

Open

# Planning Committee

## Agenda

6pm  
Thursday, 24th May 2018  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Planning Committee

### Members of Committee:

Councillor J Aston

Councillor P Harrison

Councillor M J Hart

Councillor N Martin

Councillor C Rogers

Councillor S J Williams

Councillor S J Chambers

Councillor J A Hart

Councillor D Little

Councillor F M Oborski MBE

Councillor J A Shaw

Councillor R Wilson

### 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 Sian Burford, Assistant Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732766 or email [sian.burford@wyreforestdc.gov.uk](mailto:sian.burford@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.

## **WEBCASTING NOTICE**

This meeting is being filmed\* for live or subsequent broadcast via the Council’s website site ([www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)).

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

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council’s website for 6 months and shall be retained in accordance with the Council’s published policy.

**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 Corporate Director: 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 Corporate Director: 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

Thursday, 24th May 2018

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  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.	<b>Declarations of Interests by Members</b>  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.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 17th April 2018.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	<b>Planning and Related Appeals</b>  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.	29
7.	<b>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.</b>	

8.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“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”.</p>	
----	--	--

Part 2

Not open to the Press and Public

9.	<p><b>New Enforcement Case</b></p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on a new enforcement case.</p>	-
10.	<p><b>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.</b></p>	

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER**

**TUESDAY 17TH APRIL 2018 (6 PM)**

---

**Present:**

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

**Observers:**

There were no members present as observers.

**PL.67 Apologies for Absence**

There were no apologies for absence.

**PL.68 Appointment of Substitutes**

No substitutes were appointed.

**PL.69 Declarations of Interests by Members**

Councillor J Shaw declared, in respect of application 18/0008/FULL, that he had circulated a letter to affected residents and met several residents face to face on a related issue on access to the rear of their property and not a material planning consideration. He added that he had met with the objector but had not expressed a view either for or against the application.

**PL.70 Minutes**

**Decision: The minutes of the meeting held on 20th March 2018 be confirmed as a correct record and signed by the Chairman.**

**PL.71 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 563 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 563 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.72 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.**

**PL. 73 Exclusion of the Press and Public**

**Decision: 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.**

**PL.74 New Enforcement Case**

The Committee received a report from the Corporate Director: Economic Prosperity and Place on a new enforcement case.

**Decision: The Solicitor to the Council receive delegated authority to serve or withhold an Enforcement Notice for the reason detailed in the confidential report to the Planning Committee.**

There being no further business, the meeting ended at 7.14p.m.



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

17<sup>th</sup> April 2018 Schedule 563 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:** 18/0008/FULL

**Site Address:** SITE OFF LAYAMON WALK, STOURPORT-ON-SEVERN, DY130AG

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. External site Levels and finished floor levels to be approved
5. C6 (Landscaping – small scheme)
6. C8 (Landscaping implementation)
7. Site Specific Arboricultural Statement
8. Tree Protection during construction
9. Recommendations of the AIA to be undertaken
10. First 5m to be surfaced in a bound material
11. Require the access, turning area and parking facilities including cycle parking shown on Drawing number D01 to be provided.
12. Drainage condition
13. Remove PD Rights for any Class A, B and E enlargements or alterations
14. To secure affordable housing provision
15. Require a Lighting strategy

**Application Reference:** 18/0076/FULL

**Site Address:** VICTORIA VILLA, 4 LION HILL, STOURPORT-ON-SEVERN, DY139HD

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Restricts the use of the building to be used as a family assessment centre only and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
4. No more than 6 families shall be occupied at the premises at anyone time.
5. Requires the cycle storage facility to be maintained.

**Application Reference:** 17/0760/FULL

**Site Address:** TOWER BUILDINGS, 1- 12 BLACKWELL STREET,  
KIDDERMINSTER, DY102DP

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. Windows and doors
5. Bin storage details
6. Windows to side elevation
7. Storage of refuse
8. Secure parking for 17 cycles
9. A welcome pack promoting sustain travel options
10. Implementation of noise summary recommendations

**Application Reference:** 17/0764/FULL

**Site Address:** SITE OF FORMER H AND H CHILLED FOODS, HACKMANS GATE,  
CLENT, STOURBRIDGE, DY9 0EN

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Details of external materials including hard surfacing materials
4. Boundary treatment details
5. Removal of permitted development rights for extensions
6. Scheme for surface water drainage
7. Drainage plan for the disposal of foul and surface water flows
8. Ground investigation works
9. Tree Protection Plan
10. Landscaping scheme to be implemented
11. Landscape maintenance and management plan to be agreed
12. Requires access, turning and parking facilities to be provided
13. Details of external lighting to be agreed
14. Ecological enhancement measures to be provided

Notes

- A Section 38 Agreement details
- B Drainage Details for Section 38

**Application Reference:** 17/0766/FULL

**Site Address:** 19 TALBOT STREET, KIDDERMINSTER, DY116QU

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)

Note

SN12 (Neighbours' rights)

**Application Reference:** 18/0059/FULL

**Site Address:** CRUNDALLS COTTAGE, CRUNDALLS LANE, BEWDLEY, DY121NB

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)

**Application Reference:** 18/0106/FULL

**Site Address:** BROCKENCOTE COTTAGE, BROCKENCOTE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104PY

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Personal permission for Applicant only

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**24/05/2018**

**PART A Report**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
18/0079/FULL	WINTERFOLD HOUSE SCHOOL WINTERFOLD CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	13

**PART B Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
18/0141/FULL	2 CHAFFINCH DRIVE KIDDERMINSTER	APPROVAL	23
18/0172/FULL	125 BRINDLEY STREET STOURPORT-ON-SEVERN	APPROVAL	25

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**

**24<sup>TH</sup> MAY 2018**

**PART A**

<b>Application Reference:</b>	18/0079/FULL	<b>Date Received:</b>	29/01/2018
<b>Ord Sheet:</b>	387503 273806	<b>Expiry Date:</b>	25/05/2018
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Construction of a floodlit All Weather Sports Pitch, Multi-Use Games Area, and a replacement cricket pavilion together with associated floodlighting, fencing, drainage and landscaping works.

**Site Address:** WINTERFOLD HOUSE SCHOOL, WINTERFOLD, CHADDESLEY CORBETT, KIDDERMINSTER, DY104PW

**Applicant:** BROMSGROVE SCHOOL

<b>Summary of Policy</b>	DS04, CP01, CP07, CP11, CP12 (CS) SAL.PFSD1, SAL.DPL11, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 and SAL.DPL12 (SAAPLP)
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

1.1 Winterfold House School comprises an independent day and boarding school for boys and girls aged from 3 to 13 years and a day nursery. The school is located on the south side of Bromsgrove Road (A448), between Mustow Green and Chaddesley Corbett, and lies to the east of Winterfold Lane. The school buildings are grouped together and are located on the eastern half of the site, where there is also an extensive on-site floodlit car park. The school includes a three-storey building known as Winterfold House, which is Grade II Listed and is currently used by the school. There is a cricket pitch and pavilion occupying the northwest corner of the site and grass playing fields within the southern part of the site. The playing fields include hard surfaced floodlit and grass netball and tennis courts, an adventure play area and a swimming pool building within the southeast corner. The site's main vehicular access is off Winterfold Lane and via an internal driveway that runs from the northwest corner of the site through the centre of the site to the school's car park. The site falls within the West Midlands Green Belt.

18/0079/FULL

- 1.2 Immediately adjoining the site to the north and within 190 metres to the east are two farms, with farmhouses. To the south, approximately 315 metres from the site is a private fishing pond. There is also a dwellinghouse to the southwest of the site, which is located on the opposite side of Winterfold Lane and approximately 60 metres from the site.
- 1.3 The application seeks planning permission for the erection of a sand dressed Artificial Grass Pitch (AGP) for hockey use (97.4metres x 59metres), which would be floodlit by 6 no. 15 metre high columns with two lights fitted to each column and the pitch would be enclosed by a 4.5 metre high black weld mesh fence. It would be sited on part of the existing playing field located in the south eastern corner, which currently comprises two existing netball/tennis courts and a youth rugby pitch. The construction of the pitch would require significant engineering works to create a suitable level for the pitch and the ground level would be re-graded on the southern side of the pitch to form a grass embankment with additional tree planting along the site boundary to help screen the illuminated playing surface from the open land beyond. The existing netball and tennis courts would be re-provided in a new floodlit Multi Use Games Area (MUGA) (35.5 metres x 34.75 metres) on an area to the north of the proposed hockey AGP. The MUGA would be flood lit by 4 no. 8 metre high columns.
- 1.4 It is also proposed to erect a replacement cricket pavilion adjacent to the southeast corner of the cricket pitch, which would comprise a single storey building, constructed in grey brickwork and timber cladding with a sedum covered roof. It would provide two changing rooms, officials changing, disabled W/C and shower, and a club room including kitchen. The existing cricket pavilion, which is not listed, would be demolished.
- 1.5 During the course of this application the proposed Hockey AGP and MUGA have been repositioned further north to enable the retention of the two significant Wellingtonia trees. The amended application has been supported by an updated Lighting scheme and Tree Removal/Tree Protection Plan. A Planning Statement, Design and Access Statement with Heritage Statement, Preliminary Ecological Appraisal, a Ground Investigation Report, Drainage Strategy, Flood Risk Assessment, Lighting Details and a Statement of Need have also been submitted in support of this application.

## **2.0 Planning History**

- 2.1 There have been numerous applications for this site relating to works to the Listed Building (Winterfold House) and for the erection and extensions of classroom buildings. The most relevant planning history for this application being:
  - WF/0842/00 – Erection of an adventure playground with apparatus on existing playing field : Approved 22.9.00

18/0079/FULL

- WF/0091/04 - Erection of 2 No. 5m poles carrying 2 x 250 watt floodlights to illuminate car parking area (retrospective application) : Approved 30.1.04

### **3.0 Consultations and Representations**

- 3.1 Chaddesley Corbett Parish Council – No objection to the proposed development and recommends approval.
- 3.2 Highway Authority – No objection.
- 3.3 Arboricultural Officer – No objection to the amended scheme as it shows the retention of the Wellingtonia trees. The updated Tree Protection Plan reflects the change in the design and provides adequate protection of trees to be retained. It is advised that a condition is necessary to require a site inspection to be carried out before development commences to ensure the tree protective fencing has been installed correctly. The proposed landscaping scheme also requires additional tree planting to mitigate for the loss of the trees to be removed and to provide further screening along the site boundaries.
- 3.4 Countryside Manager - No objection to the amended scheme and to the amended lighting scheme. A condition is recommended to ensure the floodlighting is not used between 9pm and 6am from 1<sup>st</sup> May to 31<sup>st</sup> August in order to protect bat species.
- 3.5 Conservation Officer – No objection to the amended scheme and it is advised that apart from the proposed floodlighting, the amended scheme would be a much more sensitive scheme. The retention of the important Wellingtonia trees is also to be welcomed. It is noted that the proposed floodlighting would have an adverse impact on the setting of the Listed Building, however it is considered that the level of harm would be less than substantial and can be over-ruled by the public benefits of the scheme in order to comply with paragraph 134 of the National Planning Policy Framework.
- 3.6 Worcestershire Regulatory Services – No adverse comments to the proposed lighting scheme. It is also advised that there are no former contaminative uses or landfill sites recorded within close proximity to the proposed development site. It is therefore unlikely that contamination is a significant issue at the site and therefore no adverse comment is to be made with regard to any potential risk of land contamination.
- 3.7 West Mercia Police Designing Out Crime Officer – No objection.

18/0079/FULL

- 3.8 North Worcestershire Water Management Officer – No objection subject to a condition to require a scheme to be agreed for foul and surface water drainage (including SuDs).
- 3.9 Sport England – No objection subject to a condition to secure community use of the sports facilities. It is noted that the proposed development would meet exception E5 of Sport England’s Adopted Playing Fields Policy because it is for an outdoor sports facility, which would be of a sufficient benefit to the development of sport as to outweigh the detrimental caused by the loss of one rugby pitch.
- 3.10 Neighbour/Site Notice – No representations received.

**4.0 Officer Comments**

4.1 The main considerations are whether the proposal would be an appropriate form of development in the Green Belt, and whether there would be any detrimental impact on the character and appearance of the area, on the setting of the designated heritages assets, on sport opportunity, trees and ecology and upon existing residential amenity.

**WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT**

4.2 The application site falls within the designated Green Belt. The Government advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; an essential characteristic of Green Belts is their openness.

4.3 Paragraph 89 of the National Planning Policy Framework advises that new buildings within the Green Belt are inappropriate development unless they fall within one of the exceptions. One of these exceptions is for new buildings that would provide for the provision of appropriate facilities for outdoor sport, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan contains the same exception for permitting new buildings in the Green Belt.



18/0079/FULL

- 4.4 The proposed cricket pavilion would be located in a different location than the existing pavilion to improve views of the cricket pitch strip. The existing mature trees would provide a suitable backdrop for the building and would help to screen the views of the building from the open countryside to the south of the site. The proposed pavilion would not appear conspicuous in this location or detract from the openness of the Green Belt. The floodlighting columns and the weld-mesh fencing would be associated with the proposed hockey AGP and MUGA would be seen within the context of the existing playing field. They would be largely unseen beyond the confines of the site due to their position within the southeast corner of the school site, and they would be well screened by the school buildings to the north and the existing and proposed tree planting that surrounds the site. In addition, there is no public right of way within close proximity of the school site. I therefore consider that the proposals would not be inappropriate development in the Green Belt and would accord with paragraph 89 of the National Planning Policy Framework and Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan.
- 4.5 The proposed development would require significant engineering operations to ensure suitable levels are provided for the proposed artificial grass pitch and multi-use games area. From the details submitted, I am satisfied that the ground levels to the south and east of the AGP and MUGA can be re-graded to form a natural grass embankment and that these works would preserve the openness of the area. I therefore consider that this form of development would comply with paragraph 90 of the National Planning Policy Framework, which permits engineering operations in the Green Belt providing it does not result in any harm on openness.

#### IMPACT ON CHARACTER AND APPEARANCE

- 4.6 The proposed floodlighting would be located approximately 250 metres from Winterfold Lane and would be sited to the south of the school buildings away from the A448. There are also two existing floodlights around the hard surfaced tennis and netball courts and two existing floodlights and low level bollard lighting to the car park. I note that the proposed floodlighting columns would be considerably high at 8 and 15 metres compared to the existing floodlights which are only 6 metres high, however, they would not be apparent beyond the confines of the site and I am satisfied that the floodlights would not have a detrimental impact on the character and appearance of the site during the daytime. During hours of darkness, the proposed floodlighting would result in concentrated lighting on this part of the school's playing field, which would cause some harm to the existing dark sky character of the area. The harm arising from the floodlighting would be localised to this part of the site and the submitted lighting impact assessment and lighting specifications have demonstrated that the level of light spillage would be low.

18/0079/FULL

- 4.7 In favour of the development are the benefits to social and well-being arising from the greater use of the sports facilities for school pupils and increased opportunity to play sport by the local community. The National Planning Policy Framework also emphasises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities (Paragraph 73). I therefore consider that these benefits outweigh the minimal harm to the character of the site at night.

#### IMPACT ON THE SETTING OF THE HERITAGE ASSET

- 4.8 The Planning Practice Guidance states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their significance. The setting of a heritage asset is defined in the National Planning Policy Framework as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 4.9 The setting of the Grade II listed Winterfold House has evolved since the building was formerly used as a house to its present use, as a school building. Although the land immediately fronting Winterfold House is now used as a playing field, it still retains its open parkland characteristics and the views from Winterfold House towards Malvern Hills remains largely uninterrupted. From the historic ordinance maps it appears that the only surviving features of the parkland setting when Winterfold House was listed in 1987 are the two Wellingtonia trees that are located within the playing field.
- 4.10 The siting of the hockey AGP and MUGA have been amended in order to retain the open views directly fronting Winterfold House and to retain the two important Wellingtonia trees, which would have been lost in the original proposal. The Conservation Officer raises no objection to the siting of the proposed AGP and MUGA and advises that the setting of the listed building would be preserved and enhanced by further tree planting. However, it is considered by the Conservation Officer that the proposed floodlighting would harm the night sky in this rural location and result in less than substantial harm to the setting of the listed building. As mentioned above the proposed development would bring a number of benefits to social and well-being through the increased opportunity to play sport for school pupils and the local community. I am therefore satisfied that these public benefits would outweigh the harm to the significance of the designated heritage asset, in line with Paragraph 134 of the National Planning Policy Framework and Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan which both seek to protect the setting of listed buildings.

18/0079/FULL

IMPACT ON SPORT OPPORTUNITY

- 4.11 The development would replace part of the existing grass playing field with a sand dressed artificial grass pitch (AGP) for hockey use. This would result in the loss of one rugby pitch and would reduce the overall provision of rugby pitches to 5 of varying sizes.
- 4.12 The National Planning Policy Framework seeks to protect existing open space, sports and recreational buildings and land, including playing fields except in circumstances as set out in paragraph 74. The listed circumstances in the National Planning Policy Framework include an exception when the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.
- 4.13 In favour of the development are the comments from England Hockey who have confirmed to Sport England that there is an urgent need for hockey in this area. England Hockey also advises that Bromsgrove Hockey Club is expanding at an alarming rate thanks in part to their rapid growth of their junior section. They further note that Bromsgrove Hockey Club have a waiting list for juniors as there isn't sufficient pitch time available to cater for the demand. The Football Association have also made comments to Sport England and have advised that the new AGP would provide the opportunity to accommodate local football clubs for training purposes after school hours. Sport England has raised no objection to the application providing a condition is attached to secure community use of the proposed sporting facilities.
- 4.14 In addition, the applicant has submitted a Statement of Need during the course of this application to justify the need for the development. They have advised that the school's existing grass pitches are not useable throughout the academic year during poor weather conditions and due to a lack of floodlighting. Furthermore, due to a lack of facilities sport matches have to be prioritised on a weekly basis and it is not possible for all teams to play at the same time. The grass pitches are particularly unsuitable for playing hockey. It is further noted by the applicant that students are often required to travel off-site for hockey practice and games, which is not sustainable. In addition, the quality and adequacy of the sports facilities is very important to the future success of the school and its long-term viability.
- 4.15 In terms of the loss, the Rugby Football Union have highlighted in their comments to Sport England that they would not wish to see the loss of the rugby pitch particular where it would have an adverse effect on rugby union activity. I also note that the adopted Playing Pitch Strategy identifies that within the Rural East sub-area, there is an identified shortfall of one senior rugby pitch now and that there would be a shortfall of two equivalent senior rugby pitches in the future.

18/0079/FULL

- 4.16 Taking all of these factors into account, I consider that the development would enhance the provision of outdoor sports facilities in the local area by addressing a shortfall of artificial grass pitches for hockey, which is currently being experienced by Bromsgrove Hockey Club and the new hockey pitch would enhance the facilities for existing school pupils and provide increased opportunity for community use. I have no evidence to suggest that the loss of one rugby pitch would have an adverse effect on rugby union activity especially given that the existing rugby pitch does not serve the local community and is for school use only. Furthermore, the site is not identified in the adopted Playing Pitch Strategy and therefore does not form part of the supply of pitches. I therefore consider that the needs for the hockey AGP clearly outweigh the loss of a rugby pitch. As such, the development would accord with paragraph 74 of the National Planning Policy Framework.

**IMPACT ON TREES AND BIODIVERSITY**

- 4.17 Although the amended proposals would result in the loss of a row of mature trees and two other mature trees, which do have amenity value in terms of their condition and size, the retention of the Wellingtonia trees is important and overall it is considered that a suitable replacement tree planting scheme would retain the character of the site. I concur with this view and have recommended the conditions as suggested by the Council's Tree Officer to ensure appropriate tree protection measures are carried out and to secure the details of the replacement tree planting scheme. I also consider it necessary to recommend a condition to ensure the retention of all retained trees.
- 4.18 The Council's Countryside Manager has reviewed the submitted ecological survey and advised that the development would have negligible impact on biodiversity, subject to a condition to prevent the floodlighting being used between 9pm and 6am from 1<sup>st</sup> May and 31<sup>st</sup> August to safeguard bat species. I concur with this view, given that the floodlights would be predominantly used during autumn/winter months when bats are in hibernation. I have recommended a condition to prevent the use of the floodlights beyond 9pm as agreed by the applicant.

**IMPACT ON RESIDENTIAL AMENITY**

- 4.19 The proposed hockey AGP, the MUGA and the associated floodlighting would be located approximately 250 metres from the nearest residential property to ensure no detrimental impact on the amenities of existing residents in terms of noise disturbance and light pollution. Worcestershire Regulatory Services are satisfied with the lighting impact assessment and have raised no objection. I acknowledge that the installation of the floodlights would allow the proposed AGP and MUGA to be used for longer periods each day and that this would result in increased traffic movements. However, access to the site is off the A448 and any increase in traffic movements arising from the development would not have a significant effect on highway safety compared to the existing use of the access. The school site also has an extensive car park, which would provide sufficient car parking provision.

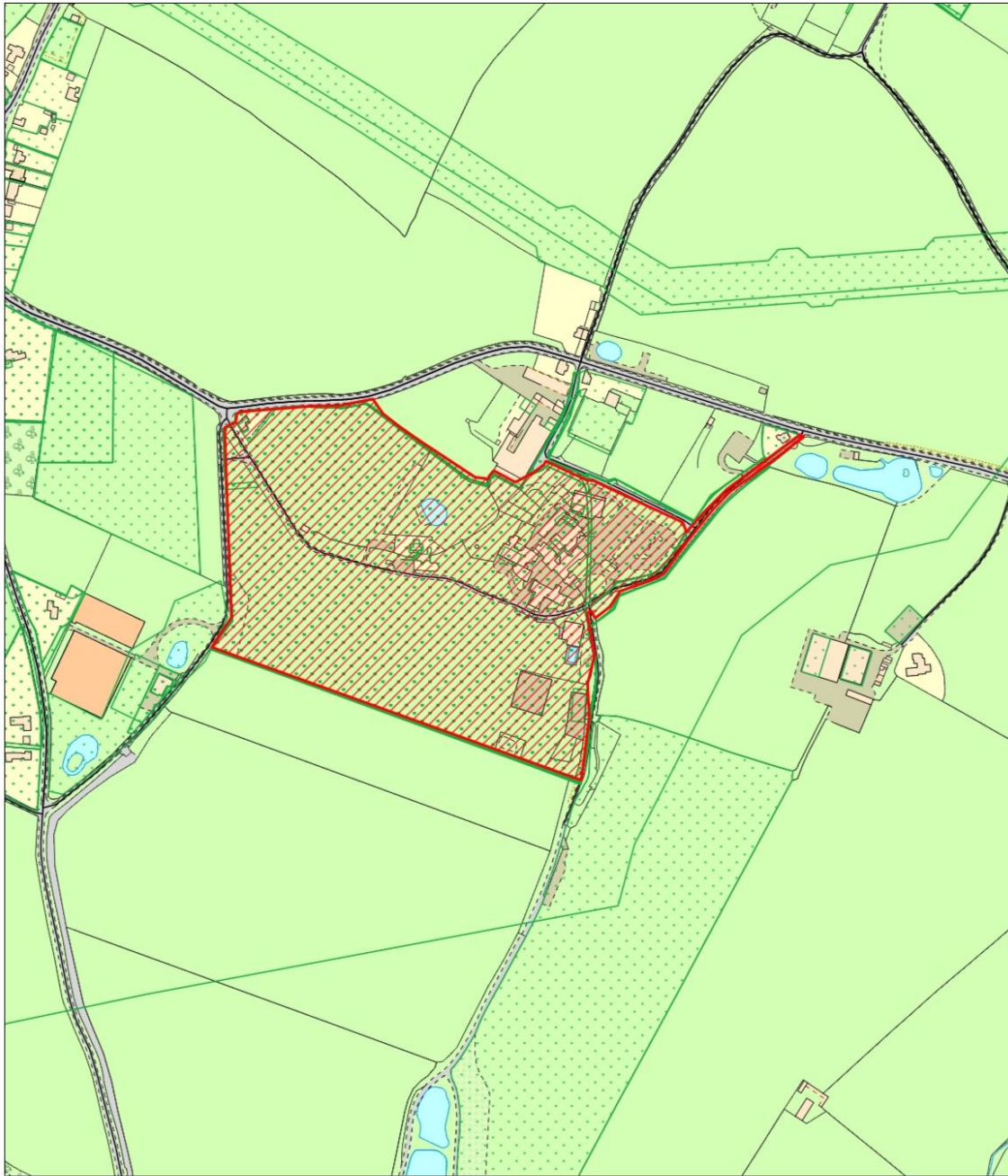
18/0079/FULL

## 5.0 Conclusions and Recommendations

5.1 The proposal is an appropriate form of development in the Green Belt and the installation of the floodlighting would only have a minimal harm on character of the night sky and to the significance of the Grade II listed Winterfold House. I am of the view that the minimal harm to the character of the area and to the designated heritage asset would be outweighed by the benefits of the scheme in terms of the increased opportunity of sporting activities for both school and community use and by the imposition of conditions to limit the hours of floodlighting to no later than 9pm. I am satisfied that there is an urgent need for the hockey AGP which clearly outweighs the loss of a rugby pitch. I therefore consider that the proposed development would accord with the Development Plan and the National Planning Policy Framework.

5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Agrees the external materials for the cricket pavilion
4. Tree Protection measures to be agreed on site
5. Landscaping to be agreed
6. Landscaping to be implemented
7. Retention of trees
8. Sustainable drainage condition
9. Requires the existing cricket pavilion building to be demolished after completion of the replacement pavilion
10. Restrict hours of use of floodlighting
11. Requires floodlighting columns to be finished in a black colour.
12. Community use agreement



Economic Prosperity and Place Directorate

**Winterfold House School**

**Winterfold, Chaddesley Corbett**

**Kidderminster, DY10 4PW**



Crown Copyright 100018317 14 May 2018

Scale 1:5000

Wyre Forest House, Finepoint Way, Kidderminster DY11 7WF Telephone: 01562 732928, Fax: 01562 732556

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**24<sup>TH</sup> MAY 2018**

**PART B**

<b>Application Reference:</b>	18/0141/FULL	<b>Date Received:</b>	16/02/2018
<b>Ord Sheet:</b>	383996 274548	<b>Expiry Date:</b>	13/04/2018
<b>Case Officer:</b>	Sarah Mellor	<b>Ward:</b>	Aggborough & Spennels

**Proposal:** Erection of wall to the front and sides of front garden

**Site Address:** 2 CHAFFINCH DRIVE, KIDDERMINSTER DY10 4SZ

**Applicant:** Mr Gary Fern

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7 (SAAPLP)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The site comprises a detached residential dwelling situated on the corner of Chaffinch Drive and Heronswood Road.
- 1.2 Within the area there are other detached residential properties, some of which have the benefit of boundary treatments to their respective front gardens. These typically comprise close boarded fences.

**2.0 Planning History**

- 2.1 None relevant

**3.0 Consultations and Representations**

- 3.1 Kidderminster Town Council – Refuse. The proposal is not in keeping with the development agreements for the neighbourhood
- 3.2 Neighbour/Site Notice – One representation received in support of the application.

18/0141/FULL

#### 4.0 Officer Comments

- 4.1 The application seeks permission for the construction of a boundary wall to the front and side boundaries of no. 2 Chaffinch Drive. The application is partially retrospective.
- 4.2 The wall fronting Chaffinch Drive would be 0.4m high at its highest point above the lowest ground level. Owing to the sloping frontage, this will taper off to a very minimal height adjacent to the entrance to the drive. A replacement hedge would be planted behind this.
- 4.3 The wall to the adjacent grass verge between Chaffinch Drive and Heronswood Road has, in part, been constructed. It spans 11.44m and comprises modest brick piers which are to a maximum height of 1.25m. In order to complete this wall, it is proposed to install metal railings between the piers.
- 4.4 This is the same design and height proposed to the opposite boundary, between the applicant's property and no. 4 Chaffinch Drive. The wall would span on 7.6m in this location.
- 4.5 The property and others on the estate have had certain permitted development rights removed. As such, all boundary treatments forward of the principal elevation require planning consent. It is important to note that the imposition of this condition is not to prevent such development taking place, but to ensure that the Local Planning Authority has control over any development that is proposed.
- 4.6 It is considered that the construction of the boundary treatment is appropriate to the host dwelling and the surroundings. It is also felt typical of an area where there is a grass verge adjacent a residential property that some sort of boundary treatment is erected, in order to delineate public from private. The comments of the Town Council are noted, but on this particular occasion it is judged to be acceptable.
- 4.7 No neighbour objection has been raised to the proposal.
- 4.8 It is considered that the development is an acceptable addition to this part of Chaffinch Drive and would not adversely affect the character of the area.

#### 5.0 Conclusions and Recommendations

- 5.1 It is therefore recommended that the application be **APPROVED**, subject to the following conditions:
1. A11 (Approved plans)
  2. Materials



## Agenda Item No. 5

**Application Reference:** 18/0172/FULL      **Date Received:** 01/03/2018  
**Ord Sheet:** 380953 272227      **Expiry Date:** 26/04/2018  
**Case Officer:** Sarah Mellor      **Ward:** Mitton

**Proposal:** Erection of detached dwelling house together with parking (Resubmission of application 14/0246/FULL)

**Site Address:** 125 BRINDLEY STREET, STOURPORT-ON-SEVERN DY13 8JW

**Applicant:** MR ROB BLUNT

<b>Summary of Policy</b>	DS01, DS03, CP01, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7 SAL.UP9 (SAAPLP) Paragraph 14, Sections 6, 7 (NPPF)
<b>Reason for Referral to Committee</b>	Planning application represents Departure from the Development Plan
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

1.1 The site forms the driveway and garden area for 125 Brindley Street to the north of Stourport on Severn Town Centre. The property is a detached property was built in the early 1900s as part of a group of six dwellings. These historic buildings are surrounded by more modern residential development on all sides.

### 2.0 Planning History

2.1 14/0246/FULL – Proposed new 3 bedroom dwelling : Refused 20.6.2014; Appeal Dismissed

### 3.0 Consultations and Representations

3.1 Stourport on Severn Town Council – No objection

3.2 Highway Authority - The proposed parking provision does not conform to policy standards however in view of the Inspector's Appeal decision where it was concluded that the proposed development would not prejudice highway or pedestrian safety no objection will be raised.

3.3 Planning Policy Manager - If there are no other objections on design or highway grounds, then this could go forward for approval as a departure. The Local Plan Review Preferred Option included a proposed infill policy (18b) and this is just such a site that would satisfy that policy.

18/0172/FULL

3.4 Worcestershire Regulatory Services – No comments received

3.5 North Worcestershire Water Management – Further information relating to flood risk required.

Following confirmation from the applicant that the finished floor level will line through with neighbours and be 300mm above ground level; that either the property will be constructed using a solid floor or have anti flood air bricks and that a Severn Trent application shall be submitted for foul and surface water drainage and noted on policy for this, the Water Management Officer is satisfied that their concerns are addressed.

3.6 Severn Trent Water – No condition is required.

3.7 Neighbour/Site Notice – No representations received

#### 4.0 Officer Comments

##### BACKGROUND

4.1 This application is submitted following the refusal of 14/0246/FULL which was described as *Proposed new 3 bedroom dwelling*. This application was refused by the Council for 3 reasons as summarised below:-

1. The application site does not constitute previously developed land as defined in Annex 2 (Glossary) of the National Planning Policy Framework. To allow the development in these circumstances would conflict with the strategic aims of the District Council which focus on the development of previously developed land.
2. The proposal by virtue of its design would result in an unacceptable layout of development when viewed in the context of the established character of the surrounding area.
3. This proposed development results in a substandard parking area where there is presently an acceptable parking situation. The use of the proposed parking area will have an adverse impact on highway safety and is compounded by the shortfall of parking which will result in the displacement of vehicles onto the highway causing an obstruction of the carriageway.

4.2 Following an appeal, the Inspector concurred with the Council that the development was not acceptable owing to being situated on garden land and that the development would be cramped but did not agree with the Highway Authority that the shortfall of spaces would result in additional on-street car parking nor that there would be a significant increase in the risk to highway or pedestrian safety compared with the existing.

18/0172/FULL

**OVERVIEW**

- 4.3 The application seeks consent for the a 3 bedroom dwelling, seeking also to address the comments of the Inspector in relation to the principle of development and the character and appearance of the development.

**PRINCIPLE**

- 4.4 Having due regard and consideration for the comments of the Inspector in 2015, it is noted that reference is made to the Council's Core Strategy and Local Plan. The housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. These factors result in the presumption in favour of sustainable development as set in paragraph 14 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this policy context.

**CHARACTER, APPEARANCE AND DESIGN**

- 4.5 The Inspector commented that the development would have a cramped appearance owing to the separation from both adjacent properties. This revised application shows that the dwelling would now be closer to the adjacent property no. 121, thereby reducing the gap of concern.
- 4.6 It is considered that this situation would be similar to the relationship between no. 111 and both adjacent properties. Such a relationship, it is felt, would not be detrimental to the character and appearance of the area and is therefore considered acceptable.
- 4.7 The design of the property clearly replicates that of the adjacent properties, matching also in ridge height and detailed design. These features are key to ensure the property would assimilate well with the surroundings.

**HIGHWAYS AND PARKING**

- 4.8 The application proposes 2 no. parking spaces however, as indicated by the Highway Authority (refer to 14/0246/FULL), this situation would not conform to the interim parking standards, as no. 125 would be left with only 1 no. parking space.
- 4.9 The Inspector considered this situation at the time of the appeal and was of the view that this would neither lead to additional on-street parking nor lead to a significant increase in the risk to highway or pedestrian safety compared with the existing.

18/0172/FULL

4.10 On this basis, notwithstanding the considerations of the Highway Authority, the Inspector considered that the proposed development would not prejudice highway or pedestrian safety.

4.11 Given the above assessment, the Highway Authority raises no objection.

## **5.0 Conclusions and Recommendations**

5.1 Having assessed the application and identified no harm in the detail of the application it is therefore apparent that there is a presumption in favour of the development. The additional dwelling will, along with other similar windfall sites, boost the supply of housing, which is also considered to be a benefit in favour of the development. On this basis it is considered that there are sufficient grounds to support a departure from Local Plan policy.

5.2 It is therefore recommended that the application be **APPROVED**, subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)

## WYRE FOREST DISTRICT COUNCIL

### Planning Committee

24 May 2018

#### 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
WFA1487 17/0651/ENF	APP/R1845/C/17 /3184429	Mr & Mrs Voyce	VALE FARMHOUSE SPARUM FARM STANKLYN LANE SUMMERFIELD  Unauthorised change of use from dwellinghouse to dwellinghouse, dog boarding and dog grooming establishment and erection of dog kennel building.	WR  19/10/2017	23/11/2017			
WFA1489 17/0730/ENF	APP/R1845/C/17 /3188932	Mr M Fentiman	TROUGH OFF HABBERLEY ROAD BEWDLEY DY121LD  Unauthorised construction of a dwelling, domestic curtilage and associated garden building (Enforcement Case 17/0053/ENF)	WR  29/11/2017	03/01/2018			

Agenda Item No. 6

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
WFA1490 17/0186/TREE	APP/TPO/R1845/MR PAUL 6243	YEO	1 COMBERTON GARDENS KIDDERMINSTER DY103DB  Pollard Lime Tree	HE  03/01/2018	07/02/2018			
WFA1492 16/0441/FULL	APP/R1845/W/1 7/3189794	P & J Lawley	LAND AT WHYTEHOUSE FARM GREENWAY ROCK KIDDERMINSTER  20 starter homes and other ancillary works	WR  02/02/2018	09/03/2018			
WFA1494 17/0412/FULL	APP/R1845/D/17 /3192399	MR & MRS OGDEN	11A BATHAM ROAD KIDDERMINSTER DY102TW  Raised roof and first floor to existing garden building	WR  06/03/2018	10/04/2018			Dismissed  09/04/2018

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
WFA1495 17/0436/FULL	APP/R1845/D/17 /3192216	Mr & Mrs Peace	OAKWOOD BARN DUNLEY ROAD HEIGHTINGTON BEWDLEY DY122YE  Erection of a sunroom to existing dwelling	WR  06/03/2018	10/04/2018			Dismissed  09/04/2018
WFA1496 16/0003/OUTL	APP/R1845/W/1 8/3196468	Miller Homes	LAND SOUTH OF STOURBRIDGE ROAD KIDDERMINSTER  Outline planning application for a residential development of up to 100 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. Detailed approval is sought for access, with all other matters	LI  15/03/2018	19/04/2018	10/05/2018		

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
WFA1497 17/0380/FULL	APP/R1845/W/1 8/3193886	MR RALPH ROUND	VACANT PLOT, THURSTON COURT SEVERN SIDE SOUTH BEWDLEY DY122DX  New Dwelling	WR 29/03/2018	03/05/2018			



## Appeal Decision

Site visit made on 3 April 2018

**by H Baugh-Jones BA(Hons) DipLA MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 April 2018**

---

**Appeal Ref: APP/R1845/D/17/3192399**

**11A Batham Road, Kidderminster DY10 2TW**

- 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 and Mrs Ogden against the decision of Wyre Forest District Council.
  - The application Ref 17/0412/FULL, dated 23 June 2017, was refused by notice dated 7 November 2017.
  - The development proposed is raised roof and first floor to existing garden building.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are (i) the effect of the proposal on the character and appearance of the area; and (ii) its effects on the living conditions of neighbouring occupiers with regard to outlook.

### Reasons

#### *Character and appearance*

3. The appeal building lies at the end of the appellants' garden and although it has a considerable footprint, it is of single storey with a shallow pitched roof. Rear gardens in this area (including the appellants') are of considerable length, which in combination with the low rise of the appeal building and that of other outbuildings nearby, a distinctly spacious character to the area between dwellings in Batham Road and Turton Street is maintained even though part of the appeal building's roof can be seen between the main dwelling and its neighbour in views from Batham Road.
4. The proposal would substantially raise the height of the building's roof, creating a much steeper pitch, which along with the introduction of rooflights would give it much greater prominence in the available public views and from surrounding properties. This more prominent and assertive appearance would go beyond what would typically be expected of a domestic ancillary outbuilding by creating the sense of there being a building of much greater substance within the rear garden. It would appear as an overdevelopment in its location thereby being at odds with its surroundings.

5. Whilst there are other nearby outbuildings in end of garden locations and that some of these are of poor design and appearance, their presence does not justify a building that would harm the character and appearance of the area.
6. The proposal would run counter to policies SAL.UP7 and SAL.UP8 of the Wyre Forest Site allocations and Policies Local Plan (2013) (LP) that respectively seek, amongst other things, to prevent development that would represent an overdevelopment of the site and to ensure residential extensions harmonise with the existing landscape or townscape and do not create incongruous features.

#### *Living conditions*

7. The building's current form ensures that only its low roof can be seen above the rear boundary fence from the adjoining property in Turton Street and from other surrounding gardens, it does not appear overbearing. The proposed increase to the building's height would result in it having a much greater presence which would be obtrusive and appear overbearing in views from the neighbouring garden that backs onto it. The proposal would have a serious adverse effect on the amenity of neighbouring occupiers by harming their outlook. Thus, it would run counter to policy SAL.UP8 that overall seeks to prevent extensions from resulting in such harm.

#### **Other Matters**

8. The appellants have referred to policies within the National Planning Policy Framework. However, whilst they are capable of being a material consideration, there is no compelling reason put forward to indicate that my decision should be made other than in accordance with the development plan.
9. The appellants have also referred to another appeal decision that they consider supports their case. However, as I have not been provided with full details of that decision, I cannot be certain of its direct relevance to the scheme in this case. Moreover, each application and appeal must be considered on its own merits and that is the approach I have taken here.

#### **Conclusion**

10. For the above reasons, the appeal does not succeed.

*Hayden Baugh-Jones*

Inspector

## Appeal Decision

Site visit made on 3 April 2018

**by H Baugh-Jones BA(Hons) DipLA MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 April 2018**

---

**Appeal Ref: APP/R1845/D/17/3192216**

**Oakwood Barn, Dudley Road, Heightington, Bewdley DY12 2YE**

- 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 and Mrs Peace against the decision of Wyre Forest District Council.
  - The application Ref 17/0436/FULL, dated 5 July 2107, was refused by notice dated 1 November 2017.
  - The development proposed is erection of a sunroom to existing dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the proposal on the character and appearance of the host building.

### Reasons

3. The existing building is of simple form commensurate with its former use as a barn. Although there is a small lean-to element projecting modestly out from its rear elevation, this does not detract from the building's predominantly plain character and appearance formed by its flat elevations containing small windows and symmetrical, steeply pitched tiled roof.
4. The proposed sunroom would project markedly out from the building's rear elevation, which would be disruptive to its intrinsic plain agricultural character that has been maintained even though it has been converted to another use. The proposed shallow lean-to zinc covered roof and comparatively large glass panels would appear as a discordant addition to the much simpler brick elevations and modest amount of glazing that contribute significantly to the character and appearance of this former agricultural building.
5. Policy SAL.UP11 of the Wyre Forest Site Allocations and Policies Local Plan (2013) (LP) seeks amongst other things, to prevent extensions to dwellings created through the re-use and adaption of rural buildings. I acknowledge that the proposed development would be capable of being reversed because of the way it would be attached to the building. However, in the event that I allowed the appeal and granted permission, it seems unlikely to me that it would be and there is no evidence to the contrary. Whilst it would be of contrasting materials and thus a clearly discernible later addition to the building, it would

- nonetheless be the type of development that policy SAL.UP11 expressly prevents, notwithstanding that it would cause the harm I have identified.
6. The original planning permission for the building's conversion (ref WF/62/92) also allowed for the construction of a garage that would have sat between its north-eastern elevation and the neighbouring building. It has not been built but from the details before me, it is evident that it would have been more in-keeping with the building's overall character and appearance than the proposed sunroom and thus less harmful. It would also have provided a completely different function. Moreover, there is a substantial detached garage building within the grounds of the appellants' property. In the absence of any empirical evidence to the contrary, I have no reason to conclude that this part of the original permission would be implemented in the event of the appeal being dismissed. For these reasons, I give only limited weight to the extant permission as a fallback position and which is insufficient to outweigh the clear harm I have described.
  7. It seems to me that policy SAL.UP11 seeks to ensure that the intrinsic character of rural buildings is maintained whilst allowing for their appropriate conversion. Moreover, whilst I note the appellant's comments on this aspect of the policy, it nonetheless forms part of the adopted development plan and I have no compelling reasons before me to indicate why it should not be given full weight or that I should take a decision other than in accordance with the development plan.
  8. For the above reasons, the proposal would adversely affect the character and appearance of the host building, thereby running counter to policy SAL.UP11. Consequently, the appeal does not succeed.

*Hayden Baugh-Jones*

Inspector