



# Appeal Decision

Agenda Item No. 7

Site visit made on 15 September 2009

The Planning Inspectorate  
The Planning Inspectorate  
Temple Quay House  
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by **Richard H Duggan BSc(Hons) DipTP MRTPI**

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

Decision date:  
**2 October 2009**

## Appeal Ref: APP/R1845/A/09/2104590

### The Garden House, Broome Lane, Clent, West Midlands DY9 0HE

- 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 & Mrs Philip Needham against the decision of Wyre Forest District Council.
- The application, Ref 09/0074/FULL, dated 28 January 2009, was refused by notice dated 1 April 2009.
- The development proposed is the demolition of existing house, attached garage and stable/garden store, with erection of a replacement green oak timber framed dwelling and garage.

## Decision

1. I allow the appeal and grant planning permission for the demolition of existing house, attached garage and stable/garden store, with erection of replacement green oak timber framed dwelling and garage porch at The Garden House, Broome Lane, Clent, West Midlands DY9 0HE in accordance with the terms of the application, Ref 09/0074/FULL, dated 28 January 2009, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this permission.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including details of hard surfacing, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

## Main issues

2. I consider the main issues to be whether the proposal is inappropriate development for the purposes of Planning Policy Guidance (PPG) Note 2 'Green Belts' and development plan policy, and the effect of the development on the character and appearance of the area.

## Reasons

### *Inappropriate development*

3. The appeal site lies within the West Midlands Green Belt, as defined within the adopted Worcestershire County Structure Plan (SP) (2001) and the adopted Wyre Forest District Local Plan (LP) (2006), and lies outside any settlement boundary. PPG2 'Green Belts' states that there is a general presumption against inappropriate development in the Green Belt and such development

should not be approved except in very special circumstances. PPG2 goes on to advise that the replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. This guidance is reflected within Policy GB.1 of the LP and Policy D.39 of the SP.

4. The Council has already granted planning permission for a replacement dwelling on this site in October 2008 (LPA Ref 08/0803/FULL) which involved the replacement dwelling being dug down into the ground to maintain the ridge height at the same level as the existing dwelling. The appeal proposal differs in that the dwelling would not be dug down into the ground which would mean that the ground floor level would be more closely related to the level of the central garden lawn. This would result in the ridge height of the replacement dwelling being about 500mm above the ridge of the existing property. The proposal would also involve the demolition of an attached garage and a stable/store and the proposed dwelling would have a smaller footprint and volume than the existing development.
5. There is no clear guidance within PPG2 or Policy GB.1 relating to what would constitute a development being materially larger either in actual or percentage terms. However, to my mind, given that there would be a net reduction of the floor space and volume of the property, the small increase in the ridge height would not lead to the proposed dwelling being seen as materially larger than the dwelling it would replace. Therefore, it would not be inappropriate development within the Green Belt and would not conflict with PPG2 or SP Policy D.39 and LP Policy GB.1.

#### *Character and appearance*

6. Policy GB.6 of the LP states that proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, material or design.
7. The appeal property is located in an isolated position and is bounded by mature trees and hedgerows, which means that views of the property are limited from the adjacent highway and surrounding countryside. The removal of the stables/store and the attached garage would mean that the proposed dwelling would be smaller in volume and floor area than the existing property and would result in less built development on the site. The majority of the dwelling would be set back further from the highway than the existing property and the scale of the dwelling would be commensurate in size, and its design would be in keeping with the style and layout of the existing dwelling and would respect the character of this rural location.
8. The proposed dwelling would have a smaller footprint and volume than the existing property and, in my opinion, would increase the openness of the Green Belt, which is its most important attribute, and would not have any material adverse impact on the character and appearance of the area. I therefore find that the proposal would not conflict with the guidance set out within PPG2 or Policy GB.6 of the LP.

**Conditions**

9. A list of suggested conditions was put forward by the Council and I have considered these against the guidance in Circular 11/95 – *The Use of Conditions in Planning Permissions*.
10. I shall impose a slightly modified condition than that put forward by the Council to control the materials to be used on the external surfaces of the property and the hard surfacing to protect the appearance of the area. However, insufficient justification exists in this instance for the suggested condition in respect of carrying out the development strictly in accordance with the submitted plans.

**Conclusions**

11. Overall, I conclude that proposal would not be inappropriate development in the Green Belt and would not harm the character and appearance of the area. The proposed development would, therefore, not conflict with PPG2, SP Policy D.39 or LP Policies GB.1 and GB.6.
12. For these reasons, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

*Richard H Duggan*

INSPECTOR