

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 16th October 2018  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Planning Committee

### Members of Committee:

Chairman: Councillor J A Hart  
Vice-Chairman: Councillor D Little

Councillor J Aston	Councillor S J Chambers
Councillor N Harris	Councillor P Harrison
Councillor M J Hart	Councillor N Martin
Councillor F M Oborski MBE	Councillor C Rogers
Councillor J A Shaw	Councillor S J Williams

### 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 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 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

Tuesday, 16th October 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>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<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.	
<b>3.</b>	<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.	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 18th September 2018.	7
<b>5.</b>	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	14
<b>6.</b>	<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.	73
<b>7.</b>	<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

18TH SEPTEMBER 2018 (6PM)

---

**Present:**

Councillors: D Little (Vice-Chairman), J Aston, M Cheeseman, H E Dyke, I Hardiman, P Harrison, N Harris, M J Hart, N Martin, C Rogers, J A Shaw and S J Williams.

**Observers:**

Councillor N Knowles.

**PL. 22 Apologies for Absence**

Apologies for absence were received from Councillors: J A Hart (Chairman), S J Chambers and F M Oborski MBE.

**PL. 23 Appointment of Substitutes**

Councillor M Cheeseman was a substitute for Councillor S J Chambers  
Councillor H E Dyke was a substitute for Councillor F M Oborski MBE.  
Councillor I Hardiman was a substitute for Councillor J A Hart.

**PL. 24 Declarations of Interests by Members**

Councillor Marcus Hart declared an Other Disclosable Interest (ODI) in respect of application 18/0180/FULL, that he was a member of Wolverley & Cookley Parish Council but that he would rely on his dispensation from Ethics & Standards Committee to stay in the room and be involved in discussions and voting.

**PL. 25 Minutes**

**Decision: The minutes of the meeting held on 10th July 2018 be confirmed as a correct record and signed by the Chairman.**

**PL. 26 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 567 attached).

Councillor Knowles left the meeting at 6:23pm

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 567 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. 27 Land at The Great Western Public House, 42 Kidderminster Road, Bewdley**

The Committee considered a report to determine whether the Tree Preservation Order No 432 (2018) relating to a Sycamore within the car park of The Great Western Public House should be confirmed or not.

**Decision:**

**That the Tree Preservation Order (TPO) not be confirmed as it is causing structural damage to a garage within the garden of 1 Station View, Station Road, Bewdley.**

**PL. 28 Local Enforcement Plan**

The Committee considered a report into the need and benefits of having a Local Enforcement Plan for the Wyre Forest District.

**Decision:**

**That the Local Enforcement Plan, as set out in the appendix to the report, be adopted as guidance on how the Council will carry out its Planning Enforcement function.**

**PL. 29 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. 30 Section 106 Obligation Monitoring**

The Committee considered a report from the Director of Economic Prosperity & Place that gave details of the most current Section 106 Obligations which required monitoring.

**Decision: The details be noted.**

**PL. 31 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. 32 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.**

**PL. 33 Enforcement Matters**

The Committee received a report from the Corporate Director: Economic Prosperity and Place which provided Members with a summary report on enforcement matters and specifically the volume of new complaints.

**Decision: That the contents of the report be noted.**

There being no further business. The meeting ended at 6:47pm

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**18<sup>th</sup> September 2018 Schedule 567 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:** 18/0291/FULL

**Site Address:** KNOLL HOUSE, 33-34, MANOR AVENUE, KIDDERMINSTER, DY11 6EA

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. To secure external materials including hard surfacing details
4. B11 (Details of enclosure)
5. B13 (Levels details)
6. Removal of permitted development rights for extensions and outbuildings
7. To secure Tree Protection Plan details
8. To require a Landscaping scheme
9. To require Landscaping to be implemented
10. To require Arboricultural Method Statement and site visit meeting prior to embankment works.
11. Requires access, turning and parking facilities to be provided
12. Details of external lighting to be agreed

**Councillor Knowles left the meeting at 6:23pm**

**Application Reference:** 18/0180/FULL

**Site Address:** WOLVERLEY MEMORIAL HALL, SHATTERFORD LANE, WOLVERLEY, KIDDERMINSTER, DY11 5TN

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Floodlighting Scheme to be submitted for approval
4. Floodlighting only to be used until 10pm Monday to Sunday
5. Provision of vehicular access, turning area & parking spaces
6. Cycle Storage to be submitted for approval
7. Construction Environmental Management Plan
8. Surface Water Drainage scheme to be submitted for approval
9. B1 (Samples/details of materials)
10. B11 (Details of enclosure; boundary treatment)
11. Landscaping Scheme including two replacement trees
12. C8 (Landscape implementation)

**Application Reference:** 18/0207/FULL

**Site Address:** SION HOUSE, HILLPOOL, KIDDERMINSTER, DY10 4PE

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. Lighting to be restricted to only being used three days in the week and switched off at 9pm.
5. The stables hereby approved shall be used for the stabling of horses owned by or leased to the applicant and shall not be used for any commercial purpose(s) whatsoever.

**Application Reference:** 18/0280/OUTL

**Site Address:** HARE & HOUNDS, WORCESTER ROAD, SHENSTONE, KIDDERMINSTER, DY104BU

**APPROVED** subject to the following conditions:

1. A1 (Standard outline)
2. A2 (Standard outline – reserved matters [Appearance, Landscaping, Scale])
3. A3 Submission of reserved matters)
4. A5 (Scope of outline permission) [extension of not more than 7 no. Motel rooms; no more than 75% of volume]
5. B1 (Samples/details of materials)
6. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on Drawing No 703/08f
7. A desk based archaeological assessment to identify potential for archaeology shall be submitted with any reserved matters application
8. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

**Application Reference:** 18/0349/LIST

**Site Address:** WYRE FOREST DISTRICT COUNCIL, BEWDLEY MUSEUM, LOAD STREET, BEWDLEY, DY12 2AE

**APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved Plans)
3. Within 3 months of the antennas no longer being required they shall be removed from site and the walls made good to the satisfaction of the Local Planning Authority

**Application Reference:** 18/0425/OUTL

**Site Address:** 31 MIDDLETON ROAD, KIDDERMINSTER, DY11 5EZ

**APPROVED** subject to the following conditions:

1. A1 (Standard outline)
2. A2 (Standard outline – reserved matters)
3. A3 (Submission of reserved matters)
4. B1 (Samples/details of materials)
5. B11 (Details of enclosure)
6. Details of any retaining structure
7. B13 (Levels details)
8. Parking Provision to be provided
9. To require a landscaping scheme
10. To require the landscaping scheme to be implemented
11. E4 (Drainage prior to occupation)

**Application Reference:** 18/0457/LIST

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

**APPROVED** subject to the following conditions:

1. A11 (Approved plans)

**Application Reference:** 18/0485/FULL

**Site Address:** 26 OLDNALL ROAD, KIDDERMINSTER, DY10 3HN

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. To secure external materials including hard surfacing details
4. B11 (Details of enclosure)
5. B13 (Levels details)
6. Removal of permitted development rights for extensions and outbuildings
7. To require a Landscaping scheme
8. To require Landscaping to be implemented
9. To secure parking level as proposed
10. To require pedestrian visibility splays to be provided
11. E4 (Drainage prior to approval)

Notes

- A To minimise any nuisance during the demolition and construction phase the development should refer to the Worcestershire Regulatory Services ‘Demolition & Construction Guidance’ and ensure its recommendations are complied with.
- B Severn Trent Water advises that there may be a public sewer located within the application site and that the applicant should contact Severn Trent Water before commencing development.

**Agenda Item No. 4**

<b>Application Reference:</b> 18/0512/OUTL
--

<b>Site Address:</b> 30 BURLISH CLOSE, STOURPORT-ON-SEVERN, DY13 8XW
--

Application <b>DEFERRED</b> as further consultation is required.
--

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**16/10/2018**

**PARTA Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
18/0517/FULL	BROUGHTON COTTAGE THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	16
18/0519/LIST	BROUGHTON COTTAGE THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	16
18/0555/FULL	76 HONEYBROOK TERRACE KIDDERMINSTER	APPROVAL	24

**PART B Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
18/0245/FULL	THE GRANGE UPPER ARLEY BEWDLEY	APPROVAL	29
18/0246/LIST	THE GRANGE UPPER ARLEY BEWDLEY	APPROVAL	29
18/0306/FULL	THE OLD GRAMMAR SCHOOL THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	37
18/0363/FULL	THE WOODLANDS WORCESTER ROAD CLEMENT STOURBRIDGE	APPROVAL	48
18/0423/FULL	ADJACENT TO HIGHBANK CLEOBURY ROAD BEWDLEY	APPROVAL	53

**Agenda Item No. 5**

18/0427/FULL	SOUTH HURTLE HILL TOP TROUGH HURTLE HILL FARM HEIGHTINGTON BEWDLEY	APPROVAL	58
18/0512/OUTL	30 BURLISH CLOSE STOURPORT-ON-SEVERN	APPROVAL	61
18/0545/FULL	39 LINDEN AVENUE KIDDERMINSTER	APPROVAL	65
18/0557/FULL	7 BALA CLOSE STOURPORT-ON-SEVERN	APPROVAL	68
18/0570/FULL	1 BIRCHFIELD ROAD KIDDERMINSTER	APPROVAL	71

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**

**16<sup>TH</sup> OCTOBER 2018**

**PART A**

**Application Reference:** 18/0517/FULL and 18/0519/LIST      **Date Received:** 07/08/2018  
**Ord Sheet:** 389268 273707      **Expiry Date:** 02/10/2018  
**Case Officer:** Julia McKenzie-Watts      **Ward:** Wyre Forest Rural

**Proposal:** Two storey rear extension and internal modifications to create separate living accommodation (existing salon to remain)

**Site Address:** BROUGHTON COTTAGE, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104SA

**Applicant:** Miss V Pavlovic

<b>Summary of Policy</b>	CP03, CP11 (CS) SAL.UP1, SAL.UP6, SAL.UP7, SAL.UP8, SAL.GPB3, SAL.CC1. SAL.CC2 (SAAPLP) CC12 (Chaddesley Corbett Neighbourhood Plan) National Planning Policy Framework
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

1.1 Broughton Cottage is located centrally in Chaddesley Corbett village, within the Green Belt and the Conservation Area. The site lies adjacent to residential properties and other shops. The building is listed at Grade II.

1.2 The whole ground floor of the premises is currently occupied by a hairdressing/beauty business use. There is car parking area to the rear of the property accessed from 'The Village' via Fishers Lane (a public footpath) to the side.



18/0517/FULL and 18/0519/LIST

## **2.0 Planning History**

- 2.1 WF.935/01 (LBC) – Installation of satellite dish on rear roof : Approved 21.11.01
- 2.2 06/0204/FULL and 06/0205/LIST – Alterations to ground floor salons and erection of screen wall, internal alterations, take out side window, add one pair and one single door, erection of screen wall : Approved 13.4.06
- 2.3 06/0643/FULL and 06/0645/LIST – Change of use of first floor flat to hairdressing/beauty salon, replace three ground floor windows with egress windows : Approved 3.8.6
- 2.4 11/0458/FULL and 11/0460/LIST – Single storey extension to rear with internal modifications to create separate living accommodation, replacement of rear flat roof with pitched truss gable roof, singlet storey extension to side to provide entrance to flats: Approved 29.06.12
- 2.5 13/0217/LIST – Replacement of all existing windows with hardwood painted timber window frames and double glazed units.: Approved 09.08.13
- 2.6 15/0061/LIST - Single storey extension to rear with internal modifications to create separate living accommodation; replacement of rear flat roof with pitched truss gable roof; single storey extension to side to provide entrance to accommodation : Approved 22.4.15

## **3.0 Consultations and Representations**

- 3.1 Chaddesley Corbett Parish Council – Following receipt of revised plans, whilst there is no real objection to the building proposals, the Parish Council cannot support the reduction in the number of car parking spaces, from the original 11 on the site to none for customers at all. On street parking is very limited and something we have been striving to reduce over the last few years.
- 3.2 Highway Authority – No objection
- 3.3 Severn Trent Water - As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
- 3.4 Neighbour/Site Notice – 2 letters of objection received commenting as follows:
- In response to the above application we have no problems with the provision of the living accommodation but we have serious concerns with the parking proposals. At the moment this very busy business has a customers car park where at least 4 vehicles can draw in, turn and draw out again. In these plans it only allows a maximum of 4 car spaces for the residents and customers who will have to draw in and reverse out.

18/0517/FULL and 18/0519/LIST

- Fishers Lane is just a track and a public footpath. Besides residents, also allotment holders, business owners and employees etc have been encouraged to use the track to park on the allotment site which has made this lane more dangerous than when just two or three residents used it. We fear that the proposed parking plan is an accident waiting to happen
- I have concerns about the impact of the living accommodation on my privacy and light but accept this is of no material concern in the planning decision as these grounds have never been considered relevant in previous applications.
- I would request more consideration be given to the impact the parking proposal will have on Fishers Lane and the paving area at the front of my property which has already been damaged by cars driving on to it.
- The proposed parking area does not provide an adequate turning area for the cars using it. This will mean cars reversing into or from Fishers Lane. This is an unmade lane and a public footpath used by residents and visitors to the parish including elderly people and young children. My objection is primarily based on personal and public safety for users of the lane given the increased risk of vehicular/ pedestrian conflict.
- The proposed parking area extends opposite my property to the front door. The impact will be to have cars reversing and turning close to my front door and along the rest of the frontage of the building. It is already happening at the current entrance opposite my lounge window; cars mount the paving and get perilously close to the window. In addition the noise and dust implications will be increased for my property as the traffic is that much nearer and on a poor surface.
- The proposed parking area is for 4 cars but currently accommodates more, with fewer parking spaces the risk of more dangerous turns in the lane is increased as well as greater use of the unofficial overspill car park near the allotments. The lane itself is deteriorating fast and is already coping with traffic to and from the allotments as well as access for residents. Is anyone accountable for the safety of this lane?
- I appreciate considerable efforts have been made to develop the proposal to move the living accommodation extension away from the boundary area and to make it more in keeping with the surrounding buildings. It would be good if a safer parking solution could be found to minimise the impact on the lane and my property.

3.5 Conservation Officer – No objections in principle; the proposal will satisfy the provisions of Policy SAL.UP6 of the Site Allocations and Policies Local Plan.

18/0517/FULL and 18/0519/LIST

The original C17 building was a single house, later converted to two cottages and then shops. It is now a single business premises. The property has had a two storey extension in the past, however as confirmed within the design and access statement Planning Permission & Listed Building Consent for a similar scheme for a further extension was approved on 29.6.2012 (LPA Refs: 11/0458/FULL & 11/0460/LIST) & also 22.4.2015. (LPA Ref: 15/0061/LIST), and as this has commenced this is the applicant's fall-back position.

This scheme is similar although larger to the one approved, under 15/0061/LIST on which I commented as follows:

*"This proposal impacts upon the Chaddesley Corbett Conservation Area. It will be visible from the public domain from both the main street and the alleyway running up to the end of Hemming Way. The introduction of a pitched roof to the existing garages to some extent reintroduces the form of the cottage that stood on that part of the site until 1965 and I can see no reason to object to this element of the scheme. The use of plain clay tiles and render is compatible with the adjacent buildings. I would advocate use of a lime-based render to add some character and texture to what otherwise could appear very stark plain expanses of new wall. Whilst the cumulative impact of the successive extensions is still considerable I think the introduction of pitched roofs to replace flat roofs serves to preserve and enhance the character of the conservation area, and thus I have no objections to it"*

A comparison between the historic map and the current proposal indicates that the proposed extension occupies approximately the same size footprint as the now demolished cottage however the boundary between Broughton Cottage and the former post office/tearoom adjacent appears to have changed. Whereas the previous cottage formed the boundary of the site the proposed extension is set within the site and back from the boundary.

I note that it is proposed to employ a rendered finish to the building. It might appear less stark and reduce its apparent volume if it were instead constructed from a mellow brick, however this may be a matter for future discussion and discharge of conditions.

The fact that the site was previously developed means that there could exist archaeological remains below ground. Given this potential the scheme should be subject to a written scheme of investigation and report submitted to WAAS. I suggest that they are invited to comment in this respect.

18/0517/FULL and 18/0519/LIST

**4.0 Officer Comments**

- 4.1 The starting point for the determination of these applications is the location of the site within the Green Belt. The business/residential use is established, but under the terms of the National Planning Policy Framework, the scope of the extensions relative to the size of the original building renders the proposal inappropriate development in the Green Belt.
- 4.2 Approval was given in 2011 for a single storey extension to the rear with internal modifications to create separate living accommodation and the replacement of rear flat roof with pitched truss gable roof, single storey extension to the side to provide entrance to flats. A further Listed Building application was approved in 2015 as minor adaptations were proposed to create a first floor gallery sleeping area. Both the 2011 and 2015 permissions have been partially implemented and could be completed, however the current application seeks for a slightly larger scheme with a better design relationship with the original dwelling in order to provide more useable living accommodation at the property.
- 4.3 Evidence from the Conservation Officer shows that the introduction of a pitched roof to the existing garages would, to some extent, reintroduce the form of the cottage which once stood on that point of the site until 1965 and when combined with the fallback position, this represents a very special circumstance in the context of Green Belt Policy.

**LISTED BUILDING, CONSERVATION AREA AND DESIGN ISSUES**

- 4.4 The current application shows a two storey rear extension, longer but narrower than both the 2001 and 2015 approvals after removal of the flat roof garages that currently exist on the site. An ordnance survey map from 1926 shows that a cottage occupied the site of the proposed rear extension and the footprint of the two would be the same. The cottage formed the boundary of the site whereas the proposed extension is set within the site and back from the boundary. The extension would be constructed in materials to match the existing, however all materials are to be submitted and approved by the Local Planning Authority.
- 4.5 As stated in the Conservation Officer's comments, the introduction of a pitched roof to the existing garages to some extent re-introduces the form of the cottage that stood on that part of the site until 1965, which mitigates, to some extent, the cumulative visual impact of the proposed and previous extensions on the original listed building. Whilst the cumulative impact of the successive extensions is still considerable the introduction of pitched roofs to replace flat roofs serves to preserve and enhance the character of the Conservation Area.

18/0517/FULL and 18/0519/LIST

- 4.6 In terms of design aesthetic the proposal reflects to a degree the longer narrow building plots of historic development along the east side of the main street with Chaddesley Corbett and thus the grain of development is appropriate within this Conservation Area setting and serves to preserve/enhance the Area.
- 4.7 From a planning perspective it may be considered that the proposal represents over-development of the original C17 building, however from an historic perspective the plot was always more densely developed, and such dense development to the rear of the property is in alignment with the historic development pattern of the village.
- 4.8 Overall, the scheme is considered to preserve the character and appearance of the Chaddesley Corbett Conservation Area in compliance with Policy SAL.UP6 as listed above.

#### HIGHWAYS ISSUES

- 4.9 The latest revised plans reflect the comments of the Highway Authority. The four spaces have been widened to 3.6 metres per space with 4.2 metre turning aisle on Fishers Lane in order to have sufficient area for manoeuvring. The plans also indicate pedestrian visibility splays on either side of the parking area. The new parking arrangement show two spaces for the residential use and two spaces for the salon staff. No parking provision is provided for customers as it is anticipated that they will park on the street to the front of the shop rather than negotiate the narrow lane as visits to the salon are likely to be relatively short. The agent has stated that on street parking for customers in Chaddesley is quite common and there are other premises within the vicinity that rely on on-street parking for their customers. The existing parking in the yard area has been repositioned in order to provide amenity space for the dwelling. The Parish Council comments are noted, however there is no loss of car parking spaces.
- 4.10 A note is to be added to any approval requesting the submission of a plan to show cycle parking in line with standards for the residential use.
- 4.11 The views of the neighbours have been considered on this aspect of the application which are reflective of the apparent and general views of many villagers on local parking and traffic matters. However, the scheme has been scrutinised by Worcestershire County Council, as the Highway Authority, and a 'no objection' comment has been offered. The Highway Authority have stated that based on the analysis of the information submitted and consultation responses from third parties, the proposal would not be contrary to Paragraph 109 of the NPPF and therefore there are no justifiable grounds on which an objection could be maintained. It is therefore considered that the proposal complies with Policy SAL.CC1 and that the proposal would not lead to a deterioration of highway safety.

18/0517/FULL and 18/0519/LIST

**NEIGHBOUR AMENITY ISSUES**

- 4.12 With regard to issues of amenity and privacy, the rights enjoyed by the occupiers of the neighbouring dwellings under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against the scope and scale of the proposal in that context. No potential breach has been identified.

**5.0 Conclusions and Recommendations**

- 5.1 The internal reorganisation of this building, with the two storey extension could be achieved at this site without creating an unacceptable impact upon the amenity or privacy of neighbouring properties or the wider interests of the Green Belt, Conservation Area or Listed Building.

- 5.2 It is therefore recommended that application 18/0517/FULL be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. Archaeology
5. Access, turning area and parking facilities
6. Sheltered, secure and access cycle parking

- 5.3 It is therefore recommended that application 18/0519/LIST be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. Archaeology



Economic Prosperity and Place Directorate

**BROUGHTON COTTAGE**  
**THE VILLAGE, CHADDESLEY CORBETT**  
**KIDDERMINSTER, DY10 4SA**



Crown Copyright 100018317 26 September 2018

Scale 1:1000

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

<b>Application Reference:</b>	18/0555/FULL	<b>Date Received:</b>	28/08/2018
<b>Ord Sheet:</b>	381723 278235	<b>Expiry Date:</b>	23/10/2018
<b>Case Officer:</b>	Imogen Hopkin	<b>Ward:</b>	Franche & Habberley North

**Proposal:** Proposed extensions, internal and external alterations and garage

**Site Address:** 76 HONEYBROOK TERRACE, KIDDERMINSTER, DY115QX

**Applicant:** Mr M Greening

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Section 12 (NPPF) Supplementary Planning Guidance document on Design Quality
<b>Reason for Referral to Committee</b>	Third Party registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### **1.0 Site Location and Description**

- 1.1 The site refers to a bungalow at the end of a single track road named Honeybrook Terrace situated off the A442 – Bridgnorth Road. There are other houses in the nearby area, although this one is more isolated than others. There are surrounding bungalows nearby that have differing characteristics including some having higher ridge heights than others.
- 1.2 The proposal is for extensions to the existing property.

### **2.0 Planning History**

- 2.1 No relevant planning history

### **3.0 Consultations and Representations**

- 3.1 Highway Authority – No objection subject to condition. The proposal includes an amended parking area off the existing access; however there is ample space within the site for the parking for 3 vehicles external to the garage
- 3.2 North Worcestershire Water Management – No objection. The site is not at risk of flooding as no area has been identified in the vicinity of the site. It is preferable to keep extra volumes of water on site in order to avoid flood risk elsewhere. Foul drainage will likely be a continuation of the existing situation.



18/0555/FULL

3.3 Neighbour – 1 letter of objection received commenting as follows:

- Overbearing Impact of the Development – a proposed second storey on the same side as the boundary will have a dominant and oppressive affect on my property. The visual impact will be particularly detrimental as the development.
- Proposed Elevations – due to the path of the sun, I benefit from direct sunlight on the side of the property that shares a boundary. Raising the height of the original roof and the height of the ridge and eaves level of the additional 2 roofs will cause loss of skylight and I am concerned for the overshadowing and loss of light.
- Overdevelopment – The scale and expansion in comparison to the current building will cause a greater sense of enclosure to my property due to the proposed development extending over two levels and in all aspects – to the back, front and side – nearest to the boundary of my property.
- Invasion of Privacy – the expansion to a two-storey property includes windows and a Juliette balcony on the second storey that will directly overlook both internal and external private areas of my property that are currently not overlooked.

#### **4.0 Officer Comments**

4.1 It is proposed to erect extensions to the property. The extensions would consist of:

- a) Demolition of existing side extension and conservatory. Ground floor extension to side 14 metres long and out from the side of the original dwelling by 3 metres. The side elevation is forward from the front elevation by 1.5 metres. Side extension extends out past the rear by 3 metres.
- b) A 9.5 by 4 metre garage and utility room to replace existing garage.
- c) The roof ridge will be higher by 0.5 metres (overall height 6.5 metres) and this will accommodate for 2 bedrooms and 2 ensuite bathrooms. A 2.5 by 2 metre dormer window will be in the rear elevation. This would be a large loft conversion, rather than a complete second storey.

4.2 Policy CP11 of the Adopted Core Strategy relates to quality design and local distinctiveness and states new development should sensitively connect to the surrounding streets, spaces and communities. The policy also notes the appropriate use of scale, mass, proportions and materials.

4.3 Policy SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan supports the Adopted Core Strategy CP11 and divulges more detail which should be used as guidance when assessing applications.

18/0555/FULL

- 4.4 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan seeks that residential extensions to be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance document about Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene.
- 4.5 The application property is a bungalow which is of similar design to no. 75, although over time they are no longer uniform, due to extensions of the rear to the other bungalow and changes to the frontages. The proposed extension would have a 15 metres separation distance between itself and no. 75.
- 4.6 The proposed extension includes an increase of the roof height by 0.5 metres with the depth from front to back being 14 metres. Whilst it is acknowledged that the extension is seen from the neighbours' kitchen window, it is considered that the proposed elevations would not result in an invasion of privacy, due to the distances involved, although any window above ground floor will be conditioned to be obscure glazed.
- 4.7 The rear ridge height has been reduced to remain subservient to the original dwellinghouse. The side element that is proposed to be built outwards from the original dwelling is cohesive to the new design of the front of the dwelling therefore is proportional to the original, therefore in accordance with Policy SAL.UP8 of the Adopted Core Strategy.
- 4.8 The proposed single storey garage extension does not raise any issues from a privacy perspective.

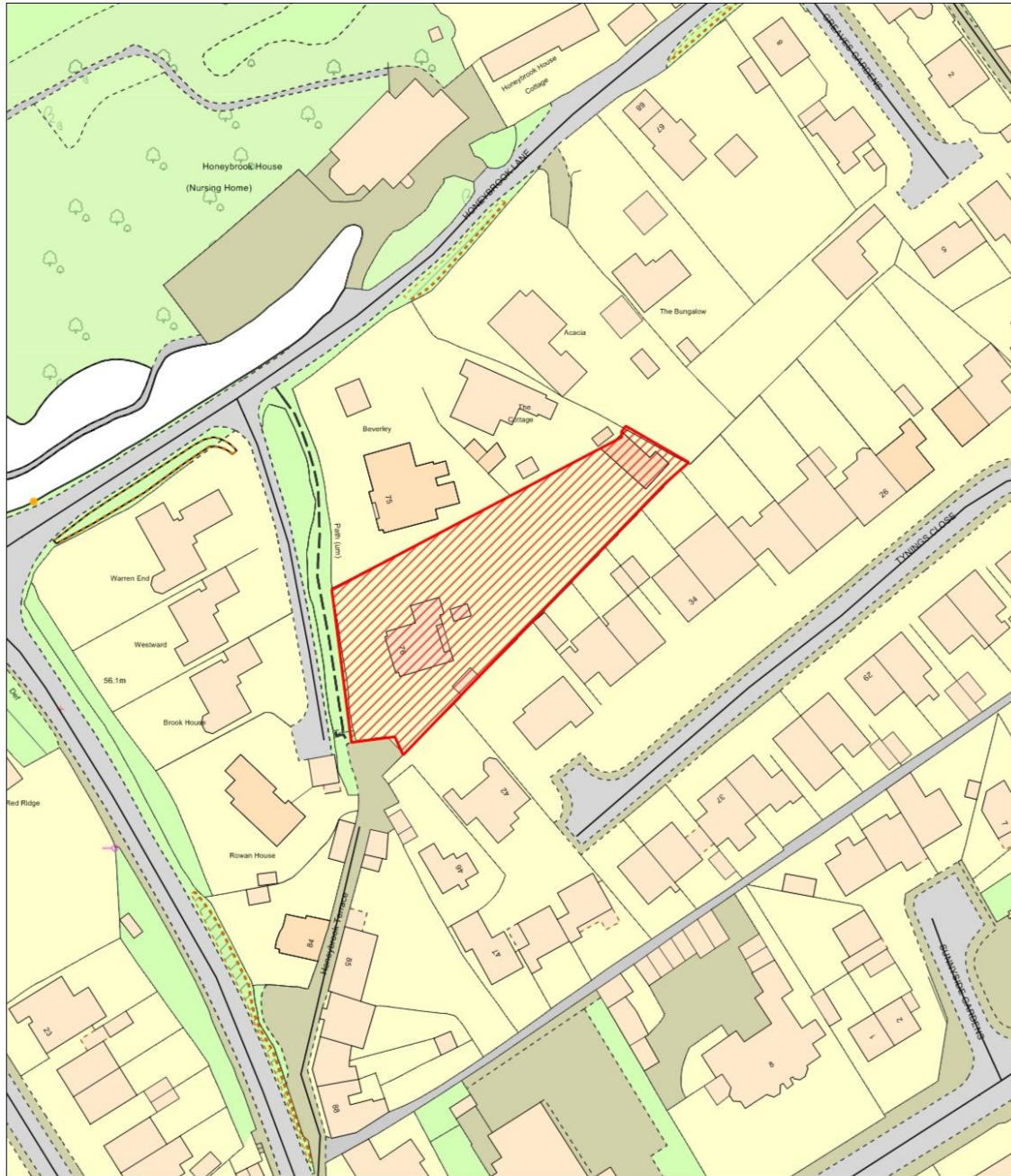
## **5.0 Conclusions and Recommendations**

- 5.1 The proposed extensions are considered to be of an appropriate scale and design to the main dwelling and would not have adverse effects. The impact of the extensions upon the neighbouring property has been carefully assessed and it is considered that there will be no undue impact on their privacy or amenity.

18/0555/FULL

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. B6 (External details – approved plans)
4. The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 3 cars. This area shall thereafter be retained for the purpose of parking only
5. Obscure glazing



Economic Prosperity and Place Directorate

**76 HONEYBROOK TERRACE**

**KIDDERMINSTER**

**DY11 5QX**



Crown Copyright 100018317 26 September 2018

Scale 1:1000

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

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**16<sup>TH</sup> OCTOBER 2018**

**PART B**

<b>Application Reference:</b>	18/0245/FULL and 18/0246/LIST	<b>Date Received:</b>	01/05/2018
<b>Ord Sheet:</b>	376435 280310	<b>Expiry Date:</b>	26/06/2018
<b>Case Officer:</b>	Julia McKenzie- Watts	<b>Ward:</b>	Wribbenhall & Arley

**Proposal:** Change of use from residential (existing three apartments) to a fourteen bedroom hotel including single storey extension, Use of existing garage as breakfast room and associated works

**Site Address:** THE GRANGE, UPPER ARLEY, BEWDLEY, DY121XA

**Applicant:** The R.D. Turner Charitable Trust

<b>Summary of Policy</b>	CP10, CP11 (CS) SAL.UP1, SAL.UP7, SAL.UP8, SAL.CC1, SAL.CC2 (SAAPLP) National Planning Policy Framework
<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 Grange, Upper Arley is a Grade II Listed two-storey over basement with attic red brick early 18<sup>th</sup> century house with some early 20<sup>th</sup> Century alterations. The property was converted into three flats in the 1970's and each unit given its own access with a new external staircase to lead to the first floor and a small extension to the side.
- 1.2 The property is located within the Upper Arley Conservation Area and within the setting of the Grade II\* St Peter's Church. The site forms part of the Arley Aboretum Estate area. The Site is off Frenchman Street within the village of Upper Arley and slopes gradually from Ste Peter's Church to the north towards the river Severn to the South.
- 1.3 The application seeks consent to change the use from residential into a boutique fourteen bedroom hotel, 10 en-suite bedrooms within the Grange and a further 4 en-suite bedrooms in the new extension to the rear.

18/0245/FULL and 18/0246/LIST

## **2.0 Planning History**

- 2.1 WF/0089/02 - Full: Change of use from one dwelling to two flats : Approved 28/02/02
- 2.2 WF/0090/02 - Listed Building Consent: Alterations to convert one dwelling into two flats : Approved 28/02/02

## **3.0 Consultations and Representations**

- 3.1 Upper Arley Parish Council – Objection. Unable to support the application because the access road through the village, and more particularly Frenchmans Street, was not suitable to take increased traffic from hotel guests and the delivery vehicles which would service the hotel. Frenchmans Street itself is narrow only allowing vehicles in one direction, there is insufficient room for two vehicles to pass. The road is a dead end, leading to the turning circle outside St. Peter’s Church which is needed for the local bus service to be able to turn round and access via Frenchmans Street.
- 3.2 Highway Authority – No objection subject to conditions as the applicant has submitted a revised plan to show that the parking provision within the curtilage of the site now meets the required standard, being 13 standard parking spaces plus 1 accessible space which corresponds to the 13 standard bedrooms and 1 accessible bedroom. Cycle parking should also be provided in line with standards.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

- 3.3 Conservation Officer – On receipt of additional supporting information to address Historic England’s concerns, I recommend Approval subject to conditions.
- 3.4 Historic England – No objection on heritage grounds.

As previously outlined, the principle of the proposed works is accepted and with it brings a number of opportunities to enhance or better reveal the significance of the site. This includes the removal of a number of elements of the building and site which do not currently contribute to its significance. Whilst there are a number of finer details of approach still to be established in full, we recognise the wider benefits of the proposed works and thus do not have any objection, providing that all further details, materials, finishes and method of works be monitored by the local authority’s expert Conservation Officer.

18/0245/FULL and 18/0246/LIST

We would emphasise that the success of any scheme here will depend greatly upon a close attention to detail when considering such aforementioned matters as services, joinery and window details, fire protection and sound attenuation. If you are minded to approve this application then we would recommend that these matters be safeguarded via conditions for the approval of the local authority's Conservation Officer. Further matters of archaeological recording and observation should be considered by your expert archaeological advisers.

- 3.5 Council for the Protection of Rural England (CPRE) - The revised plans seem to involve significant alterations. I see no objection in principle either the change of use or an extension of the building, but this is a historic building in a traditional village setting, which is (or should be) a conservation area. The removal of a 20th century extension with a view to substituting a new one is also unobjectionable.

What is objectionable about the scheme is the addition of a starkly modern extension to what is largely an unspoilt Queen Anne-style listed building. It ought to be possible for the architect to come up with a scheme where the design of the extension better reflects the design of the original, without being too much of a pastiche.

- 3.6 Neighbour/Site Notice – 2 letters of objection received commenting as follows:

- I believe the Grange is a listed building so would any alteration fall foul of the regulations associated with listed buildings?
- In addition, I am concerned that as a hotel, would this allow permission to have an alcohol licence linked to a bar which would /may be open to non-residents? If this was indeed the case, this would bring up possible problems with parking and an increase in traffic, which, at the end of the day, the road is a barely wide enough for two vehicles to pass each other without slowing down?
- Having spoken to other local residents, they have concerns with regards to late night noise, particularly in the summer months and this would likely increase if a non resident bar was available.
- Personally I would question how a 9 bedroom hotel could become profitable if the owners are reliant on wedding guests staying there, given the amount of investment required and the number of weddings taking place in Arley House. Therefore having a non residents drinking area could be seen as a vital for the owner's benefit in order to reduce to offset possible losses.

18/0245/FULL and 18/0246/LIST

- There are also arguably safety issues at stake as on occasions the river floods making the causeway impossible to cross. Whilst an ambulance might be able to use the rear access through the park, this may be difficult for a fire engine. Whilst it could be argued that this issue is of concern at the present time for local residents to the North of the causeway, with the increase in population, albeit somewhat temporarily housed in a hotel, this may add to safety concerns.
- I am further minded that a previous planning application made some years ago to change the use of the Valencia Hotel to a nursing home was rejected for this very same safety reason.
- I do agree that the Grange is in urgent need for renovation but on a personal viewpoint, would have thought the owners might have upgraded the building for example to provide luxury residential apartments which would be attractive to many people and in keeping with the village as a whole.

3.7 Worcestershire County Council Archive & Archaeology Service – No objection subject to conditions

3.8 North Worcestershire Economic Development and Regeneration - No objection

Tourism plays an important role in the local and national economy, and is seen as a priority sector within Wyre Forest that has potential for significant and above average growth rates. However, it is recognised that the tourism industry needs to continue to invest in improving the range and quality of the offer, and a lack of such investment will undermine the competitiveness and contribution of this sector.

Within Wyre Forest District, tourism is a major employer and a very significant industry. The Grange application is therefore fully in line with local economic priorities for growing this important sector. The business supports local tourism and provides jobs for the area, all of which are supported by NWedR.

3.9 West Mercia Policy Designing Out Crime Officer - No objections

3.10 Worcestershire Regulatory Services (WRS) – No objection

#### **4.0 Officer Comments**

##### PROPOSAL

4.1 The Grange is a Grade II listed property situated within the Upper Arley Conservation Area in an area washed over by the West Midlands Green Belt. The application site is an area of 1837 square metres which consists of The Grange itself, two garages and a glass house accessed off Frenchman Street.



18/0245/FULL and 18/0246/LIST

- 4.2 The original building was constructed in the early eighteenth century and was used as single dwelling until its conversion to three separate apartments in the 1970's. An extension was added onto the building in the late nineteenth, early twentieth century and a further extension in the late twentieth century
- 4.3 The current application proposes the change of use of the building into a fourteen bedroom hotel. It is proposed to demolish an existing rear garage and modern extension, the erection of a new modern single storey extension of traditional design and provision of a breakfast room by reuse of the existing garage. The main house will provide ten en suite bedrooms with the new extension providing a further four en suite bedrooms.

#### PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

- 4.4 The National Planning Policy Framework (NPPF) Paragraph 28 under supporting a prosperous rural economy states that "*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development*". The proposals under consideration in this application would result in creating 2 full time equivalent Jobs.
- 4.5 Core Strategy Policy CP10: Sustainable Tourism, provides support to sustainable proposals that improve the quality and diversity of existing tourist attractions, subject to proposals not causing adverse impacts on the surrounding environment and infrastructure. The Wyre Forest area is popular with day visitors and approximately 10% of jobs within the area are related to the tourism industry, above the national average. It is necessary that future planning policy protects and enhances this aspect of the economy (Sustainable tourism, A good place to do business – Site allocations and policies local plan 2006-2026.) The application to create a new hotel in the area will support the local tourist industry and particularly the Arboretum which is specifically referred to in Policy SAL.GPB1 of the Site Allocations and Policies Local Plan.
- 4.6 Both national and local planning policies support the growth of the economy this proposal will create new employment opportunities.
- 4.7 The site is situated in the West Midlands Green Belt and therefore Policy SAL.UP1 is relevant. The policy prevents the construction of new buildings where they do not comply with the strict criteria. As set out in Paragraph 145 of the NPPF (2018), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building are acceptable. The agent has submitted calculations which show that the volume of the house is approximately 1157 cubic metres and the proposed extension and link would equate to 424 cubic metres which is an increase in volume of 36%. It is considered that the proposal is appropriate development and is in line with policy and the NPPF.

18/0245/FULL and 18/0246/LIST

- 4.8 Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan states that any development proposal affecting the District's heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced. The District's heritage assets include Conservation Areas and Listed Buildings. The agent has submitted a detailed Heritage statement which sets out how the proposals will have minimal impact on the building itself and that the proposals will preserve the building. The Conservation Officer has not objected to the scheme subject to the inclusion of conditions requiring the submission of materials, re use of existing doors and archaeological recording.

#### DESIGN OF THE EXTENSION

- 4.9 The initial submission was for a modern two storey cube extension constructed in brick and block with a glazed link and double height entrance space to contrast with the original building. After concern was raised by the Council's Conservation Officer regarding the scale and massing of the extension it was reduced to appear more in keeping with the surrounding area in order to minimise its impact on the Conservation Area. The current scheme retains the historic extension and the existing modern extension is removed in order to enhance the setting of the Listed Building itself.
- 4.10 The revised scheme is a single storey extension which steps down to follow the line of the existing sloping ground. It is still intended to finish the extension in brick and areas of glazing have been reduced. Part of the extension has a flat roof and part has a pitched roof. The design is intended to suggest that the extension has evolved as a series of outbuildings added to the main house over time. The buildings within the Conservation Area generally share a materiality of red brick, buff colour sandstone and clay tile roofs and these will be reflected with the choice of materials which are to be submitted for Local Authority approval.
- 4.11 The Conservation Officer comments that current scheme ensures that the key views will be maintained with only limited intrusion by the new elements into the historic views from the river and land to the north of the site. From viewpoints along Frenchman Street and from the ground of The Grange itself the development will present the opportunity to enhance the character and appearance of the Conservation Area.
- 4.12 It is considered that the design of the extension is acceptable in terms of its relationship with the main house as it has been designed to be subservient to the existing and as such in compliance with policy.

#### ACCESS AND PARKING

- 4.13 The hotel will be run by the Applicant and in order to avoid the need for large delivery vehicles accessing Arley Grange directly the hotel will be serviced by the estate from Arley House. There will be no deliveries of food or linen directly to Arley Grange as this will be distributed direct from Arley House by Arley Estate staff.

18/0245/FULL and 18/0246/LIST

- 4.14 The Parish Council have objected to the application as they feel that the access road through the village and more particularly Frenchman Street is not suitable to take increased traffic from hotel guests and the delivery vehicles which will service the Hotel.
- 4.15 The Highway Authority has been consulted and commented that there is an existing traffic generation associated with the site and whilst there will be an increase in traffic as a result of the proposed development, the impact is not assessed as being severe from a Highways point of view. The majority of trips are likely to occur outside of peak hours and to varying amounts as there will variable occupancy rates for the hotel across the year. Frenchman Street is narrow and in places reduces to a single vehicle width however there are passing opportunities along what is a comparatively short distance and there are parking restrictions in place on both sides of the carriageway. Within the site both vehicle access points are as existing and turning is possible to enable vehicles to enter and exit the main parking area in a forward gear.
- 4.16 It is therefore concluded that the proposal is acceptable in highway terms in accordance with Policies SAL.CC1 and SAL.CC2 of the Site Allocations and Policies Local Plan which state that proposals should not result in a deterioration of highway safety and that all new development should meet the required parking standards.

#### OTHER MATTERS

- 4.17 Worcestershire Regulatory Services have commented that if the kitchen is only to be used for re-heating then there are no objections to the application in terms of odour, however a condition is to be added for details of a flue if one is required.
- 4.18 A local resident has raised concern over the hotel having a bar. The drawings do not show the provision of a bar and the agent has confirmed that no bar is proposed.

### **5.0 Conclusions and Recommendations**

- 5.1 The proposal is appropriate development in the Green Belt which does not result in unacceptable impact or amenity or highway safety. The change of use and extensions are also deemed to accord with Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan

18/0245/FULL and 18/0246/LIST

5.2 It is therefore recommended that application 18/0517/FULL be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. B7 (External details – no approval)
5. F9 (Details of extraction equipment <details of flue>)
6. No deliveries

5.3 It is therefore recommended that application 18/0519/LIST be **APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. B7 (External details – no approval)
5. G1 (Details of works to Listed Buildings)
6. G3 (Protection of part of building to be retained)
7. G6 (Programme of archaeological work)
8. G9 (Archaeological survey required)
9. F9 (Details of extraction equipment <details of flue>)

## Agenda Item No. 5

**Application Reference:** 18/0306/FULL      **Date Received:** 30/05/2018  
**Ord Sheet:** 389153 273623      **Expiry Date:** 25/07/2018  
**Case Officer:** Paul Round      **Ward:** Wyre Forest Rural

**Proposal:** Change of use and conversion of existing building to form a dwellinghouse

**Site Address:** THE OLD GRAMMAR SCHOOL, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104SA

**Applicant:** Trustees of Chaddesley Corbett Education Foundation

<b>Summary of Policy</b>	DS04, CP07, CP11 (CS) SAL.DPL2, SAL.DPL11, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP6, SAL.UP7, SAL.UP11 (SAAPLP) Action 9, CC4, CC9, CC10, CC12 and CCSA2 (CCNP) National Planning Policy Framework Planning Practice Guidance
<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 application site relates to a detached building known as the 'The Old Grammar School' located within the Chaddesley Corbett Village. The structure was built in the 18th century, but was rebuilt in 1809; it became part of the Endowed School in the 1960s, which closed down on this site in 2013.
- 1.2 The site is within the Green Belt and located within the graveyard of St Cassian's Church which is Grade I listed and is also within the Chaddesley Corbett Conservation Area. The building itself whilst not specifically Listed is included within the Local Heritage List and, according to Historic England, it is arguably curtilage-listed to the church. To the north and east of site lie residential properties in St. Cassian's Way and also properties fronting onto 'the Village'.
- 1.3 A detailed application has been submitted for the conversion of the building to a single dwelling.

18/0306/FULL

## **2.0 Planning History**

- 2.1 WF.742/86 & WF.743/86 (LBC) – Replacement of windows and doors with original style windows and doors at former Canteen : Approved 29.10.86
- 2.2 WF.204/90 – Lavatories and replacement windows : Approved 9.7.90
- 2.3 16/0237/FULL & 16/0238/LIST - Remedial works to the old grammar school building including services, alterations to roof, removal of concrete partitions and gypsum plaster, exterior decoration and repointing and provision of new access ramp to north of building : Approved 20.6.16

## **3.0 Consultations and Representations**

- 3.1 Chaddesley Corbett Parish Council – This building is defined in our Neighbourhood Plan as Site Allocation Policy CCSA2 – Re-use of the Old Grammar School. The policy states that “The Old Grammar School building will be retained for a continued educational or related D1 use, including a library, internet access, advice centre and/or meeting rooms”.

Your own Policy CP07 of the Adopted Core Strategy refers to existing community facilities and advises that 'the Council will resist the loss of any community services and facilities including rural public houses unless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered.'

The Parish Council does not consider that adequate efforts have been made by the Trust to find or establish a community use for this building, with their emphasis being on attracting a commercial return from the building

Additional Comments following Applicants further justification:

Having considered the above planning application, the Parish Council objects to, and recommends refusal of this application, and asserts that this landmark historic building should be retained for the D1 purposes set out in Neighbourhood Plan Site Allocation Policy CCSA2. Refusal is also supported by Wyre Forest policy CP07, which states that ‘the Council will resist the loss of any Community services and facilities .....unless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered.’

18/0306/FULL

The Parish Council does not consider that adequate efforts have been made to find or establish suitable alternative uses for the building, and wish to point out the following:

- This is an important historic building that, as well as its former education role, has been a valuable community asset for over a hundred years, hosting a range of activities including some in support of the adjacent Grade 1 Listed Church
- This building was registered as an asset of community value as part of the wider former school site, under Community Right to Bid regulations, and is the only remaining part of the site undeveloped.
- The Neighbourhood Plan site allocation policy CCSA2 was developed in collaboration with Trustees of the Education Foundation, who were then clearly in favour of retaining it as a centre serving the community. By comparison, the proposal to convert to a residential property appears driven by an aim to generate income and an economic rate of return.
- The Parish Council and the Neighbourhood Plan seek to retain the building as one that can continue to enable services that support the community. Its central position is unique; this is the only building at the heart of the Village with the potential to be a hub for services and activities that support the local community. If converted for residential use, this facility would be lost forever.
- Its central position offers a more safe and sustainable venue for activities aimed at both young and old, especially when compared to the alternative of either driving to the Village Hall, or negotiating the narrow footway along the busy A448
- The Parish Council is confident that grant funds can be secured to renovate and equip the building as a base for Community-orientated services and activities. Although the owners have not explored this possibility, the Parish Council remains happy to work with the Education Foundation to this end.
- The process that the Foundation has followed to avoid the site allocation policy has similarities to other mechanisms, such as the removal of Agricultural Tenancy restrictions. Any parallels with this situation are inappropriate; one meeting, one advertisement and the passage of some 12 months is insufficient evidence for avoiding the Neighbourhood Plan policy and supporting a fundamental change of use for such an important community asset.
- The Parish Council urges the Wyre Forest Planning Committee to support the aims of the Neighbourhood Plan, which was supported by 81% of residents who voted in the referendum, and reject this application.

3.2 Highway Authority – No objection subject to conditions

18/0306/FULL

- 3.3 Conservation Officer – No objection subject to conditions. The Old (former) School House sits adjacent to the churchyard for St. Cassian's Church, through which it is accessed and within which a ramped structure providing access has been constructed relatively recently.

There are two historic entrances to the building from the churchyard yet there appears to have been no means of access directly into the county school playground to the north until the alterations of the 1980s and 1990s.

The building is attached to curtilage listed walls associated with both the church and Lychgate House.

Our records show that listed building consent was granted for alterations in 1986 under WF/743/86 and planning permission under WF/742/86. The building was extended under planning permission WF/204/90 but there was no corresponding application for listed building consent at that time.

Given the previous history of listed building consent, the position of the building within the churchyard, and its attachment to structures which are deemed also to be listed, in the absence of any specific advice to the contrary from Historic England my advice to the District Council is to take the view that the building is also listed by virtue of its curtilage relationships.

The impact of this will be that any alterations to the building will require listed building consent (as well as any planning permission) unless Historic England specifically instruct otherwise.

#### PROPOSED CHANGE OF USE

The proposed change of use from school to dwelling requires planning permission and listed building consent. I note that a duplicate application 18/0307/LIST has been submitted concerning the material alterations proposed to the building.

#### ACCESS

In their letter of 16<sup>th</sup> May 2018 Historic England state that:

“We gave pre-application advice on this scheme in our letter dated 30 November 2017 wherein we stated that 'the conversion of the historic building into a two-bedroom house may have an impact on the church and conservation area due to this new use but this use is unlikely to have a greater impact than its use as a school and community hall'. Therefore we did not object to the principle of the proposal. With such conversions it is often the works to such elements as windows and amenity space that can have the greatest impact. Therefore we expected the local authority's conservation officer to guide and approve these aspects”.



18/0306/FULL

In the light of this advice I comment on access and amenity space as follows:

Drawing 3515-02 indicates that the building has five points of access currently, these to be reduced to two on each elevation.

The north elevation faces the parking and amenity area accessed off St. Cassian's Way. The doors access the kitchen and bedroom 1 respectively.

I understand that provided the building remains single storey and the ground floor windows of the rooms on the north elevation are capable of being used as escape windows there is no requirement to maintain any means of escape to the south elevation.

#### ACCESS TO THE PROPOSED DWELLING VIA A THIRD PARTY'S LAND

This building forms part of the physical boundary of the churchyard of the churchyard of the Grade 1 listed church. In its present (public) use the building is accessible via the churchyard however the proposed use is as a private dwelling.

There has been no evidence submitted that the CofE is willing to permit continued access from the churchyard, and on the change of use of the building to a dwelling I assume there is no obligation on them to do so.

There are currently three means of access to the churchyard from the south however none are required as a means of escape provided that the windows of the ground floor rooms on the north elevation can be used as a means of escape.

Thus the granting of planning permission is not reliant on the applicant securing a licence to access the churchyard as a means of escape.

I have no objections for the two south elevation doors to remain as shown on the application drawings, however their use to access land owned by the CofE will no doubt be subject to their granting a licence which is a private matter between the two parties.

#### POTENTIAL NUISANCE

Irrespective of the CofE granting a licence for the occupiers of the dwelling to use the churchyard for access I do have concerns that the proposed change of use may result in future nuisance to the neighbouring church, with potential to harm the character of the Conservation Area and the significance of the Grade I listed church and its churchyard setting.

This is because there is potential for a future occupier of the dwelling to use the churchyard as an unofficial extension to their curtilage.

18/0306/FULL

The nuisance could be noise-related (for example people sitting on open doorsteps with music playing) and may disturb church business within the churchyard e.g.: burials; and the general tranquillity of this open space within the Conservation Area.

The nuisance could also be visual and related to the placing of domestic paraphernalia adjacent to the building eg: boot-scrapers, doormats, dustbins, signage, bells, wind-chimes etc.

All of this would be extremely difficult to control post-approval (especially for the District and County Councils) but could also present a real challenge for the church to manage effectively.

The church may wish to consider this when consenting (or not) to access and egress from the building across the churchyard.

#### DESIGN OF CONVERSION

Generally I have no objections to the degree of alterations proposed within the building because the historic interiors have been lost some time ago. I am confident that the proposals as submitted meet the concerns expressed by Historic England in their letter of 16<sup>th</sup> May 2018.

Historic England may have misinterpreted the drawings in that the obscure glazing is to face the amenity area to avoid over-looking into neighbouring properties to the north. There is no intention to glaze the windows to the churchyard in a similar manner.

I have requested that the agent submits a revised drawing to clarify this. I have also suggested that the windows to the churchyard are double-glazed using internally fixed secondary glazing and are fixed shut so as to prevent noise pollution from the dwelling into the churchyard.

The property will inevitably cause some light spillage into the churchyard but this is already the case and with several rooms on the north side of the building I think that this will be less than at present.

- 3.4 Historic England – No objections. The conversion of the historic building into a two-bedroom house may have an impact on the church and conservation area due to this new use but this use is unlikely to have a greater impact than its use as a school and community hall. With such conversions it is often the works to such elements as windows and amenity space that can have the greatest impact. Therefore we expect the local authority's conservation officer to guide and approve these aspects.

18/0306/FULL

The conversion of the interior needs to take account of any historic interior features and the lofty volume in some parts, and seek to retain some of the character of this space. New ceilings should not cut across windows and views from the graveyard into the house should also be considered. New services should not put holes in the elevations facing the graveyard and should be sensitively designed to reduce their impact. These aspects have been adequately addressed in the application and should be guided by your expert conservation staff.

We are somewhat concerned by the obscure glazing proposed as, depending on its appearance, it could introduce an alien and too-modern looking element into the graveyard. This detail should be carefully considered by your expert conservation staff.

3.5 Neighbour/Site Notice – No representations received

#### 4.0 Officer Comments

4.1 The proposal seeks to convert the existing building to a 2 bedroom property with access and parking provided from St. Cassian's Way. Private amenity will be provided to the north with access to the property from St. Cassian's Ways. Additional pedestrian access will provided via existing steps and ramp within the grounds of the adjacent Church.

4.2 This report will examine the proposal under the following headings;

- Inappropriate Development in Green Belt?
- Policy Context as a Community Building
- Heritage Matters
- Highway Impact and Parking
- Impact of Neighbouring Properties
- Planning Balance

#### INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT?

4.3 Within the Green Belt development is particularly restricted in the pursuit of protecting its openness and preserving the key functions of including land within it. Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan reflects Government advice in the revised National Planning Policy Framework (NPPF 2018) which highlights the reuse of substantial permanent structures as one of the 'other forms of development' which are not inappropriate within the Green Belt. Policy SAL.UP1 restricts the appropriateness of this type of development to those that fully accord with Policy SAL.UP11. It is clear from the consultation responses and the nature of the proposal, that the development fully adheres to the criteria set out within the Policy, this is not a matter of contention.

18/0306/FULL

- 4.4 On this basis both national and local policy concludes that the development is not inappropriate development in the Green Belt. It is also clear that no harm will be caused to the openness of the Green belt or its 'five purposes' for inclusion of land within it.

POLICY CONTEXT AS A COMMUNITY BUILDING

- 4.5 There are three relevant policy documents that make up the development plan which need to be fully considered as part of the decision making process. Members will be aware of the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 that decisions to be 'plan led' unless material circumstances indicate otherwise.
- 4.6 Chaddesley Corbett Neighbourhood Plan contains a specific policy in respect of this building. Policy CCSA2 states that "*The Old Grammar School building will be retained for a continued educational or related D1 use, including a library, internet access, advice centre and/or meeting rooms.*" This policy has its derivation from Action 9 where it is set out that "*The Parish Council will seek to: 1. Secure the use of the old grammar school by long term lease, in order to provide a range of services to benefit the community. Priority activities should encourage educational aspiration, access to qualifications, lifelong learning and community well-being. Other uses could include a library, internet access, Citizen's Advice and meeting room.*"
- 4.7 Policy CP07 of the Adopted Wyre Forest Core Strategy does resist the loss of community facilities "...unless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered." The site is not specifically allocated for community usage and therefore Policy SAL.DP11 of the Adopted Wyre Forest Site Allocations and Policies Local Plan does not apply in this instance.
- 4.8 The Parish Council and a number of third party respondents have set out their views clearly, which need no further comment. The applicants have provided additional information to support their application detailing, how that the Parish Council are not in a position to take a long term lease as set out within Action 9 of the Neighbourhood Plan. In addition they detail their activities for promoting the building for lease to community groups and the results of the public meeting that was held. In particular they highlight that an additional facility would be direct competition with the existing village hall, which is struggling to maintain lettings. This position has been further supported with letters from Trustees of the Village Hall and the Primary School who also support after school lettings. The Applicant also has confirmed that scheme will support the work of the Trust which includes making grants to local young people under 25 years old for overall benefit of the community. The Parish Council's further comments are provided at paragraph 3.1.

18/0306/FULL

- 4.9 Restrictive policies can be a useful mechanism in protecting usage for specific purposes; however such policies need to be flexible to allow for changes to the area or building. The Neighbourhood plan does not provide such flexibility and therefore consideration of CP07 must be taken to assess the weight to be given to such a restriction.
- 4.10 The information that has been provided by the Applicant including letters from the Primary School and Village Hall demonstrate that the community is well served by available letting space. It is acknowledged that the aspiration of a community hub is well founded, but relies on a community organisation to take this project on fully both in commitment and finance. The building has been vacant for a number of years and despite best efforts there has been no interest from the community to provide a suitable use. I agree with the Applicant that offering the building outside the local community would not meet the Parish Council's aspirations for the building or the Applicant's own requirement for providing uses for the community.
- 4.11 The test within policy is that the facility is no longer required and alternative uses have been considered. The policy is not specific what evidence is required and does not provide any timescales for consideration. Based on the evidence that has been provided by the Applicant, I am satisfied that the tests set within the policy have been met for specific circumstances of this building. It is clear that the existing facility is no longer required and that alternative uses have not been forthcoming. Whilst the neighbourhood plan has to be considered a pulling in a different direction to the Core Strategy due to the lack of flexibility, the Courts have established (in particular *R v. Rochdale MBC ex p. Milne* and *R (Cummins) v. London Borough of Camden*) that is for a decision-taker to make a logical and informed judgment as to whether a proposal complies with the development plan as a whole. On this occasion when read as a whole the proposal complies with the restrictive community policies within the Development Plan.

#### HERITAGE MATTERS

- 4.12 The building has been established by both Historic England and the Council's Conservation Officer as a designated heritage asset being within the curtilage of the Grade I listed Church and Conservation Area. There is a statutory duty to have 'special regard' to the preservation of listed buildings or their settings. The proposal has been found by both heritage advisors as acceptable and would provide an acceptable use to preserve the asset providing an optimum viable use.
- 4.13 On this basis the proposal will conform to Policy SAL.UP6 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and paragraph 192 and 196 of the NPPF (2012). This positive contribution, particularly in providing a viable use, along with the 'special regard' weighs heavily in favour of the application.

18/0306/FULL

**HIGHWAY IMPACT AND PARKING**

- 4.14 Access is provided from St. Cassians Way, leading to two parking spaces within the curtilage of the dwelling. The amount of parking provided is fully in accordance with the County Council's Parking Standards. Concern has been expressed over the position of spaces to allow the neighbouring property to utilise their existing parking spaces, however the Applicants have demonstrated that access to both existing and proposed spaces is fully achievable. The Highway Authority has assessed the parking provision and access and has provided a no objection response. On this basis it is concluded that there will be no adverse impact from a highway perspective.

**IMPACT ON NEIGHBOURING PROPERTIES**

- 4.15 As number of concerns have been expressed by near neighbours in respect of overlooking. The North elevation faces onto the garden areas of 5-8 St. Cassians Way. Whilst the usage will be wholly on one level, it is acknowledged that the floor level is raised by approximately 0.5m. The proposal shows a minimum distance of 5m to the rear boundaries of these properties, with the windows that are directly opposite these gardens being obscured glazed. It is considered that for a single storey dwelling that 5m is a suitable privacy distance and along with the obscure glazing it is considered that residential amenity can be maintained, if not improved.
- 4.16 Taken as whole the development will provide a continuation of the residential development that has already taken place. There will be no undue impact on residential amenity.

**PLANNING BALANCE**

- 4.17 As the proposal is for residential development, albeit a conversion, consideration of the residential policies of the Development Plan. It has been established that under the terms of paragraph 73 of the NPPF (2018) that the policies in respect of housing delivery are 'out of date' and as such the 'presumption in favour' as required by paragraph 11 (d) applies. Such a presumption requires development to be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. The planning balance has thus to be taken in a 'tilted' form.
- 4.18 It is clear that the Neighbourhood Plan stands against the development due to the restrictive nature of the text. However this is tempered by criteria based policy set out in the Adopted Wyre Forest Core Strategy. Whilst I have found that the relevant requirements under Policy CP07 have been met, there is material weight against the development by virtue of the non-compliance with the Neighbourhood Plan and the loss of the potential of a community facility as anticipated within the Plan and by the Community as part of the referendum.

18/0306/FULL

- 4.19 However, the benefits of providing additional residential accommodation within the village, the significant benefits in finding an optimum use for this important heritage asset and the compliance with all other policies of the Development Plan weight heavily in favour of the development. In particular I have attributed great weight to the benefits to the Heritage Asset.
- 4.20 Overall, when taken in the tilted balance the benefits of the scheme are not outweighed by the harm through non-compliance of the Neighbourhood Plan Policy.

## 5.0 Conclusions and Recommendations

- 5.1 The proposal is acceptable and complies with the Development Plan as a whole. The scheme provides a new dwelling providing optimum viable use for a heritage asset. The impact on highways and neighbours amenity is acceptable.
- 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. Details of any new materials
  4. Details of all glazing including secondary and obscure
  5. Details of bin storage
  6. Parking provision
  7. J1 (Removal of permitted development – residential)
  8. No gates

## Agenda Item No. 5

**Application Reference:** 18/0363/FULL      **Date Received:** 25/05/2018  
**Ord Sheet:** 389766 278675      **Expiry Date:** 20/07/2018  
**Case Officer:** Julia McKenzie-      **Ward:** Wyre Forest Rural  
Watts

**Proposal:** Conversion of existing outbuilding into new dwellinghouse

**Site Address:** THE WOODLANDS, WORCESTER ROAD, CLENT,  
STOURBRIDGE, DY9 0HS

**Applicant:** Mr P Knowles

<b>Summary of Policy</b>	DS01, DS04, CP11, CP12 (CS) SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP6, SAL.UP7, SAL.UP9, SAL.UP11 (SAAPLP) National Planning Policy Framework
<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 application site consists of a large detached family dwelling, a detached stable building with ancillary living accommodation over, and a detached agricultural type storage building. The building is located within the West Midlands Green Belt.
- 1.2 The application seeks approval for the conversion of the outbuilding into a separate dwellinghouse offering three bedroom accommodation.

### 2.0 Planning History

- 2.1 WF/0775/97 - Full: Erection of a detached 3 car garage with games room over : Approved 16.12.97
- 2.2 08/1113/FULL - Erection of two storey side & rear extensions, single storey extension to form garden room & front porch : Approved 20.2.09
- 2.3 12/0266/CERTE - Lawful Development Certificate for an existing use or operation: Stables with self contained studio apartment above : Undetermined
- 2.4 16/0257/FULL – Dwelling with garage/garden store and studio over on land adjoining : Refused 22.06.16
- 2.5 18/0036/FULL - Conversion of detached outbuilding from stables with first floor annex to detached annex building : Withdrawn



18/0363/FULL

### 3.0 Consultations and Representations

3.1 Broome Parish Council – Objection. The Parish Council is not able to support the planning application for the following reasons:

- The site lies in the Green Belt and is presently the site of a single dwelling.
- In order for residential development to be considered appropriate one or more of the following policies (WFDC – Site Allocations and Policies Local Plan) must apply:
  - Policy SAL.DPL.1 – Sites specifically identified for residential development. This site is not identified for development and does not apply. Development would be inappropriate.
  - Policy SAL.DPL.2 – The proposed development is not in accordance with this policy dealing with Rural Housing and is in conflict with Green Belt policies. Development would be inappropriate
  - There are exceptions to Policy SAL.DPL.2 such as Exception sites, Rural Workers Dwellings or Replacement Dwellings in the Open Countryside however these provisions do not apply to this site. Development would be inappropriate.
  - There are policy provisions allowing “limited infilling within villages” but it is clear this site is outside the village boundary. See paragraphs 4.19 and 4.20. The closest settlement where there is a relevant settlement boundary is Blakedown and this site is not within the village boundary, Development would be inappropriate.
  - There are policy provisions that relate to accommodation for dependents (Policy SAL.DPL.6) but again these do not apply in this case. This policy states “ Accommodation should be provided by way of extension which is physically incorporated into the existing dwelling with a shared entrance and strong links at both ground and first floor levels”. It goes on to say “the dwelling and annex should share vehicular and pedestrian access and the extension should usually only incorporate one bedroom”. Development would be inappropriate.

The Parish Council cannot see any policy provisions that would allow the Parish Council to support the planning application.

The Parish Council is concerned that granting consent would set a harmful precedent.

3.2 Highway Authority – No objection subject to conditions

3.3 Neighbour/Site Notice – No representations received.

18/0363/FULL

**4.0 Officer Comments**

- 4.1 The applicant seeks approval for the change of use of the former stable building to a separate dwellinghouse. The building is currently in use as a stable at ground floor level with first floor self contained flat above. (The agent has supplied a letter from a tenant who rented the flat above the stables from December 2011 to March 2016 from the applicant).
- 4.2 The proposed change of use would result in a building which provides a lounge, kitchen, bathroom, external store and two bedrooms at ground floor level with master bedroom and en suite above. It would benefit from its own residential curtilage and parking facilities.

**PRINCIPLE OF DEVELOPMENT**

- 4.3 The application site is within an area washed over by the West Midlands Green Belt and as such it is necessary to ensure any development accords with the provisions of Section 13 of the Revised National Planning Policy Framework (NPPF). Both the NPPF and Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan set out what forms of development would be considered appropriate within the Green Belt, an acceptable form of development is the reuse of an existing permanent, substantial building.
- 4.4 The provision of rural housing is set out in Policy SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan. It is stated within this policy that “residential development will also be permitted where it is in accordance with relevant rural development or Green Belt policies as contained within the Development Plan including policy SAL.UP11: Reuse and Adaption of Rural Buildings.
- 4.5 Policy SAL.UP11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan sets out the criteria for the acceptable reuse and adaptation of rural buildings that should be met by any development proposal. These criteria are:
- i. The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.
  - ii. The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character or setting of the building.
  - iii. That the proposed development enhances and safeguards heritage assets.

18/0363/FULL

- iv. That suitable access arrangements can be made, without the need for extensive new access roads.
- v. That there is no adverse impact on the countryside, landscape and wildlife or local amenities.
- vi. That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development.

4.6 Although the policy specifically states that a building to be converted may not be a domestic outbuilding, the building in question is a former stable building with annex accommodation above and as such would be considered to comply with the requirements of the policy.

4.7 The comments of the Parish Council are noted. However, the policy framework allows for the conversion of buildings in this context. As such, there will not be an unacceptable precedent set.

#### SUITABILITY FOR CONVERSION AND THE EFFECT ON THE CHARACTER AND FABRIC OF THE BUILDING

4.8 The existing building currently provides five stables with a studio flat above and as such the available information supports the premise that the building is a permanent and substantial building. The proposed change of use would require changes to the five existing stable doors on the front elevation. The new elevation would consist of one half glazed stable door, two new windows to match the existing windows on the front elevation and the insertion of a 3,7m wide glazed bi fold door. The rear elevation of the property which will house the main entrance door to the property will replace an existing stable door but all other fenestration on this side of the stable will remain as exists at present.

4.9 The proposed alterations to the fenestration would offer no substantial impact to the character and fabric of the building. The conversion would result in the creation of a dwelling which would contain a lounge, kitchen, bathroom, two bedrooms and a master bedroom with en suite which would be sufficient for the building to provide a self contained unit of accommodation. It should be noted that the building in its current form is considered sufficient to provide a residence and as such permitted development rights for the erection of extensions and outbuildings should be withdrawn in line with the requirements of Policy SAL.UP11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

18/0363/FULL

4.10 ACCESS AND PARKING

The unit proposed is accessed via a separate access from the main dwelling directly off the Worcester Road and would utilise the existing hard standing and driveways to provide parking and access. The Highway Authority has no objections to the scheme as the change of use would not adversely impact highway safety. The proposed development will result in a 3no. bedroom dwelling which requires 2 parking spaces within the curtilage in line with standards and as the site is located on a classified road turning facilities are required. There is ample space within the curtilage to provide this. Visibility splays from the existing access are within the highway

IMPACT ON BIODIVERSITY

- 4.11 The application refers to a change of use only. The land surrounding the site forms part of the existing curtilage of The Woodlands and as such the impact of the development on biodiversity would be negligible.

**5.0 Conclusions and Recommendations**

- 5.1 The proposed change of use of the building represents an appropriate form of development in the Green Belt. The change of use and formation of the associated curtilage would offer no significant detriment to the openness and visual amenity of the Green Belt.
- 5.2 The building conversion is capable of implementation without significant works to the former stable building which will retain its character and historic significance.
- 5.3 The proposal would have no significant impact on the amenity enjoyed by the occupants of neighbouring dwellings and would have no adverse impact on highway safety and the biodiversity of this area.
- 5.4 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. Removal of permitted development rights
  4. Highways
  5. No demolition
  6. Details of fences
  7. Details of windows and doors

Note  
Highways

**Application Reference:** 18/0423/FULL      **Date Received:** 27/06/2018  
**Ord Sheet:** 377662 275312      **Expiry Date:** 22/08/2018  
**Case Officer:** Julia McKenzie-      **Ward:** Bewdley & Rock  
 Watts

**Proposal:** Erection of bungalow with garage and associated access and parking

**Site Address:** ADJACENT TO HIGHBANK, CLEOBURY ROAD, BEWDLEY, DY122PG

**Applicant:** Dormer Construction Ltd

<b>Summary of Policy</b>	DS01, CP03, CP11, CP12 (CS) SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework Planning Practice Guidance
<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 application site comprises garden land belonging to two previously approved bungalows accessed off Yew Tree Lane. The two bungalows replaced an old timber bungalow which was originally on the site.
- 1.2 The current application seeks for the erection of a detached two bedroom bungalow with access onto the Cleobury Road

**2.0 Planning History**

- 2.1 13/0631/FULL - Proposed demolition of existing bungalow & erection of one pair of Semi detached bungalows : Approved 21.06.14
- 2.2 15/0235/FULL - Proposed demolition of existing bungalow & erection of 2 no. detached dormer bungalows : Approved 18.06.15

**3.0 Consultations and Representations**

- 3.1 Bewdley Town Council – Awaiting comments.

18/0423/FULL

- 3.2 Highway Authority – No objection subject to the inclusion of conditions and a note on any forthcoming planning permission.
- 3.3 Worcestershire Regulatory Services (WRS) [Land Contamination] – No objection subject to the inclusion of a condition relating to potential contamination on site.
- 3.4 Worcestershire Regulatory Services [Noise/Nuisance] - No objection to the application in terms of noise / nuisance adversely impacting on future residents.
- 3.5 Countryside Manager - No objection from a biodiversity perspective.
- 3.6 Severn Trent Water – As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
- 3.7 Arboricultural Officer – I have no objection to the proposed development unless the Highway Authority need the trees/hedge at the front of the site removed for visibility. I feel these are an important feature in the street scene and need to be retained.

If the Highway Authority do not need them removed, I would require a condition for a tree protection plan to prevent damage to them during the construction of the new dwelling, a condition to retain the trees and hedges at the front of the site and a condition for a tree protection plan.

- 3.8 North Worcestershire Water Management – No objection subject to a condition regarding surface water.

To my knowledge the site itself is not at risk of flooding from any source. According to a national modelling exercise areas in the vicinity of the site are at risk of surface water flooding. Due to the surface water flood risk in the vicinity, it is extra important that adequate ways are included to deal with the surface water runoff generated from roofs and other impermeable surfaces on the site. I understand from the submitted information that surface water from the development will be discharged via soakaway drainage. This is the preferred method were ground conditions allow. Given the location I have no reason to believe that soakaway drainage would not work.

The surface water drainage arrangements will be part of a future Building Control application. However, the Building Regulations have not kept up with national practice regarding design return periods. The Building Regulations still refer to a 1 in 10 year return period whereas it is national practice to ask for surface water drainage schemes to be designed to be able to deal with the 1 in 100 year design rainfall event on the site. This is for instance reflected in the BRE 365 soakaway design guide, which was revised 2016. The NPPF states that the Local Planning Authority should only consider development that does not increase flood risk off the site. Also the effects of Climate Change need to be taken into account.

18/0423/FULL

3.9 Neighbour/Site Notice – No representations received

#### 4.0 Officer Comments

##### PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

4.1 The application site relates to a residential garden which belonged to the original timer bungalow known as The Little Ranch which stood on the site. Approval was given in both 2013 and 2015 for the demolition of this bungalow and the erection of two detached bungalows in its place. The current application proposes the erection of a further detached bungalow on the remainder of the garden land which is located within a residential area of Bewdley. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As the application site comprises garden land it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.

4.2 Notwithstanding this, 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 therefore 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 11 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.

##### DESIGN

4.3 The proposed bungalow would provide a kitchen/dining room, lounge, bathroom, utility, garage and two bedrooms. The ridgeline of the proposed bungalow would be 4.5m which is lower than the height of the previously erected dormer bungalows to the rear. Whilst it is acknowledged that the bungalow sits close to the rear boundary fence of the rear bungalows (within 2.5m) the roof will slope away from the boundary and no windows are proposed on this rear elevation; a condition can be included in any permission to ensure that no windows are added at a later date. The new development would offer no detriment to the amenity enjoyed by the occupants of neighbouring properties in terms of privacy, light or outlook.

4.4 The position of the bungalow will allow for a parking area to the front and amenity space to the side. It is considered acceptable in terms of both scale and design and the proposed structure would not appear atypical or alien in the context of the immediate area or the street scene.

18/0423/FULL

**HIGHWAYS AND ACCESS**

- 4.5 The Highway Authority has raised no objection subject to the inclusion of two conditions and a note. The plans show adequate parking and turning space for two vehicles within the curtilage which is in line with standards plus visibility splays on the proposed access to include 2m x 2m pedestrian vision splays which are acceptable. The proposed access will require a new dropped kerb and vehicular crossover and these works must be carried out by Worcestershire County Council contractors Ringway. The plans show that the development is capable of providing adequate parking provision for the proposed and existing dwellinghouse and it is therefore considered that the development would not have any detrimental impact on highway safety in the area.

**4.6 IMPACT ON LOCAL AND RESIDENTIAL CHARACTER**

The design of the new dwelling reflects the adjoining and surrounding dwellings in Yew Tree Lane, Early River Place and the Lakes Road and the plot size is of a sufficient size for one bungalow.

- 4.7 The proposed bungalow would be located on land to the rear of the recently approved bungalows and as such the erection of a new dwelling on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot size. The fact that no windows are proposed on the rear elevation and the degree of separation of at least 13.5 metres between the rear wall of the new bungalow and the rear wall of the bungalows in Yew Tree Lane, will result in no adverse impact.

**BIODIVERSITY AND TREES**

- 4.8 The Council's Countryside Manager is satisfied that most if not all of the biodiversity interest at the site is no longer present and therefore no concerns have been raised.
- 4.9 In terms of trees at the site, there is a hawthorn hedge to the front of the site with a young Ash tree. The development would require the removal of one approximately 3m high Hawthorn plant in order to facilitate the construction of the new access, however, its removal will have limited material impact on the local street scene. The Arboricultural Officer has requested that a condition is added in order to retain the other trees and hedges at the front of the site and a condition requiring the submission of a tree protection plan to prevent damage to these during the construction of the new dwelling.



18/0423/FULL

## 5.0 Conclusions and Recommendations

5.1 Having assessed the principle of the development and identifying no overriding harm, it is considered the presumption in favour of development applies. The proposed bungalow 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)
4. Details of walls, fences and other means of enclosure to be submitted
5. Details of hard and soft landscaping to be submitted
6. retention of trees / hedge at front of site
7. Submission of tree protection plan
8. No windows on the rear elevation
9. Highways
10. Highways
11. E4 (Drainage prior to occupation)
12. Land Contamination

### Notes

- A Highways
- B Severn Trent
- C Applicant to be aware of WRS Demolition & Construction Guidance

<b>Application Reference:</b> 18/0427/FULL	<b>Date Received:</b> 28/06/2018
<b>Ord Sheet:</b> 377692 270105	<b>Expiry Date:</b> 23/08/2018
<b>Case Officer:</b> Richard Jennings	<b>Ward:</b> Bewdley & Rock

**Proposal:** Provision of track and hardstanding

**Site Address:** SOUTH HURTLE HILL TOP, TROUGH, HURTLE HILL FARM, HEIGHTINGTON, BEWDLEY, DY122YH

**Applicant:** Ms P Freeman

<b>Summary of Policy</b>	CP11, CP12 (CS) SAL.UP7 (SAAPLP) National Planning Policy Framework
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommend for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The site is a parcel of agricultural land with no road frontage, accessed over an adjoining field off Heightington Road by way of a 'Right of Way'.
- 1.2 The application is retrospective and seeks to retain a track to the site. The track is stoned in part as it crosses the application site due to its sloping nature. The rest of the access track across adjoining land remains unsurfaced.

### 2.0 Planning History

- 2.1 N/A

### 3.0 Consultations and Representations

- 3.1 Rock Parish Council – Objection. Concerned that this land is 'agricultural land only'. No documentation has been provided with this application to warrant the need for a 'part' track across pasture land.
- 3.2 Highway Authority – No objection
- 3.3 North Worcestershire Water Management – No objection

18/0427/FULL

3.4 Neighbour/Site Notice : 2 objections received commenting as follows:

- Retrospective nature of the application
- No design and access statement
- Existing land is agricultural and pastureland in the countryside and should not be used for residential purposes
- Septic tank installed
- Affect privacy and amenity
- Affect this proposal will have on the landscape and environmental quality of the surrounding area
- Increased usage of this field gate is a serious concern

#### **4.0 Officer Comments**

4.1 Permission is sought retrospectively for the construction of an access track to enable the land in question to be accessed during poor weather due to the steeply sloping nature of the site. The application also includes the construction of a small parking and turning area at the lower end of the track.

4.2 The length, construction and use of materials do not adversely impact on the character of the area. Overall the impact to the landscape is neutral. The amenity can be enhanced through additional landscaping which can be secured through a suitably worded condition.

4.3 Objections have been raised regarding the potential alternative uses of the site. This application purely deals with the access track and any other development that has, or may take place on the site will be dealt with as a separate matter on its own merits. Objections have also been raised to the retrospective nature of the application. This however is not a planning consideration.

4.4 A reasoned justification has been submitted by the applicant's agent in support of the agricultural necessity for the access track. The track is considered necessary to continue the lawful use of the site, especially during the winter months, taking into account the sloping nature of the site.

4.5 In response to concerns over the use of the access, the Highway Authority has raised no objection to the proposal and do not consider the development will lead to increased usage that would raise highway safety issues.

#### **5.0 Conclusions and Recommendations**

5.1 The track provides an acceptable form of access to the site and it is agreed that access, especially during the winter months, would be extremely difficult due to the sloping nature of the site. A consolidated stone track for access purposes is considered reasonably necessary, especially during the winter months.

18/0427/FULL

- 5.2 The impact of the track has been carefully assessed in terms of its effect in the wider landscape and it is considered that no undue visual harm is caused. There is considered to be no greater highway safety concern due to the development.
- 5.3 A condition will be applied to any consent granted, restricting the use of the track to agricultural purposes only.
- 5.4 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
  1. Restricting the use of the track to agricultural purposes only.
  2. Landscaping scheme within 3 months; implementation within 6 months.

**Application Reference:** 18/0512/OUTL      **Date Received:** 03/08/2018  
**Ord Sheet:** 380495 272701      **Expiry Date:** 28/09/2018  
**Case Officer:** Helen Hawkes      **Ward:** Mitton

**Proposal:** Outline application with all matters reserved for construction of one dwelling

**Site Address:** 30 BURLISH CLOSE, STOURPORT-ON-SEVERN, DY138XW

**Applicant:** Miss Kerry Elford

<b>Summary of Policy</b>	DS01, CP03, CP11, CP12 (CS) SAL.PFS1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Planning application represents Departure from the Development Plan
<b>Recommendation</b>	<b>APPROVAL</b>

THIS APPLICATION WAS DEFERRED FROM THE PLANNING COMMITTEE ON 18<sup>TH</sup> SEPTEMBER 2018 AS ADDITIONAL OWNERSHIP INFORMATION SUBMITTED AND FURTHER CONSULTATION REQUIRED

## **1.0 Site Location and Description**

- 1.1 The application site relates comprises garden land belonging to No. 30 Burlish Close, a semi-detached dormer bungalow. The site is situated at the end of a cul-de-sac, within a residential area of Stourport-on-Severn. It is adjoined by residential properties on all boundaries. To the front of Nos. 29 and 30 Burlish Close is a row of six garages which are accessed by a shared private right of way and the end garage belongs to the application site.
- 1.2 The application seeks outline permission for the erection of one dwellinghouse with all matters reserved for future consideration. The supporting details indicate that a dormer bungalow is proposed and the indicative site layout plan shows that the proposed bungalow would be sited adjacent to No. 30 Burlish Close with a new parking area created for the existing dwellinghouse and for the proposed bungalow. Vehicular access would be gained from the private right of way.

## **2.0 Planning History**

- 2.1 No planning history for this site.

18/0512/OUTL

### **3.0 Consultations and Representations**

3.1 Stourport-on-Severn Town Council – No objection

3.2 Highway Authority - The applicant has submitted a revised red line drawing to include access to the highway therefore it is demonstrated that safe and suitable access is achievable for 1 additional dwelling off a residential cul-de-sac and all other matters will be dealt with at the reserved matters stage. As such, no objection subject to conditions to secure the provision of parking within the site.

3.3 Worcestershire Regulatory Services (Land Contamination) – No objection subject to a condition to ensure appropriate site investigation and remediation works are undertaken if necessary for any potential land contamination risk.

3.4 Severn Trent Water – No objection and do not require a drainage condition to be applied. They also advise that there may be a public sewer located within the application site.

3.5 Neighbour/Site Notice – 2 letters received from nearby occupiers objecting to the application (including the revised plan showing access to the public highway) on the following grounds:

- The driveway is for sole access to the block of garages belonging to numbers 25 to 30. The owners of these properties with the associated garages benefit from right of passage along the driveway along with the shared maintenance. Any proposed change of use or introduction of a further party to the right of passage and maintenance of the driveway should be with the unanimous consent of the current owners of properties 25 to 30.
- The present garages can only hold one car so that will present a problem by making the drive a road.
- It is also questioned whether there will be a construction plan; what size lorries will need access to the site; will there be a banksman; and will there be a restriction on how many vehicles can use the driveway.

### **4.0 Officer Comments**

4.1 The application is submitted with all matters reserved thereby requiring consideration of the principle of development only at this stage. All other matters of layout, access, design, external appearance and landscaping will need to be submitted as Reserved Matters in due course.

18/0512/OUTL

**PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT**

- 4.2 The application site relates to an existing residential garden belonging to No. 30 Burlish Close, and lies within a residential area of Stourport-on-Severn. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As the application site comprises garden land it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.
- 4.3 Notwithstanding this, 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 11 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.

**HIGHWAYS AND ACCESS**

- 4.4 Access details are to be reserved for future consideration, although during the course of the application, the submitted plans were amended to show that the application site can be accessed from the public highway and it was confirmed by the applicant that the appropriate notice was served on the landowners of the private right of way about the planning application. The Highways Authority have raised no objection to the revised scheme. I recognise the concerns that have been expressed in respect of access to the site and that existing residents who own one of the six garages fronting Nos. 29 and 30 Burlish Close are required to maintain the private right of way. Whilst I understand their concerns, the matters of a covenant and ownership are not matters for planning consideration. Any permission given will not override ownership or restrictive covenants.
- 4.5 I am also satisfied that the development would be capable of providing adequate parking provision for the proposed and existing dwellinghouse. I therefore consider that the proposed development would not have any detrimental impact on highway safety in the area.

**IMPACT ON LOCAL CHARACTER**

- 4.6 Matters of layout and design will also be provided as part of any subsequent reserved matters application, however the indicative layout provides sufficient detail to show that an acceptable scheme can be provided for the proposed dwellinghouse with good separation from neighbouring properties. The proposed plot size is also of a sufficient size for one dwellinghouse.

18/0512/OUTL

IMPACT ON RESIDENTIAL CHARACTER

- 4.7 The proposed dwellinghouse would be located on land to the side of the existing dwellinghouse at No. 30 Burlish Close and to the rear of Nos. 137a, 139, 141 and 143 Thirlmere Road and 16 Mostyn Road. The erection of a dwellinghouse on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot size and degree of separation of at least 30 metres from neighbouring properties in Thirlmere Road and Mostyn Road.

OTHER MATTERS

- 4.8 Worcestershire Regulatory Services have raised no objection subject to a condition to require a site investigation for any potential land contamination due to a history of the site as records show that it was previously used as 'Railway Land'. I concur with this view and have attached a condition accordingly.

**5.0 Conclusions and Recommendations**

- 5.1 Having assessed the principle of the development and identifying no harm, it is considered acceptable. The proposed dwellinghouse 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. A1 (Standard outline)
  2. A2 (Standard outline – reserved matters)
  3. A3 (Submission of reserved matters)
  4. A5 (Scope of outline permission – maximum of 1 no. dwelling)
  5. A11 (Approved plans)
  6. B1 (samples/details of materials)
  7. Details of walls, fences and other means of enclosure to be submitted
  8. Details of existing and proposed levels to be submitted
  9. Details of hard and soft landscaping to be submitted
  10. Details of finished floor levels
  11. Parking to be laid out
  12. Land Contamination
  13. E4 (Drainage prior to occupation)



<b>Application Reference:</b> 18/0545/FULL	<b>Date Received:</b> 23/08/2018
<b>Ord Sheet:</b> 384364 277037	<b>Expiry Date:</b> 18/10/2018
<b>Case Officer:</b> Julia McKenzie-Watts	<b>Ward:</b> Offmore & Comberton

**Proposal:** Change of use from dwellinghouse to mixed use comprising dwellinghouse and dog grooming (to operate within the garage).

**Site Address:** 39 LINDEN AVENUE, KIDDERMINSTER, DY103AA

**Applicant:** Miss D Priest

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP8, SAL.CC2 (SAAPLP)
<b>Reason for Referral to Committee</b>	Councillor request for application to be considered by Committee 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 Number 39 Linden Avenue is a detached property located within a residential area of Kidderminster.
- 1.2 The application is for the Change of Use from dwellinghouse to mixed use comprising dwellinghouse and dog grooming (to operate within garage).
- 1.3 The owner would be the sole employee and the hours of operation would be 0900-17.00 Monday to Friday and closed on Saturdays, Sundays and Bank Holidays. Customers would be seen on an appointment basis only.

### 2.0 Planning History

- 2.1 15/0634/ FULL – Ground floor rear extension : Approved 27.11.15

### 3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Refuse because it is out of keeping with a residential area and the potential impact on neighbours
- 3.2 Highway Authority – No objections
- 3.3 Worcestershire Regulatory Services (Noise) – No objections
- 3.4 Neighbour/Site Notice – No representations received

18/0545/FULL

**4.0 Officer Comments**

- 4.1 The application proposes the change of use of the existing garage at the property into a dog groomers. The principal issues are the impact of the proposed use on parking / highway safety and residential amenity.
- 4.2 In highway terms the existing dwelling is a three bedroom property which requires two parking spaces within the curtilage in line with adopted Highway policy. The applicant has stated that there will only ever be one client dropping or collecting at any given time as the bookings are spread apart, allowing for crossover and preparation for the next dog. Three spaces have been shown to the front of the property on the basis that the proposed commercial use is a modest operation with no additional staff. Therefore, the provision of one additional parking space for the commercial use provided to the front of the property is considered to be acceptable. Linden Avenue is an unclassified residential road and therefore turning is not required and some manoeuvring to allow vehicles in and out will be acceptable in this location. The Highway Authority are satisfied that no adverse impact to highway safety will occur.
- 4.3 The garage where the dog grooming will take place is located directly on the boundary with 40 Linden Avenue and therefore potential noise is of particular concern. The applicant has stated that the business will operate 4-5 days per week with 2-5 dogs per day. The hours of operation have been agreed as: Monday to Friday 9am-5pm with only one client dog being groomed at any given time in the garage unless there are multiple dogs from the same owner. Thermal plaster boarding has been installed to reduce noise impact and an air conditioning unit has been added in case of the room becoming warm. A condition will be added to ensure that whilst any grooming is taking place the garage front and rear doors and windows will remain closed. Worcestershire Regulatory Services have been consulted and have offered no objection in terms of noise nuisance.

**5.0 Conclusions and Recommendations**

- 5.1 It is considered that the use of the garage as a dog grooming salon is relatively low key. The use can be controlled through an hours condition, a condition that customers to the salon visit on an appointment basis only, a restriction to the garage only and a condition requiring all doors and windows to be closed. On this basis there will be no adverse impact on neighbouring properties or the character of the surrounding area.

18/0545/FULL

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. Customers on appointment basis only
4. Limit hours or use
5. Restrict dog grooming salon to garage only
6. Change of use only; not to be sold off or sub let separately from the main dwelling

<b>Application Reference:</b> 18/0557/FULL	<b>Date Received:</b> 31/08/2018
<b>Ord Sheet:</b> 381054 272317	<b>Expiry Date:</b> 26/10/2018
<b>Case Officer:</b> Imogen Hopkin	<b>Ward:</b> Mitton

**Proposal:** Two storey side and rear with single storey rear extensions

**Site Address:** 7 BALA CLOSE, STOURPORT-ON-SEVERN, DY138JJ

**Applicant:** Stuart Hawkes

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Section 12 (NPPF) Supplementary Planning Guidance document on Design Quality
<b>Reason for Referral to Committee</b>	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The site refers to a semi-detached property on a cul-de-sac to the west of Stourport on Severn. There are some differing extensions and alterations to houses within the streetscene, so where it is has a character, it is not distinct. The dwellinghouse would be fully refurbished after the completion of the proposed rear and side extension.
- 1.2 It is proposed to erect a two storey side and rear extension, with 2.5 metres at the rear being single storey. This will reorganise and enlarge the existing first floor bedrooms and create an ensuite. On the ground floor it will enlarge the kitchen, move the lounge to the rear and create a home office at the front.

## 2.0 Planning History

- 2.1 No relevant Planning History

## 3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council – Awaiting comments
- 3.2 Highway Authority – No objection subject to secure, sheltered and accessible cycle parking condition

18/0557/FULL

#### 4.0 Officer Comments

- 4.1 It is proposed to erect extensions at the property near to the boundary. The extension would consist of:
- a) A side extension that stretches across by 11.6 metres at the ground floor and is stepped in by 2.2 metres at the first floor.
  - b) A rear extension from the side extension that is 8 metres across the rear. 2.5 metres of the rear elevation is at ground floor.
  - c) The two storey extension is 6.8 metres, which is 1 metre below the existing roof ridge height.
- 4.2 Policy CP11 of the Adopted Core Strategy relates to quality design and local distinctiveness and states new development should sensitively connect to the surrounding streets, spaces and communities. The policy also notes the appropriate use of scale, mass, proportions and materials.
- 4.3 Policy SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan supports the Adopted Core Strategy CP11 and divulges more detail which should be used as guidance when assessing applications.
- 4.4 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan seeks that residential extensions to be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance document about Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene.
- 4.5 The application is for a semi-detached dwelling within a cul-de-sac of similar garage-linked houses. Whilst the proposal will remove the garage-link element of this dwelling, I do not believe to be a significant loss and will not adversely impact on the character of the streetscene.
- 4.6 The adjoining neighbouring property will not be affected by loss of light due to the single storey nature of the rear extension. The two storey extension does not affect the other neighbour due to separation distances. The first floor element is set back and would be subservient to the original dwelling, not overwhelm it and be acceptable when viewed in the streetscene and, as such, comply with policies listed above.

18/0557/FULL

- 4.7 The Highway Authority has no objections subject to the provision of cycle parking. The applicant has submitted amended plans showing the recommended secure, sheltered and accessible cycle parking at the end of the garden. This will be secured by a suitably worded condition.

## **5.0 Conclusions and Recommendations**

- 5.1 The proposed extensions are considered to be of an appropriate scale and design to the main dwelling and would not have any adverse effects. The impact of the extensions upon the neighbouring property has been assessed and it is considered there would be no undue impact upon their amenity or privacy.

- 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. B3 (Finishing materials to match)
4. Secure, sheltered and accessible cycle parking

<b>Application Reference:</b>	18/0570/FULL	<b>Date Received:</b>	04/09/2018
<b>Ord Sheet:</b>	381846 276025	<b>Expiry Date:</b>	30/10/2018
<b>Case Officer:</b>	Gill Portmann	<b>Ward:</b>	Blakebrook & Habberley South

**Proposal:** Two storey side extension with new porch to front

**Site Address:** 1 BIRCHFIELD ROAD, KIDDERMINSTER, DY11 6PG

**Applicant:** Mr & Mrs Barlow

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP)
<b>Reason for Referral to Committee</b>	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application property is a semi-detached, hip roofed, brick built dwelling set back from the road behind a paved driveway and front lawn. The property sits slightly elevated from the main highway.
  
- 1.2 The application seeks approval for the addition of a two storey side extension and porch to principle elevation. The two storey extension would provide an enlarged kitchen with utility and WC at ground floor and an additional bedroom and bathroom at first floor. It is located on Birchfield Drive which lies to the west side of Kidderminster.

**2.0 Planning History**

- 2.1 WF/0511/05 - Single storey side and rear extension : Approved 01.07.05

**3.0 Consultations and Representations**

- 3.1 Highway Authority – No objection subject to condition.
- 3.2 Neighbour/Site Notice – No representations received

18/0570/FULL

#### 4.0 Officer Comments

- 4.1 The proposed two storey extension is considered appropriate in terms of scale and design relative to the original semi-detached dwelling. The first floor of the proposed extension would be set back 0.75m from the front elevation of the original property, resulting in a clear demarcation between the original building and the proposed extension which would, as a result, appear subservient. The additions would appear proportionate to the original building and would not serve to overwhelm or unbalance the original dwelling. The proposal would offer no detriment to the character and appearance of the property, to the street scene or to the character of the area.
- 4.2 The proposed porch would replace an existing porch to the front elevation. Although the porch has increased in footprint, the scale and design would still be in-keeping with the host dwelling and therefore not look out of place or over dominant within both the siting and the streetscene.
- 4.3 It is noted that the neighbouring property has an existing two storey side extension, similar to that of this proposal, however, there are no side facing windows therefore, there will be no loss of light to habitable rooms.
- 4.4 The proposed extension would be considered to offer no significant detriment to the amenity enjoyed by the occupants of neighbouring dwellings in terms of the levels of light, privacy or outlook currently enjoyed.
- 4.5 As the proposal will create a four bedroom dwelling, there is a requirement for parking spaces for three cars, details of which have been shown on the submitted plans. The Highway Authority has offered a 'no objection' response subject to a condition requiring the spaces to be provided. This is considered to be a reasonable request.

#### 5.0 Conclusions and Recommendations

- 5.1 The proposed extensions are considered acceptable in terms of scale and design. The extensions would be proportionate to, and would not overwhelm, the original dwelling. The impact on the amenity enjoyed by the occupants of neighbouring dwellings has been assessed and it considered that there would be no significant detrimental impact. The proposal will not result in any impact on highway safety.
- 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. B3 (Finishing materials to match)
  4. Access and parking facilities to be provided



## WYRE FOREST DISTRICT COUNCIL

### Planning Committee

16 October 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
WFA1490 17/0186/TREE	APP/TPO/R1845/ 6243	MR PAUL YEO	1 COMBERTON GARDENS KIDDERMINSTER DY103DB  Pollard Lime Tree	HE  03/01/2018	07/02/2018  28/02/2018			
WFA1501 18/0138/FULL	APP/R1845/W/1 8/3202393	MR M SIMMONDS	LAND ADJ. 3 BLAKESHALL LANE WOLVERLEY KIDDERMINSTER  Proposed detached bungalow	WR  19/06/2018	24/07/2018			Dismissed  07/09/2018

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
WFA1502 18/0197/FULL	APP/R1845/D/18 /3203339	MS L DARBY	CLATTERCUT HOUSE CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NN  Proposed rear extension	WR 25/07/2018	29/08/2018			
WFA1503 18/0152/FULL	APP/R1845/D/18 /3206894	MRS D SCRIVEN	BADGERS WATERY LANE YIELDINGTREE BROOME STOURBRIDGE DY9  Proposed carport outbuilding	WR 20/08/2018	24/09/2018			
WFA1504 17/0726/OUTL	APP/R1845/W/1 8/3207149	DR ASHOK RAI	WOLVERLEY LODGE LEA LANE COOKLEY KIDDERMINSTER DY103RL  Outline application for up to 7 residential dwellings following demolition of outbuildings. All matters reserved	WR 23/08/2018	27/09/2018			Withdrawn  18/09/2018

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
WFA1505 18/0147/FULL	APP/R1845/W/1 8/3209262	MRS ELLEN WATTLEY	LYNDHURST CASTLE HILL WOLVERLEY KIDDERMINSTER DY115SH  Proposed replacement dwelling including demolition of existing dwelling Lyndhurst	WR  24/08/2018	28/09/2018			
WFA1506 18/0181/FULL	APP/R1845/D/18 /3207940	MR R MASSEY	524 CHESTER ROAD SOUTH KIDDERMINSTER DY101XH  Proposed footway crossing and repositioning of existing access	WR  12/09/2018	17/10/2018			

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
WFA1507 18/0209/FULL	APP/R1845/D/18 /3208352	MR SIMON PEARSON	7 CHERRY CLOSE BEWDLEY DY122JJ  Single storey extension to rear, first floor extension to side of semi detached two storey house	WR  12/09/2018	17/10/2018			
WFA1508 17/0673/FULL	APP/R1845/W/1 8/3208869	MR G SKIDMORE	BARROW HILL COTTAGE BARROW HILL BELBROUGHTON  Conversion of former stables and apple store to 1no three bed bungalow	WR  17/09/2018	22/10/2018			
WFA1509 18/0318/CERT	APP/R1845/X/18 /3209785	PLANT & CHEESEMAN	TANGLE TREE BUNGALOW WOLVERLEY ROAD KIDDERMINSTER  Proposed detached garage	WR  27/09/2018	01/11/2018			

## Appeal Decision

Site visit made on 20 August 2018

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> September 2018

---

**Appeal Ref: APP/R1845/W/18/3202393**

**3 Blakeshall Lane, Blakeshall, Wolverley, Kidderminster DY11 5XW**

- 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 M Simmonds against the decision of Wyre Forest District Council.
  - The application Ref 18/0138/FULL, dated 16 February 2018, was refused by notice dated 13 April 2018.
  - The development proposed is a detached bungalow.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018, replacing the version published in March 2012. Local development plan policies that pre-date this publication should be given due weight according to the degree of consistency with the document. The main parties have been provided with an opportunity to comment on the revised NPPF and its relevance to the determination of the appeal. References to the NPPF in this decision consequently reflect the revised NPPF.
3. The Council has been clear in their evidence that the appeal site forms part of the garden land associated with 3 Blakeshall Lane. I have determined the appeal on that basis.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies.
  - The effect of the proposal on the openness of the Green Belt and the purpose of including land within it.
  - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## Reasons

### *Inappropriate Development, Openness and Green Belt Purposes*

5. The appeal site is located within the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, one of which is limited infilling in villages. Another is 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuous use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'. The Council identify that the appeal site is located outside any settlement boundary in the countryside. Policy SAL.UP1 of the Site Allocations and Policies Local Plan (SAPLP) restricts development within the Green Belt in line with the NPPF. Policies SAL.DPL1 and SAL.DPL2 of the SAPLP restrict housing development in rural locations, subject to a number of exceptions, none of which are applicable to the proposal. Policies DS01 and DS04 of the Wyre Forest Core Strategy (2006-2026) also direct development to locations that accord with the settlement hierarchy with development in the countryside and Green Belt closely controlled.
6. The appeal site forms the rear part of the garden land of No 3 Blakeshall Lane. It is located in an area with a limited number of properties which predominantly sit in large plots set back from narrow country lanes. I am consequently of the view that the site is not within a built up area and the proposal would not constitute limited infilling in a village. In accordance with the definition contained in the NPPF and despite the countryside setting, I consider the site to be previously developed land.
7. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'. The site is bounded to the rear by thick tree cover beyond which is the park and gardens of Blakeshall Hall. The side of the site are bounded by a mix of trees and hedgerow.
8. The proposal would lead to built development where there is currently none, irrespective of whether the site can be seen from the highway. The scale and massing of the bungalow, together with the likely associated domestic paraphernalia that would accompany it would result in a loss of openness.
9. The residential development proposed would have an urbanising effect that would increase urban sprawl and encroach into the countryside. This would be contrary to the fundamental aim of Green Belt, set out in paragraph 133 of the NPPF and one of the 5 purposes of the Green Belt which is to safeguard the countryside from encroachment, outlined in paragraph 134.
10. The proposal would reduce openness and be contrary to one of the purposes of Green Belt. It would constitute inappropriate development due to the harm to the openness and purpose of including land within the Green Belt. The proposal would therefore conflict with local and national policy in this regard.

---

*Other Considerations*

11. Paragraph 144 of the NPPF states substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 11 of the NPPF requires that decisions should apply a presumption in favour of sustainable development. It also states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, permission should be granted. This is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate that development should be restricted, such as land designated as Green Belt. I have already set out the NPPF policies on inappropriate development in the Green Belt earlier in this decision. In addition, the Planning Practice Guidance advises that unmet housing need is unlikely to outweigh harm to the Green Belt.
13. The provision of an additional dwelling would lead to social and economic benefits both during construction and by occupation of the bungalow thereafter. The scale of the benefit is however limited by the very modest size of the development. In addition, whilst I have sparse information regarding the services and facilities in Blakeshall, the Council has stated that occupants of the property would be reliant on the car to access shops and facilities. This has not been disputed by the appellant and limits the weight I can ascribe to these matters.
14. The appellant has identified a number of benefits of the scheme. This includes a lack of harm to the living conditions of neighbouring properties and access to the site from an existing right of way. The appellant also says that the site is clear of any mineral workings and the current nature of the land obviates the need for an ecological survey. However, this indicates a lack of harm in this regard rather than a benefit and so I give this neutral weight.
15. Paragraph 127 of the NPPF identifies the importance of planning positively for the achievement of high quality, inclusive and accessible design for all development, including individual buildings and public and private spaces. In exercising my duty on behalf of a public authority, I am mindful of the requirements of the Public Sector Equality Duty contained in the Equality Act 2010. This includes the need to advance equality of opportunity, which may involve taking steps to meet particular needs.
16. I note the personal circumstances of the appellant's need for the development and I have sympathy for their situation. I also note the benefits of the scheme in terms of creating an accessible living space that would meet the existing and future needs of the occupant. Whilst acknowledging the reference made by the appellant to the type of development that has recently taken place in the area, I have not been provided with any substantive evidence to demonstrate that the proposal provides the only option in terms of making adjustments to improve the living conditions of the appellant or enable him to live in an affordable home within the existing community. The benefits of the

development for the proposed occupant of the property would be outweighed by the significant harm that would arise from it.

17. The Council has raised concern about the harm, albeit less than substantial, to the Grade II Blakeshall Hall the significance of which includes the history of the building and the architectural detailing of the country house. It is not cited in the reason for refusal, although was referenced in the officer report in terms of the impact on the setting of the Hall by exposing views of the site from the track as a result of providing access to the development. Even if deemed to not harm the setting of the designated heritage asset, it would not turn my decision in favour of the proposal.
18. The appellant has referenced other development that has taken place in the vicinity of the site. I do not know the circumstances in which planning permission for the development was granted. However, such development does not mean the proposal would have minimal impact on the area or that it is acceptable, as stated by the appellant. Each case is determined on its own merits and I have assessed the proposal based on the evidence before me.

### **Planning Balance and Conclusion**

19. The proposal would lead to a loss in openness and would conflict with one of the purposes of Green Belt as it would not safeguard the countryside from encroachment. The development would therefore constitute inappropriate development which by definition is harmful. Paragraph 144 of the NPPF requires that substantial weight be attributed to harm to the Green Belt. For the appeal to succeed the combined weight of other considerations must clearly outweigh the harm caused. The other considerations do not clearly outweigh the totality of the harm that would be caused and so very special circumstances to justify the development do not exist. I therefore conclude that the appeal should be dismissed.

*K Ford*

INSPECTOR