has been fully explored. In the first instance, there do appear to be potential options in terms of extensions and alterations to the existing which have not been fully explored. Secondly, the option of demolishing the current property and erecting a DDA compliant new build dwelling (i.e. a replacement dwelling in the Green Belt) has not been sufficiently addressed.
- 4.71 In light of the above, whilst Applicant's preference for the option of a new build dwelling on a the application site is understood, it appears to officers that more appropriate alternatives exist and should take preference over the current proposal.

16/0703/FULL

- 4.72 Turning to the second group, the new dwelling would, for the reasons set out, make a positive contribution to the setting of the adjacent Conservation Area and would enhance views of it. There would also potentially be a slight enhancement of the setting of the nearby scheduled monument. These are matters to which Officers attach some weight.
- 4.73 In respect of its landscape and visual impact, Officers find that subject to the implementation of the proposed landscape enhancements, the appeal scheme would, over time, lead a small to medium positive effect on both landscape character and visual amenity. Officers also attach some weight to the benefits arising.
- 4.74 It is also suggested that the scheme would not impact on ecology or highway safety. However, these are, in Officers opinion, neutral factors which neither weigh for or against the proposal.
- 4.75 In addition to the above, the planning history of the application site cannot be ignored and is a material consideration in the consideration of the current application. In particular, the previously dismissed appeal (on the grounds of inappropriateness in the Green Belt and harm to openness of the Green Belt) for a two bedroom dwelling is of clear relevance. This must weigh against the current application also.
- 4.76 Accordingly, applying paragraphs 87 and 88 of the NPPF, Officers find that the other considerations in this case do not clearly outweigh the harm to the Green Belt (as required under Paragraph 88 of the NPPF) and any other harm identified. Consequently, whilst the personal circumstances at play are recognised they do not, in Officers opinion, amount to the very special circumstances necessary to justify the development, and Officers therefore conclude that the application should not succeed.

5.0 Conclusions and Recommendations

- 5.1 The personal circumstances of the Applicant and all that brings with it are recognised and in no way called into question by Officers and it is difficult to remain dispassionate when faced with facts as they have been presented. These personal circumstances lie at the very heart of the planning application, and there is no need to revisit or further summarise the background at this point in the report.
- 5.2 The application site lies within the Green Belt and what is proposed is a new four bedroom DDA compliant dwelling, of not insignificant size which is clearly, and for the reasons set out in the main body of the report, inappropriate development in the Green Belt and therefore harmful by definition. Further harm, notwithstanding the design and layout of the dwelling on the site, is caused to the openness of the Green Belt.

16/0703/FULL

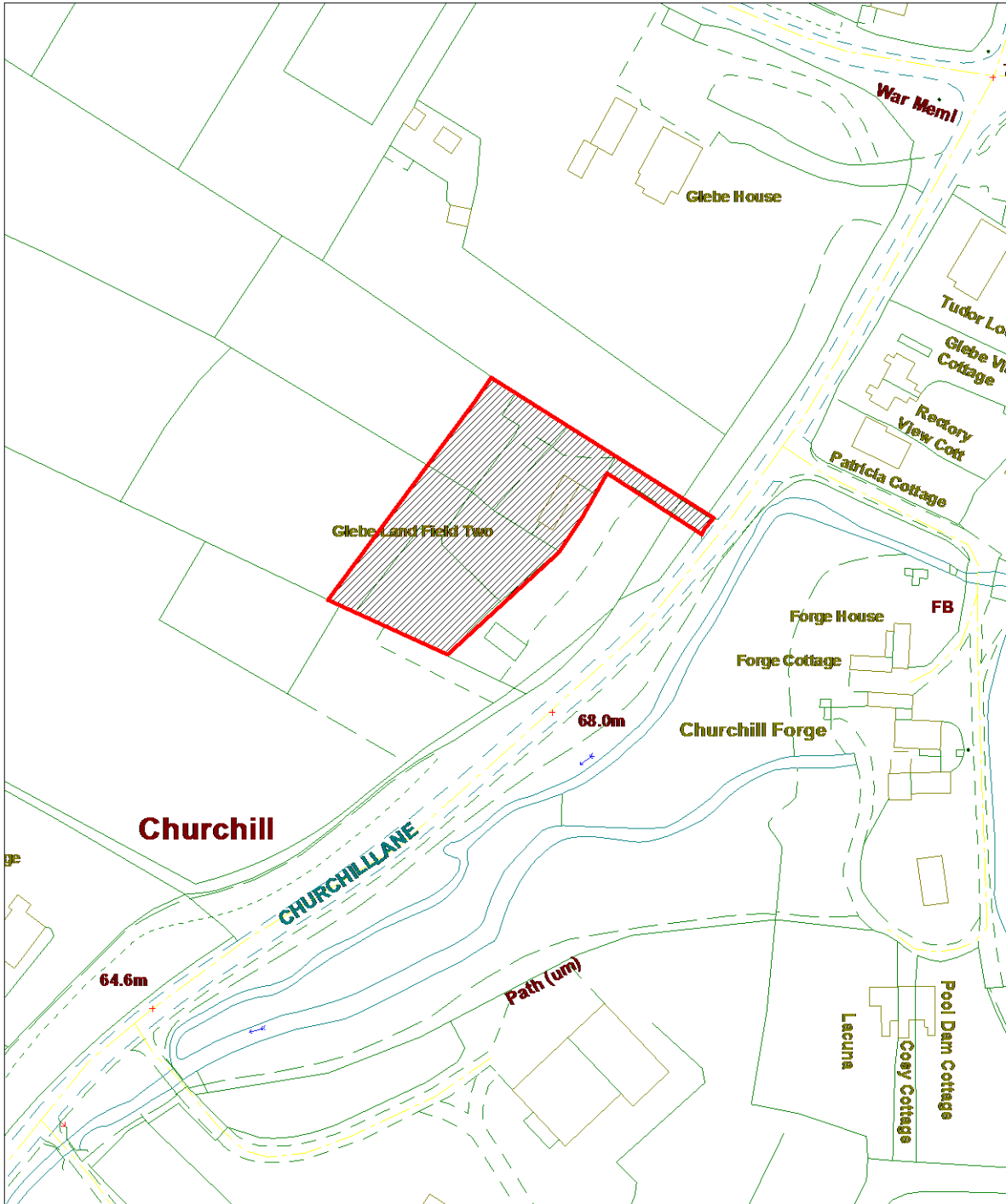
- 5.3 The site lies outside of a defined settlement boundary (as defined within the SAAPLP) and is therefore, notwithstanding the presence of established properties in the vicinity, considered to be in an unsustainable location and as such falls foul of Policies DS01 and CS05 of the Core Strategy and SAL.DPL1 and SAL.DPL2 of the SAAPLP in terms of suitable sites for residential development and rural housing. Furthermore, the proposal, in this location, would also be contrary to the Housing policies contained within the Churchill and Blakedown Neighbourhood Plan.
- 5.4 As identified within the report, the planning history of the site cannot be ignored and is a material consideration in the consideration of the current application. In particular, the previously dismissed appeal (on the grounds of inappropriateness in the Green Belt and harm to openness of the Green Belt) for a two bedroom dwelling is of clear relevance.
- 5.5 Notwithstanding the Green Belt location and the impact upon openness referred to above, the actual design of the property proposed is considered favourably and the impact upon the adjacent Conservation Area, and other heritage assets in the vicinity, would actually be viewed as positive.
- 5.6 Notwithstanding the submissions made by the Applicant, Officers are not persuaded that other alternatives are not available at the Applicant's current property either in terms of conversion, adaption and extension, or via a replacement dwelling, which would be supportable, in principle, within the Green Belt.
- 5.7 Officers have wrestled long and hard with the issues at play in this case, and the resulting recommendation is not made lightly. However, and notwithstanding the personal circumstances presented, for the reasons set out above and on the planning balance, these do not clearly outweigh the harm to the Green Belt and any other harm identified.
- 5.8 It is, therefore, recommended that the application is REFUSED for the following reasons:
1. The application site is located within the West Midlands Green Belt. The proposed development would represent inappropriate development in the Green Belt, which Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (2013) and paragraph 87 of the National Planning Policy Framework (NPPF) states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The other considerations advanced by the Applicant do not clearly outweigh the significant weight that the NPPF demands is attached to inappropriateness, the harm identified to the openness and the purposes of including land in the Green Belt. As such, very special circumstances do not exist. The proposal would therefore be contrary to Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (2013) and paragraph 89 of the NPPF.

16/0703/FULL

2. The location of the application site lies outside of any recognised settlement boundary as defined within the Adopted Wyre Forest District Core Strategy and the Adopted Wyre Forest District Site Allocations and Policies Local Plan, and in turn is not considered to be a sustainable form of development in accordance with paragraph 55 of the National Planning Policy Framework (NPPF). The application fails to accord with:
 - i. The settlement hierarchy identified within Policy DS01 of the Adopted Wyre Forest District Core Strategy and Policy SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan; and,
 - ii. Sites for Residential Development identified within Policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

It is considered that there are no material circumstances that outweigh the conflict with the above policies, which seek to guide residential development to appropriate locations within the Wyre Forest District that would safeguard the landscape character and promote the regeneration of the District's urban areas.

3. The proposed development consists of a large four bedroom detached dwellinghouse to address the needs of the Applicant, outside of any recognised settlement boundary within the Churchill and Blakedown Neighbourhood Plan. The application therefore fails to accord with Policies CB17 and CB18 of the Churchill and Blakedown Neighbourhood Plan which seek to provide small scale affordable/market housing to meet local needs and make provision for smaller houses to address local housing needs.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Field 2 Glebe Land
Churchill Lane, Churchill, DY10 3LX**

Date:- 06 February 2017 Scale:- 1:1250 OS Sheet:- SO8879NW Crown Copyright 100018317 2014
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
21st MARCH 2017

PART B

Application Reference: 16/0740/S106 **Date Received:** 06/12/2016
Ord Sheet: 380596 272371 **Expiry Date:** 31/01/2017
Case Officer: Paul Round **Ward:** Lickhill

Proposal: Variation of S.106 attached to Planning Permission
 10/0321/OUTL to define and amend disposal and mortgage
 exclusion clause

Site Address: 14-36 (even) GALA DRIVE, STOURPORT-ON-SEVERN, DY13
 8DY

Applicant: Worcester Community Housing Limited

Summary of Policy	CP04 (CS) SAL.DPL1 (SAAPLP) Section 6 (NPPF)
Reason for Referral to Committee	Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application relates to the site previously occupied by Morgan Technical Ceramics and now fully developed by Redrow for residential development. The application relates to certain properties in Gala Drive which lie to the east of the development closest to the existing factory site.
- 1.2 The application seeks for variation of the Section 106 Agreement approved in 2010 in respect of affordable housing provision.

2.0 Planning History

- 2.1 10/0321/OUTL – Residential development of up to 150 dwellings : Approved
- 2.2 11/0601/FULL - Removal of Condition 5 of 10/0321/OUTL to remove requirement for a continuous block of single aspect houses along the south west boundary : Approved

16/0740/S106

- 2.3 11/0703/RESE - Erection of 98 No. dwellings with associated garaging and ancillary car parking, hard and soft landscaping and ancillary works : Approved
- 2.4 12/0268/S106 - Variation of S106 to allow revised affordable housing percentage (24%) and mix : Approved

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – The Town Council noted the application.
- 3.2 Strategic Housing Services Manager – No objections as variations bring the previous S.106 in line with industry standard.
- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 Section 106A of the Town and Country Planning Act 1990 (as amended) gives developers the ability in which to amend or modify a S.106 Agreement. Under the terms of this section such an application can only be considered after a five year period, with any adverse decision being made able to an appeal under S.106B.
- 4.2 The application has been submitted as a result of Worcester Community Housing Limited having taken over the ownership and management of a number of the units within Gala Drive.
- 4.3 As a result of this legal transfer, it has become apparent that there is a need to provide a definition to the term ‘dispose’ in respect of potential future disposal of affordable units and to vary the mortgagee exclusion clause.
- 4.4 These are minor changes to the original S.106 Agreement that do not alter the main thrust of the Agreement or undermine the level provision of affordable housing as part of the overall scheme. The Strategic Housing Services Manager is fully supportive of the proposed amendments as they would bring the original Agreement in line with what is now expected in S.106 Agreements for affordable housing.
- 4.5 Given the support for the proposed amendments and their relatively minor nature, there appear to be no grounds or reason to resist the proposed variation to the S.106 Agreement.

16/0740/S106

5.0 Conclusions and Recommendations

- 5.1 The proposed minor changes to the original S.106 Agreement to define the term 'dispose' and to vary the mortgagee exclusion clause are acceptable, and are supported.
- 5.2 It is recommended that **delegated authority** be given to the Solicitor to the Council, in consultation with the Director of Economic Prosperity and Place, **to prepare a deed of variation to vary the S.106 Agreement attached to Planning Permission 10/0321/OUTL.**

Application Reference: 17/0006/S106	Date Received: 03/01/2017
Ord Sheet: 382056 271538	Expiry Date: 28/02/2017
Case Officer: John Baggott	Ward: Mitton

Proposal: Variation of S.106 agreement attached to WF.472.98 to allow a financial contribution in lieu of on site provision of play area

Site Address: LAND OFF MILL LANE, STOURPORT-ON-SEVERN,

Applicant: Taylor Wimpey North Midlands (Miss G Rawcliffe)

Summary of Policy	CP02; CP07; CP11; CP13; CP14; CP15 (CS) SAL.CC7; SAL.UP3; SAL.UP4; SAL.UP5; SAL.UP7; SAL.UP9 (SAAPLP) Sections 8, 10, 11 (NPPF)
Reason for Referral to Committee	Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application relates to the Mitton Park Housing Estate, located off Hartlebury Road, via Millfields Drive, in Stourport-on-Severn. This is a residential estate of in the region of 260 dwellings in total.
- 1.2 The Housing Estate is made up of residential development consisting of primarily two storey dwellinghouses interspersed with apartment blocks. The estate features dwellings located within The Dell; Mill Road; The Spinney; The Osiers; Evergreen Way; Leapgate Avenue; Millgate Close; and, Timberland Way.
- 1.3 The original Outline planning permission for the development of this housing estate was granted by virtue of planning application WF.472/98 (granted, subject a Section 106 Agreement in April 2002), followed by a series of Reserved matters applications submitted by volume house builders for the various phases of the overall development.

2.0 Planning History

- 2.1 WF.472/98 – Outline application for residential development, etc : Approved (18/04/02) subject to Section 106 Agreement.
- 2.2 Various subsequent Reserved matters applications and substitution of house-type applications between 2002 and 2004, all of which were subsequently Approved.

17/0006/S106

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection and recommend approval.
- 3.2 Cultural Services Manager – No objection and supportive of the proposed financial contribution in lieu of on site provision of a children’s play area.
- 3.3 Countryside Conservation Officer – No objection and welcomes the resulting increased level of informal Open Space.
- 3.4 Neighbour/Site Notice – In excess of 260 individual neighbour letters were sent out as part of the publicity for this application, supplemented by 5 suitably located Site Notices position around the housing estate.

In response to the application and the above outlined notification and publicity, a total of 4 representations have been received, with 2 of these raising objections on the following grounds:

- When purchasing the property from new one of the reasons was that a play area would be provided thus promoting a family estate. The current application (to vary the S106 Agreement) will now detract from this benefit.
- The money should be spent to create a play area within or closer to the housing estate, as Riverside Meadows is approximately 1 mile away from the Estate.
- No real effort has been made to find a suitable playground area around the development
(Officer Comment - On this latter point, and as set out within this report, potential alternative sites for creation of a play area have been identified previously, and have been subject to public consultation, with the majority of respondents not in favour of the site(s) identified for a variety of reasons).

The remaining 2 representations, which include a full response from the Mitton Park Resident’s Association, raise no objection to the variation of the S.106 Agreement as proposed, and in turn no objection to there no longer being a play area provided on the Housing Estate. However, concerns are expressed as to the proposed location of the spend of the monies to be received in lieu of such provision and suggest that the money be directed towards an alternative play area (located between Manor Close and Prospect Road). In the interest of clarity, the main body the Mitton Park Residents Association response is reproduced below:

- *“The Association has no objection to the variation (Officer’s emphasis) so that a sum of £43,114.98 is contributed to provide off-site play equipment.*

17/0006/S106

The Association would however wish to make it clear that the money must be ring-fenced for use for play equipment and used to provide play equipment for the most local play area to the Mitton Park development where families from the development can enjoy its use together with other local Stourport residents.

The members of the Association were very clear that they do not want the money to be used for additional play equipment to be installed at the Riverside Meadows, which already has sufficient play areas and facilities and tends to be used by many people who are not local residents.

The overwhelming opinion from members was that, if possible, the money should be used to provide additional play equipment at the park that lies between Manor Close and Prospect Road and can be easily accessed by Timber Lane from the estate. This park is managed by Wyre Forest Community Housing Group and often used by those living on the development.”

(Officer Comment - The suggested alternative play area is not in The Council’s ownership and as such The Council has no control over its future use and maintenance. The nearest Council owned play area is that at Riverside Meadows).

4.0 Officer Comments

- 4.1 Section 106A of the Town and Country Planning Act 1990 (as amended) gives developers the ability to amend or modify a Section 106 Agreement (hereafter referred to as S.106 Agreement). Under the terms of this section such an application can only be considered after a five year period, with any adverse decision being made open to an appeal under Section 106B. Clearly, in this case, well in excess of five years has elapsed since the signing of the S.106 Agreement, and in turn the granting of planning permission (under WF.472/98).
- 4.2 Section 5 of the S.106 Agreement which accompanied the original planning permission, entitled “*The Open Space and the Additional Open Space Land*” sets out a series of clauses in relation to Open Space and Play Area provision across the site, and in turn the subsequent adoption and maintenance by Wyre Forest District Council (The Council). Despite the completion of the residential development (i.e. the Housing Estate) in accordance with the Outline and subsequent Reserved Matters applications, there have remained outstanding matters in relation to the development, especially in terms of land ownership issues, and in turn the S.106 Agreement, with specific relation to future maintenance implications, and access to the respective areas, of Open Space.

17/0006/S106

4.3 Matters in relation to Open Space and its access and maintenance have now been satisfactorily addressed, and in this regard the applicants (Taylor Wimpey) have been present on the Housing Estate for some time undertaking the necessary works to deliver the agreed areas of Open Space and provide suitable access for maintenance of the more wooded areas to be transferred over to The Council.

4.4 However, and of specific relevance to the current application, matters relating to clause 4 of Section 5 of the S.106 Agreement have, so far, remained unresolved.

4.5 Clause 4 (of Section 5) required the Developer:

“To lay out the Local Play Area in accordance with the adopted Wyre Forest District Local Plan dated 1996 or as otherwise agreed in writing with the Council to the satisfaction of the Council”.

Whilst Clause 6 states:

“To pay to the Council the Play Area Commuted Sum as soon as it is laid out”.

4.6 In 2008, the applicants (i.e. Taylor Wimpey) undertook a public consultation to allow local residents to comment upon their then proposals for Play Area provision to the north of Mill Road. However, this proposal did not meet with favour from respondents who, amongst other things, cited poor access; proximity to the River Stour; and, Flooding, as reasons for objecting to the then proposed provision.

4.7 Following extended discussions with Officers to identify a potential alternative sites for provision, especially in light of the negative responses received to the earlier proposals, Taylor Wimpey undertook a further public consultation in late 2015 setting out proposals for a more informal, naturally laid-out, area of Public Open Space together with an alternative Play Area to the South of Mill Lane. Again, the majority (67%) of responses to the consultation were non-supportive, listing matters such as Flood Risk; Child Safety; Proximity to the watercourse; Impact on neighbours; Impact on wildlife; Land Management; Lack of demand; and, Access as reasons for objection.

4.8 In light of the residents responses to the latest consultation, and in the absence of any alternative suitable sites for play area provision within the Housing Estate, an alternative proposal has since been identified which would provide an off-site play equipment contribution, in lieu of the previously agreed on-site provision, at Severnside Meadows. Whilst it is acknowledged that Severnside Meadows is in the region of 1 mile away from the Mitton Park Housing Estate, there is no closer alternative, Council owned, play area.

17/0006/S106

- 4.9 The financial contribution proposed would benefit the wider community of Stourport and also, in turn, enable the provision of more informal Open Space to serve the Mitton Park Housing Estate, along with a cattle grazing area on Mitton Marsh, all under the direct control of the Council.
- 4.10 Taylor Wimpey has already undertaken extensive tree works, ground works, landscaping and fencing works, all as previously agreed with Officers, which will provide a significant area of publicly accessible Open Space for local residents. In this regard, Taylor Wimpey has worked closely with the Council's Countryside Conservation Officer to ensure this scheme is to an acceptable and adoptable standard.

5.0 Conclusions and Recommendations

- 5.1 The current application seeks formal consent to vary the previous S.106 Agreement, in light of the result of the 2015 public consultation with local residents, to reflect an alternative arrangement with an agreed fee for the off-site play equipment contribution of £43,114.98 in lieu of the previous on-site provision.
- 5.2 Officers consider that the revised proposals, for off-site improvements to an existing, long established, well used, and much loved, children's play area (at Riverside Meadows) is a reasonable and acceptable proposal especially given the absence of local support for play area provision within the development itself.
- 5.3 The nature and value of the off-site play equipment contribution has been the subject of significant levels of robust negotiations and the final financial contribution is fully supported by the Cultural Services Manager.
- 5.4 The concerns expressed by Mitton Park Residents Association regarding the proposed spend of the monies at Riverside Meadows are acknowledged, but in the absence of a nearer, Council owned, play area, it is considered that the current proposals are acceptable and appropriate.
- 5.5 It is therefore recommended that **delegated authority** be given to the Solicitor to the Council, in consultation with the Director of Economic Prosperity and Place, **to vary the Section 106 Agreement to secure a financial contribution towards play area equipment in lieu of on-site provision.**

WYRE FOREST DISTRICT COUNCIL

Planning Committee

21 March 2017

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1467 16/0005/FULL	APP/R1845/W/1 6/3152536	Mr N Griffiths	BUILDING ADJ 9 BURY HALL WOLVERLEY KIDDERMINSTER Conversion of existing building to 2 bed dwelling	WR 12/07/2016	16/08/2016			Dismissed 07/03/2017

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1472 16/0566/FULL	APP/R1845/W/1 6/3165099	Shared Access	CHESTER ROAD SPORTS & SOCIAL CLUB CHESTER ROAD NORTH Erection of 15m shrouded monopole to support 3no. telecommunications antennae for use by Telefonica, which together with the installation of 2no. dishes and 4no. ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services from the installation.	WR 23/01/2017	27/02/2017			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1473 17/0052/ENF	APP/R1845/C/16 /3164662	Mr D Hensall	HOARSTONE STABLES HOARSTONE LANE BEWDLEY DY121LB Unauthorised Mobile Home (Enforcement Case 16/0023/ENF)	WR 31/01/2017	07/03/2017			
WFA1474 17/0056/ENF	APP/R1845/C/16 /3165263	Mr G Smith	THE GRANARY HODGE HILL FARM BARNs BIRMINGHAM ROAD Unauthorised single storey orangery/garden room to side of main building (Enforcement Case 16/0116/ENF)	WR 01/02/2017	08/03/2017			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1475 16/0520/OUTL	APP/R1845/W/1 7/3167317	Mrs G Everton	31 CHURCH WALK STOURPORT-ON- SEVERN DY130AL Application for Outline Planning Approval for the erection of a detached dwelling	WR 24/02/2017	31/03/2017			

Appeal Decision

Site visit made on 29 November 2016

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 March 2017

Appeal Ref: APP/R1845/W/16/3152536

Bury Hall, Church Bank, Wolverley, Worcestershire, DY11 5TH

- 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 Neil Griffiths against the decision of Wyre Forest District Council.
 - The application Ref 16/0005/FULL, dated 20 November 2015, was refused by notice dated 17 May 2016.
 - The development proposed is the conversion of an ex school building to a two bed dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal building is within the Wolverley Conservation Area. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area.
3. The appeal submission was supported with a set of drawings showing an alternative scheme. The appellant explained these drawings were required by the Council but were not registered by them. The Council were requested to specify the drawings upon which they made their decision, and have stated that the relevant drawings were 15-116-1, 15-116-3, 15-116-4, and 15-116-5. The appellant has confirmed this is the case and for the avoidance of doubt I have determined the appeal on the basis of the drawings refused by the Council.

Main Issues

4. The main issues are *firstly*, whether the proposed conversion would be inappropriate development in the West Midlands Green Belt; *secondly*, the effect of the proposal on the openness of the green belt; *thirdly*, whether the proposal would provide adequate living conditions for future residents with particular regard to external amenity space; and *fourthly*, whether the harm to the green belt 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 it.
-

Reasons*Green Belt - Inappropriate Development and Openness*

5. The appeal site is within the West Midlands Green Belt and is part of a group of mostly residential buildings that were formerly a school. Positioned around a courtyard that is partly used for parking, these dwellings and the nearby church form a distinct cluster of buildings occupying an elevated position above the river valley. Although there is a surgery and community hall sharing the access from Wolverley Road, these and the former school buildings are upon a spur of high ground and are set apart from the built up areas of the nearby village by the topography and agricultural land. This distinct separation is very different to the concentration of development found in the valley bottom and to the south west. As such I find the appeal building to be positioned within a rural area.
6. I understand the building was constructed and used as a laboratory for the school. Its former use and relationship to the school is clearly apparent in its appearance, with its elegant decorative brickwork and detailing, and a large lantern roof light. From the evidence before me, including my site inspection, it is apparent the building is now used as a domestic workshop / store, with a kitchen, living room and bathroom above. Whilst noting the appellant's consideration that the appeal building is not a domestic outbuilding due to its original use in connection with the school, it is clearly no longer in such a use, but is and has been for some time, a domestic outbuilding.
7. The appellant considers the site is unique and that a pragmatic approach should be taken to the development. Be that as it may, I find the proposal is for the conversion of a residential outbuilding in a rural area. It would not therefore be the limited infilling of a village within a green belt referred to in the National Planning Policy Framework (the Framework). Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan (2013) (LP) states that development will not be permitted in the green belt, except in very special circumstances, unless it meets one of the criteria listed. The re-use or conversion of buildings is such an exception, as long as the development accords with the requirements of LP Policy SAL.UP11.
8. Amongst other things, LP Policy SAL.UP11 controls the conversion of domestic outbuildings in rural areas. The Framework states that certain forms of development, including the re-use of buildings provided that they are of permanent and substantial construction is not inappropriate development in the green belt. This is provided that the development preserves the openness of the green belt and does not conflict with the purposes of including land within it. The general thrust of the Council's policies is to restrict development in the green belt to certain instances and this is broadly consistent with the requirements of the Framework.
9. Both the Framework and LP Policy SAL.UP11 make it clear that the re-use of buildings in the green belt depends on their being of permanent and substantial construction. Neither of the main parties has provided a structural assessment to ascertain if the outbuilding is such a building. From my inspection the building appeared to be well-built, and the proposed works would be limited to replacing existing doors and windows, to insulate the roof and provide a new staircase. On the basis of the evidence before me, the building is a permanent

structure, and the proposed works would not be the significant building works precluded by LP Policy SAL.UP11.

10. However, LP Policy SAL.UP11 specifically restricts the conversion of domestic outbuildings to dwellings, and as such the proposal would be in conflict with this policy. Furthermore, there would be a loss of openness resulting from the scheme, albeit a small loss. The garden of 9 Bury Hall would be subdivided to provide a bin and covered cycle store, and this and the construction of a brick wall around it would impact on the openness of the green belt, as would the provision of a door canopy. The side of the building would have a constrained and cluttered appearance, and the loss of openness would be noticeable. Thus the residential conversion of a domestic outbuilding would be inappropriate development contrary to the requirements of LP Policy SAL.UP11 and of the Framework.
11. The appellant considers the proposal would be the redevelopment of a previously developed site in the green belt and as such LP Policy SAL.PDS1 applies. However, this policy refers to the redevelopment of sites within the Council's area. As the appeal scheme is for the conversion of an existing building and not the redevelopment of a site, this policy is not relevant.

Living Conditions

12. I share the Council's concerns that the site would not provide adequate amenity space for future occupiers of the property. The subdivision of the No 9's garden would appear as contrived rather than as an integrated part of the design. Even though parking would be retained for No 9, the external space for the proposed dwelling would be harmfully constrained, particularly so when compared to the former school complex as a whole. LP Policy SAL.UP7 does not specifically refer to amenity space, but it does require all proposals to demonstrate the highest design quality. For the reasons given the proposal would fail to accord with this requirement.
13. I noted that some of the properties within the complex had limited external space. Nevertheless, from what I saw at my visit domestic servicing and parking arrangements were included as an integral part of the complex. Whilst accepting the proximity of community services and facilities to the site, the Planning Practice Guidance (the Guidance) refers to the provision of servicing for dwellings having to be carefully considered and well designed to ensure that they are safe to use, discrete and accessible. In this particular instance the narrow width of the servicing strip would so cramped and restricted that it would be awkward to manoeuvre bins and cycles within it. This would not be the good standard of amenity for future residents as sought by the Framework and the Guidance.
14. Drawings were submitted for the appeal that showed a larger outdoor amenity space for the proposed dwelling. However, this scheme is very different to that refused by the Council, particularly as it extends the site area. The appeal process should not be used to evolve a scheme. It is important that the facts before me are essentially those considered by the Council and other parties. In this instance there are several differences between the appeal scheme and that considered by the Council. The amended scheme differs significantly from the application and whilst the Council have had an opportunity to comment, others have not, and I am therefore unable to accept it as an amendment.

15. I note the appellant's concerns regarding the Authority's handling of the application particularly with regard to the matter of amended drawings. However, these are procedural matters, and such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

Other Matters

16. My attention has been drawn to matters of land ownership and management arrangements. However, such issues would be for the relevant parties to resolve, and have not had any bearing on my assessment of the planning issues in this appeal.
17. The scheme would necessitate the conversion of the existing outbuilding, and I note the Council's ecological advisor considers there to be a low potential use of the building by bats because of the rooflight. Be that as it may, it is not clear from the submission whether bats would be affected by the proposal. However, as I am dismissing the appeal for other reasons this matter has not been decisive.

Other Considerations and Very Special Circumstances

18. The former school is a Local Heritage Building, within the Wolverley Conservation Area. Separated from the village on a prominent spur of high ground, the buildings of this complex are a distinct feature. The conversion would mostly retain the distinct and high quality form of the building that makes a positive contribution to the conservation area and to the school complex. Having regard to the existing domestic use of the site, the proposal would preserve the character and appearance of the conservation area and a Local Heritage Building.
19. The appellant and the Council's Conservation Officer have pointed out that the scheme would allow the long term survival of a building that is on the Local Heritage List, and the appellant considers this a very special circumstance. I accept the building makes a positive contribution to the former school complex and the conservation area. However, it has not been demonstrated that the building is at serious risk or that converting the building to a dwelling is the only means of securing its long-term future, particularly as maintenance and / or repairs would not be dependent on its conversion. This other consideration does not outweigh the harm to the green belt or the harm I have found with regard to the living conditions of future occupiers, and would not therefore be a very special circumstance to justify the development.

Conclusion

20. The conversion of the building would be inappropriate development in the green belt and there would be a loss of openness, contrary to development plan policy and objectives of the Framework. Nor would the proposal provide adequate amenity space for future occupiers. These harms would be substantial and would not be outweighed by any other considerations that would amount to very special circumstances. Consequently, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans INSPECTOR