



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 10TH OCTOBER 2022

AT 6.00 P.M.

**PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 8DA**

MEMBERS: Councillors H. J. Jones (Chairman), A. D. Kriss (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, P. M. McDonald, M. A. Sherrey and C. J. Spencer

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 5th September 2022 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 22/00801/FUL - Demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area - Seafield Farm, Seafield Lane, Portway, Redditch, Worcestershire B98 9DB - Attwell (Pages 7 - 26)
6. 22/01137/S73 - Removal of Condition 3 (Permitted Development Rights) and Variation of Condition 6 (Conservation Rooflights) of Planning Approval

21/01248/FUL Single Storey Side Extension, The Barn, Woodman Lane,
Clent, Stourbridge, Worcestershire DY9 9PX - Ms. J. Willetts (Pages 27 - 48)

7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

30th September 2022

If you have any queries on this Agenda please contact
Pauline Ross
Democratic Services Officer

Parkside, Market Street, Bromsgrove, B61 8DA
Tel: 01527 881406
Email: p.ross@bromsgroveandredditch.gov.uk

GUIDANCE ON FACE-TO-FACE MEETINGS

At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

Members and Officers who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend the meeting if they have common cold symptoms or any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

The meeting venue will be fully ventilated, and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC SPEAKING

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council's website.

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below: -

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 3) Public Speaking - in the following order: -
 - a. objector (or agent/spokesperson on behalf of objectors);
 - b. applicant, or their agent (or supporter);
 - c. Parish Council representative (if applicable);
 - d. Ward Councillor

Each party will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Officer and will be invited to unmute their microphone and address the Committee face-to-face or via Microsoft Teams.

- 4) Members' questions to the Officers and formal debate / determination.

Notes:

1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email to p.ross@bromsgroveandredditch.gov.uk before 12 noon on Thursday 6th October 2022.

2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate face-to-face or via a Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting via Microsoft Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Thursday 6th October 2022.

3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view

in full via the Public Access facility on the Council's website
www.bromsgrove.gov.uk

4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.

5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH SEPTEMBER 2022, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. D. Kriss (Vice-Chairman), A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, P. M. McDonald and C. J. Spencer

Observers: Mr. M. Rowan (via Microsoft Teams)

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Mr. D. Edmonds, Miss C. Gilbert and Mrs. P. Ross

13/22 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors G. N. Denaro and M. A. Sherrey.

14/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

15/22 **MINUTES**

The minutes of the Planning Committee meeting held on 15th August were received.

RESOLVED that, the minutes of the Planning Committee meeting held on 15th August 2022, be approved as a correct record.

16/22 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members and asked all Members if they had received and read the Committee Update.

All Members agreed that they had received and read the Committee Update.

17/22 **22/00604/FUL - SIDE EXTENSION TO BUNGALOW, 8 FOREST CLOSE, LICKEY END, BROMSGROVE, B60 1JU - MR. W RICHMOND**

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Officers referred to the Committee Update, which Members had been given the opportunity to read and copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

The Application had been brought to the Planning Committee for consideration at the request of Councillor R. J. Hunter, Ward Councillor.

Officers presented the report and in doing so drew Members' attention to the presentation slides, as detailed on pages 14 to 21 of the main agenda report.

The application was for a single side extension 5 metres wide with an additional bay window 0.6 metres deep with the proposed ridge the same height as the existing ridge, at 5 metres high, and to the full depth of the bungalow.

Forest Close was a relatively short cul-de-sac road accessed from Alcester Road. The bungalow was at the end row of four bungalows and was set at a significantly higher level than the adjacent north-south part of Forest Close.

The applicant was requested but did not provide a section through the site, however, officers referred Members to the 'Existing front elevation with estimated profile of proposed extension' slide, as detailed on page 20 of the main agenda report.

Officers highlighted that assessing these dimensions, it was considered that the proposed extension rather than being subordinate in scale would appear to be more dominant and prominent and would be a competing feature to the existing dwelling.

The applicant had submitted details of levels in the side garden, as shown in the diagram detailed on page 1 of the Committee Update.

The Bromsgrove District High Quality Design SPD was anchored into BDP 19 of the adopted Local Plan and set out what the Council considered was good design. Paragraph 3.3.1 stated that subordination of side extensions could be achieved where the extension was clearly set down from the ridge and set back from the principal elevation.

The applicant had referred to the need for the extension to provide additional accommodation for her mother-in-law, who was elderly and unable to live on her own due to mobility issues.

Officers drew Members' attention to the mitigating circumstances submitted by Tyler Parks, the planning consultant commissioned by the Applicant, as detailed on pages 9 and 10 of the main agenda report.

In conclusion, officers stated that the proposed design was contrary to the thrust of the SPD and the adopted Local Plan.

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Whilst officers noted that the applicant was seeking to extend the dwelling to provide additional accommodation for her mother-in-law, the personal circumstances of the applicant did not outweigh the permanent harm identified.

At the invitation of the Chairman, Mr. A. Coleman (via Microsoft Teams), the Applicants planning consultant addressed the Committee. Councillor R. J. Hunter, Ward Councillor, also addressed the Committee in support of the application.

Members then considered the application, which officers had recommended be refused.

In response to questions from the Committee, officers clarified that they had visited the application site. Officers further commented that if there was a need for a level floor extension, that the applicant could apply for planning permission for an enlargement at the rear of the property or a wraparound extension in order to achieve a lower height. Officers further commented that whatever planning permission was granted, would be visible and that this proposed extension would have an imposing side gable for the lifetime of the dwelling.

Some Members commented that they had visited the site and were in agreement with the officer's recommendation, and their concerns and reasons for refusal.

Officers further clarified that Policy BDP10 related to new dwellings and as such was not applicable given that the proposed scheme did not relate to the provision of a new dwelling for the elderly.

Councillor J. E. King firmly stated that she was in favour of the application. It was a very small bungalow and the applicant had indicated that her mother-in-law used a wheelchair and needed to live with her. Councillor King continued and further stated that it was not, in her opinion, a huge extension but a modest build to fill a useful need. Therefore, she did not consider that it was subordinate. The rear garden was well cared for and if applicant extended at the rear of the property, surely this would push back to Number 10. Furthermore, no one had objected to the application. It was a little extension and should be built.

Councillor P. M. McDonald also stated that whilst he understood the concerns of officers, he had houses in his ward area with huge extensions, so there appeared to be no consistency and Members wanted consistency. He had no opposition to the application.

Officers clarified that each application was considered on its own merits and Members needed to consider the application before them.

Councillor J. E. King proposed an alternative recommendation that planning permission be granted, on the grounds that the proposed

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extension was a modest build and not subordinate and fulfilled the needs of the owner for her elderly mother-in-law. Officers clarified what Conditions would need to be applied.

On being put to the vote, the Committee did not vote for the alternative recommendation and the Chairman went back to the original recommendation.

RESOLVED that planning permission be refused for the reasons as detailed on page 10 of the main agenda report.

18/22

22/00911/FUL - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF A NEW BUILDING (TOILET BLOCK) - VICTORIA FOOTBALL GROUND, BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0DR - MR.M. GARDNER

Officers clarified that the Application had been brought to the Planning Committee for consideration as the site was located on Council owned land.

Officers presented the report and informed the Committee that the application sought the demolition of existing garages and construction of a new building (toilet block).

Members' attention was drawn to officer's presentation slides, as detailed on pages 28 to 30 of the main agenda report.

The proposal was to demolish the existing garages and to replace them with a new building to house additional male and disabled toilet facilities for the ground.

As detailed in the report planning permission was granted earlier this year by Members of the Planning Committee under Planning Application reference 21/01819/FUL for a structure at this site. The approved structure was however to be a portacabin formed of corrugated steel panels on a steel frame which would then be painted. The applicants had explained in their submission, that the change in design now proposed was required due to increased build costs.

The building now proposed would be constructed from block work and would have a painted finish to match the other buildings within the ground. It would be approximately 8 metres by 3 metres and would have a height of approximately 2.5 metres. It would be located in the same position as that approved under planning application 21/01819/FUL.

The proposed development was sited within the urban area of Bromsgrove and would provide additional facilities to help support the existing football ground. Given this, it was considered that in principle the proposal was acceptable.

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Officers concluded that, overall, it was considered that the proposed development would accord with the policies in the Bromsgrove District Plan, High Quality Design SPD and the NPPF.

Officers clarified that there were already existing female toilets.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on page 26 of the main agenda report.

The meeting closed at 6.36 p.m.

Chairman

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Attwell	Demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area Seafield Farm, Seafield Lane, Portway, Redditch, Worcestershire B98 9DB	14.10.2022	22/00801/FUL

RECOMMENDATION:

(1) Minded to **APPROVE FULL PLANNING PERMISSION**

(2) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure Services to determine the application following:

- (a) The expiry of the consultation period on 13 October 2022 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure and Services, in consultation with the Chair of Planning Committee, to assess whether new material considerations have been raised and to issue a decision after the expiry of the publicity period accordingly

Consultations

Beoley Parish Council

Comments on amended plans:

We at Beoley Parish Council maintain our objection to this application in line with our original statement. We also have further concerns regarding the increase in height. What does that have to do with livestock?

Original comments:

We at Beoley Parish Council object to this application. From our informed agricultural sources it appears that a large clear span building does not help livestock setups due to the greater area for 'no herd control', with no corale system to minimise the risk of animal casualties. Also, Hay and straw storage within the same building; health and safety and fire hazard issues are obvious.

Cllr English

I have been in contact with the applicant, the residents/neighbours and the planning officer regarding this application. I would fully support a smaller building but I could not support the building as outlined in this application as it is not positioned 7 metres back from the original footprint as Mr Attwell stated to me that it would be. I understand that there is a new plan with a smaller barn/shed that is not so close to the existing farm buildings and further away from the boundary fence but this has not been uploaded onto the portal yet. I look forward to being able to comment on this new plan.

Kernon Countryside

The application has been amended and permission is now only sought for a new livestock building. I understand that the herd is to expand up to 120 calving cows. The proposed building design has been amended to provide animal housing for cattle and sheep, with feed passages. On that basis the building is reasonably necessary for the purposes of agriculture on the holding, based on the facts presented and described.

In my opinion the building should not adjoin the industrial building to the north. There should be a gap between the two, as previously proposed, and as shown on the revised plans. Given the position adjacent to existing commercial buildings, it is important to impose suitable conditions to control the use. I recommend a condition to prevent the building being used for storing straw or hay, due to fire risk. I recommend a condition requiring the building to be removed should the agricultural use cease.

Highways - Bromsgrove

I have no highway objections to the proposed demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area and secure farm storage, with internal area for hay and straw storage. The existing vehicular access and parking are to be used which are deemed to be acceptable, the applicant has highlighted within the D&A no increases in vehicular movements.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding) but the area of the proposed barn is susceptible to surface water flooding. During high risk (more frequent) events this is limited to the area between the existing barns and is likely to be less than 30cm depth. In a low risk (less frequent) scenario, the area of potential flooding increases as does the depth and velocity. This information can be viewed here: <https://www.gov.uk/check-long-term-flood-risk>.

As a less vulnerable land use the flood risk here is not a great concern, but the applicant should be aware that a watercourse (potentially culverted) runs along the boundary of the site, and care should be taken to ensure this is not impacted upon during construction. In addition, adequate drainage should be provided on site to ensure no increase in runoff from the site.

I note the application form states storm water will drain to soakaways; this is unlikely to be feasible in this location due to the underlying clay soils. Attenuated water may be discharged at an agreed rate to the existing watercourse, but this must also be subject to appropriate water quality treatment. Any contaminated runoff or foul waste must be collected and disposed of properly, and not allowed to drain into the watercourse.

The agent has subsequently clarified that there will be no increase in runoff from the site compared to the pre-development situation, site consists of concrete yards, and existing buildings with rainwater systems plumbed directly into the adjacent ditch. Could the applicant just confirm the existing outfall into the ditch for the roof of the buildings only will be used? I reiterate here that yard water which may be contaminated may not enter the watercourse and should be treated as foul waste. If the existing outfall is to be utilised, considering their response regarding no increase in impermeable area.

Should you be minded to grant permission, I would be grateful if the following condition could be attached to your decision notice:

Any manure store shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. Manure stores shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.

Please also include the following informative:

The applicant should be aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence. The applicant is expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

A Land Drainage Consent is required for all works that have the potential to alter the flow in an ordinary watercourse, as set out in Land Drainage Act 1991 section 23 (as amended). The applicant is advised to contact North Worcestershire Water Management via 01562 732191 or enquiries@nwwm.org.uk should they need to apply for a Land Drainage Consent.

WRS - Contaminated Land

No Comments Received To Date

WRS - Noise

No objection to the application in terms of any noise / nuisance issues.

WRS - Air Quality

WRS have reviewed the above planning application for potential air quality issues of which none have been identified, therefore WRS have no adverse comments to make with regards to air quality.

Public Consultation

The application was advertised by means of a press notice, site notice and individual neighbour letters.

6 letters of objection have been submitted raising the following concerns;

- Overdevelopment of the Green Belt
- Size of building excessive
- Too close to northern boundary with Heath Green Farm
- Impact on landscape
- Impact on residents
- Water pollution and drainage concerns
- Health and safety
- Concern about future non-agricultural use of building

- Concern at potential public access/expansion of farm park/ result in removal of farm animals at farm park
- Concern at vehicle movements
- Land ownership matters

1 representation has been submitted that requests the building be restricted only to agricultural uses.

1 representation has been submitted with information on the operational arrangements of the farm and farm park in response to the objections.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP13 New Employment Development

BDP15 Rural Renaissance

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

Relevant Planning History

19/01544/FUL	Continued use of land and farm buildings as a farm based Rural Educational and Interpretation Visitor Centre with associated facilities including visitor parking, the retention of outdoor play equipment, toilet blocks, animal enclosures, shelters and fencing, the wall filling the formerly open sided elevation of the southernmost building, pedestrian link between the café/play barn and winter barn and steel walling adjacent to the visitor parking area. Retention of a mobile office building for a twelve month period.	21.10.2020
20/01279/AGR	Prior Notification under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the extension of an existing agricultural building.	05.11.2020

BR/953/1963	Erection of a poultry house.		
BR/698/1968	Erection of poultry house.		
B/2002/0383	Removal of some existing poultry sheds, extension to existing cold store and provision of chiller and dispatch area, and construction of agricultural barn for replacement poultry, lambs and cattle, and hardstanding. ALLOWED ON APPEAL 12/8/2003	Refused	02.10.2002
21/01861/AGR	Replacement Agricultural Building	Permission required	13.01.2022

Assessment of Proposal

Site

The application site forms part of Seafield Farm operated by Seafield Pedigrees Ltd. and is located to the west of Seafield Lane. It is currently occupied by 2 former poultry sheds and these have been more recently used for lambing. Due to age and storm damage, the buildings are in a dilapidated state.

A refrigeration building sits to the south-east of the application site with the farmhouse beyond. A caravan (unoccupied) is sited to the east. Attwell Farm Park (a rural education and interpretation visitor centre) to the south-west. Farmland (part of a neighbouring farm) adjoins the site to the northern boundaries.

The farm enterprise focusses on the production of pedigree sheep and cattle. It extends to 83Ha (205 acres) and includes:

- land around Attwell Farm Park (used by the farm park);
- grassland to the east of Seafield Lane (27 Ha (67acres));
- 24Ha at Park Farm; and
- 32 Ha (80 acres) adjacent to Park Farm.

The site is located within the Green Belt.

Proposal

The application originally proposed the 'Demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area and secure farm storage, with internal area for hay and straw storage'. Following concerns, this has been amended such that the farm storage and hay and straw storage elements have been withdrawn from the application.

In the amended application, it is proposed to replace the 2 existing former poultry buildings with a single, detached agricultural building to house livestock. In particular, the building is to provide lambing space and extra space for overwintering cattle. Machinery may be parked in the building from time to time, though this is not intended to be its primary use.

The building is proposed to accommodate 44 cows plus their calves and all the sheep for lambing. The existing cattle shed located at the south of the existing building complex would also continue to house cattle.

Proposed materials are tanalised timber cladding with concrete panels and fibre cement roof cladding.

Amended plans have been submitted such that the proposed footprint measures 36.576m X 35.548m (approximately 1300sqm). The proposed height of the building is approximately 8.4m to the ridgeline. The applicant has explained that the proposed pitch of the roof and therefore the overall height of the building has been increased from the original proposal following the receipt of professional advice by the applicant to ensure satisfactory animal welfare. The sides of the building would be substantially open, as shown on the elevation drawings, to aid good ventilation. There are distinct gaps between the proposed building and existing adjacent buildings.

Access into the building would be gained from gated openings along the northern elevation. The floorplan shows 2 separate areas indicated for sheep pens with a feed passage between and a further 2 areas each to accommodate 22 cows and calves with a further feed passage.

Livestock

The supporting statement explains that the farm operates under a High Health Status and due to sustained livestock prices has seen an increased demand for its stock.

The farm has a pedigree beef breeding herd which comprises:

- (i) circa 120 suckler cows and down-calving heifers. In 2022 about 90 cows/heifers calved;
- (ii) 42 young heifers due to go to the bull this year;
- (iii) 30-40 young bulls of various ages;
- (iv) a total of about 200 head of cattle.

The cows calve down all year round. Currently they calve both indoors and at grass. Offspring are reared as stock bulls or for meat, and the best heifers are retained to expand the herd.

There are 300 breeding ewes, with a collection of different breeds. An average lambing percentage is about 160%. The early flock comes indoors at the beginning of December, and goes out in March. The late flock then comes in for lambing.

Straw is delivered once per week on an HGV trailer. The cattle are fed a mix including silage, which is normally mixed at the existing farm buildings and will be transported round to the cattle in the new buildings.

Green Belt and Principle of Development

The site is located in the Green Belt where development is only considered appropriate if it falls within a closed list of exceptions. Buildings for agriculture are identified as one of the exceptions under adopted Policy BDP4.4(a) of Bromsgrove District Plan and in para 149 of the NPPF. It is considered that the proposal is acceptable in principle.

Existing Buildings

The brochure for the farm park refers to a 'lambing barn'. This building lies adjacent to the derelict poultry sheds. It is a re-purposed former poultry building and ventilation is limited. The Agricultural Consultant has advised that it is not well-suited to lambing.

The existing cattle building was extended in 2020 under an agricultural notification. The applicant has advised that this has enabled a creeper area for calves following professional advice regarding improvements to animal welfare. The Agricultural Consultant has advised that the existing cattle building is well-suited to livestock.

Agricultural Need and Size of Proposed Agricultural Building

The existing cattle shed cannot accommodate all the cows for over-wintering. Throughout the application process, the farmer has stressed the need for over-wintering accommodation for his livestock. The existing cattle shed can accommodate 68-81 cows. The proposed cattle shed would accommodate 45-54 cattle. Although at the upper end of the space allowance, the Agricultural Consultant has advised that the herd size of approximately 120 suckler cows is considered to justify the additional space.

With regard to sheep, the Agricultural Consultant has advised that the proposed sheep pens would be capable of housing of the order of 200 ewes if housed in groups, or less if divided into individual lambing pens. The buildings will, therefore, house the larger flock of sheep, which would be housed from December to circa February / March.

With regard to the size of holding, number of animals and existing buildings, the Council's Agricultural Consultant has advised that the agricultural need has been established. The existing buildings are not well suited to lambing and the cattle building is not big enough to accommodate the number of animals. It has been satisfactorily demonstrated that additional suitable agricultural building space proposed is required by Seafeld Pedigree Ltd. Therefore, officers concur with the advice of the Agricultural Consultant: the agricultural need has been satisfactorily established and the size of building is considered appropriate.

Design, Layout, Location and Appearance

The pitch of the roof is approximately 14° and the overall height approximately 8.4m. This is much taller than the existing chicken sheds. The building would be visible outside of the site. However, the applicant has explained the need for the additional height is due in part to the increased size of modern farm machinery that would access the building (this machinery is too large to enter the chicken sheds) and also it is necessary for satisfactory airflow purposes, following professional advice. The Agricultural Consultant has confirmed this is reasonable. The plans show the building would be no taller than the existing refrigeration building to the south. With regard to the justification for the height and in the context of the site setting, this aspect of the building is considered acceptable.

Materials would comprise tanalised timber cladding, concrete panels and fibre cement roof cladding. This is considered appropriate for an agricultural building, appropriate to the countryside setting and acceptable in the context of the site and its surroundings.

The layout requires machinery to reverse back along the feed passages, because access is only available at the northern end of the proposed building. The Agricultural Consultant has confirmed this is physically achievable and has raised no objection to this arrangement. This layout and access arrangement is considered acceptable.

The proposed building would be situated in the same location as the existing chicken sheds but in the amended plans that have been submitted is now set further away from the northern boundary. The proximity to the northern boundary in the original proposal had raised concerns in public comments. Pulling it away from the boundary increases the distance from the adjoining farm and is considered to be an improvement, assisting in the better integration of this large structure into the complex of existing buildings.

The replacement building would be based on the existing concrete slab. It would be located within the existing complex of buildings and would be viewed as part of that from the surrounding area. The Agricultural consultant is satisfied that the design, layout, location and appearance of the proposed building are appropriate for the type of development. This conclusion is shared by your officers. Visual impact of the agricultural development on the surrounding landscape and setting is considered acceptable.

Access

The supporting information states that vehicular movements to and from the site will remain the same. Access from Seafeld Lane would be the same as that used in connection with the existing chicken buildings. The Highway Authority has been consulted and raised no objection. Therefore, access arrangements are considered acceptable.

Drainage

The application form stated that storm water would drain to soakaways. NWWM advised that due to the clay soils this would be unlikely to be feasible. Condition was recommended regarding this matter. The agent has subsequently explained that there will be no increase in runoff from the site compared to the pre-development situation. No additional surfacing is proposed and rainwater systems of existing buildings are plumbed directly into the adjacent ditch. NWWM has requested further clarification on this matter and an update will be provided to Committee.

The supporting statement states that waste water will be plumbed into existing below ground surface water drainage system there will be a water tank installed onto the downpipes to feed into water trough system, rainwater to be filtered by rainstore system to ensure safe for use. NWWM has recommended a condition regarding manure storage to protect run off polluting water courses.

WRS has been consulted regarding contaminated land – a response is awaited at the time of writing this report. Any response will be provided as an update.

Residential Amenity

The nearest residential accommodation to the building is associated with the farm and its staff. This remains the same as the existing situations with the chicken sheds. As such, this raises no concerns regarding amenity. The building is a considerable distance from other residential properties, the nearest of which is the other side of and therefore screened by the existing complex of buildings.

Economic Development

Para 81 of the NPPF requires that significant weight should be given to supporting economic growth taking into account local business needs. Adopted BDP policy 13 supports sustainable economic development in rural areas through proportionate extensions to existing business subject to Green Belt considerations. BDP15 also supports the economic needs of rural communities by encouraging development that contributes to sustainable rural enterprise. The proposal represents an investment in an established rural business which seeks to expand due to increased demand for its product and is considered acceptable with regard to these national and local policies.

Concern about future and non-agricultural use of building

Public concern has been expressed that the building could be opened to the public, for instance to view lambs and calves. This does not form part of the planning application. The application must be considered on the basis of what has been applied for. The proposal is for a new building in the Green Belt and it is considered acceptable because as an agricultural building it falls within the limited and closed list of exceptions. With this in mind, it is considered appropriate to seek to control future development of the building including requiring its removal if and when it is no longer required for agricultural purposes. The Agricultural Consultant has also recommended the removal of the building should the agricultural use cease. He also recommends a condition preventing the building being used for storing straw or hay, due to fire risk. Given the design of the building, proximity of other buildings and presence of animals this is considered appropriate.

Concern at potential removal of farm animals at farm park

Public concern has been raised that the proposal would result in the removal of animals from the park farm and implications for it functioning as a farm based Rural Educational and Interpretation Visitor Centre. The current application does not relate to the farm park site.

The current application site relates to a different area of land. The planning permission for the farm park (19/01544/FUL) does not restrict the use of the current application site nor fetter the Council's ability to make a decision on this application, which must be made on its own merits. The supporting information submitted with the current application sets out that the building has been sought due to increased demand for the farm's pedigree livestock and that the building would accommodate those animals.

Land Ownership

It has been suggested that part of the north edge of the site is not within the ownership of the applicant. For the purpose of a planning application, s65 of the Town and Country Planning Act 1990 states that the Council shall not entertain an application with an incorrect ownership certificate. Certificate A was submitted with the application stating that the application site is within the ownership of the applicant, therefore the matter was raised with the agent. The agent has confirmed that the site is in the ownership of the applicant and that the correct ownership certificate has been submitted. The Council does not hold land ownership information and on the basis of the information provided has no grounds to dispute this for the purpose of considering the planning application. Submission of an incorrect ownership certificate can render any planning permission to be challengeable and subsequently quashed by the Courts. Therefore, it is important for any applicant to ensure the correct ownership certificate has been submitted. For the purpose of this planning

application, it is considered that the matter has been sufficiently clarified to enable the application to be determined.

Conclusion

The proposed agricultural building falls within a limited and closed list that is appropriate development within the Green Belt. The agricultural need for the development has been established. Design, layout, location, appearance and impact on amenity of this agricultural building are considered appropriate and acceptable. The visual impact of the proposal on the site, surroundings and with regard to local character are, on balance, considered acceptable. Overall, and subject to conditions, the proposal is considered to accord with adopted local and national planning policy and is satisfactory with regard to other material planning matters.

RECOMMENDATION: Minded to **APPROVE FULL PLANNING PERMISSION**

That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure Services to determine the application following:

- (a) The expiry of the consultation period on 13 October 2022 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure and Services, in consultation with the Chair of Planning Committee, to assess whether new material considerations have been raised and to issue a decision after the expiry of the publicity period accordingly

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:
 - Existing and Proposed Block Plan drawing no. 4461-100C
 - Location Plan, elevations and floorplan drawing number 4461-10E

Reason To provide certainty to the extent of the development hereby approved in the interests of good planning.

3. The building hereby approved shall be dismantled and the resultant debris removed from the site, should the building cease to be used for agricultural purposes within 6 months.

Reason: To protect the Green Belt in accordance with BDP4 of the Bromsgrove District Plan and the NPPF.

4. The building hereby approved shall not be open to the public visiting the Attwell Farm Park

Reason: To reflect the basis on which the application has been submitted and considered as an agricultural building, to ensure the satisfactory operation of the site and to protect the Green Belt.

5. Materials shall be as specified on the application form and Design and Access Statement:
 - natural grey fibre cement with an open vented ridge incorporating 15% roof lights;
 - part timber cladding with concrete wall panels.

Reason: This is the basis on which the proposal has been submitted and considered and to ensure the satisfactory appearance of the development.

6. Any manure store shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. Manure stores shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.

Reason: To ensure the satisfactory drainage of the site and to safeguard water sources and the environment.

7. The building shall not be used for the storage of straw or hay.

Reason: To reflect the basis on which the application has been submitted and determined and due to fire risk.

Case Officer: Jo Chambers Tel: 01527 881408
Email: jo.chambers@bromsgroveandredditch.gov.uk

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22/00801/FUL

Seafield Farm, Seafield Lane, Redditch, Worcestershire B98 9DB

Demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area

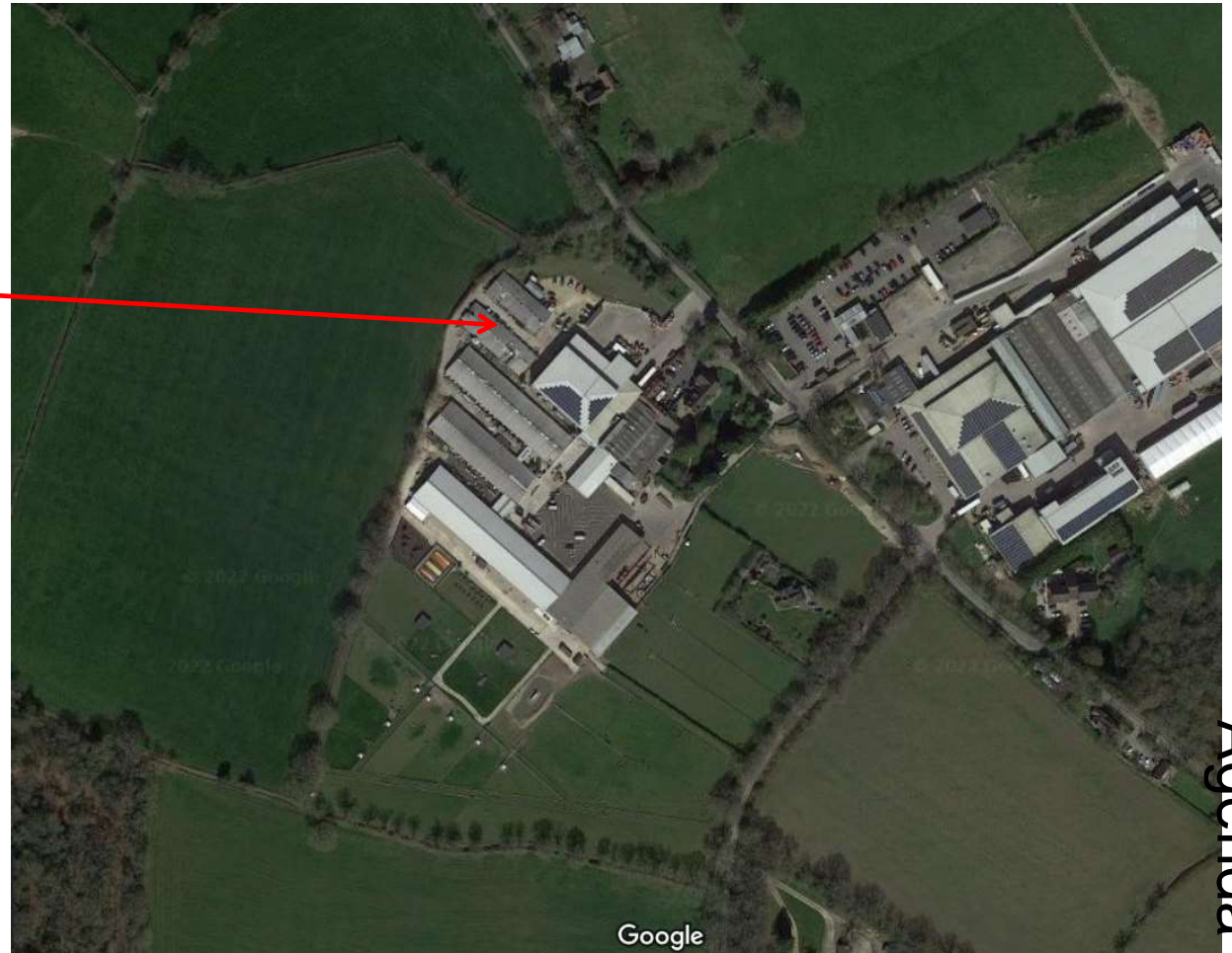
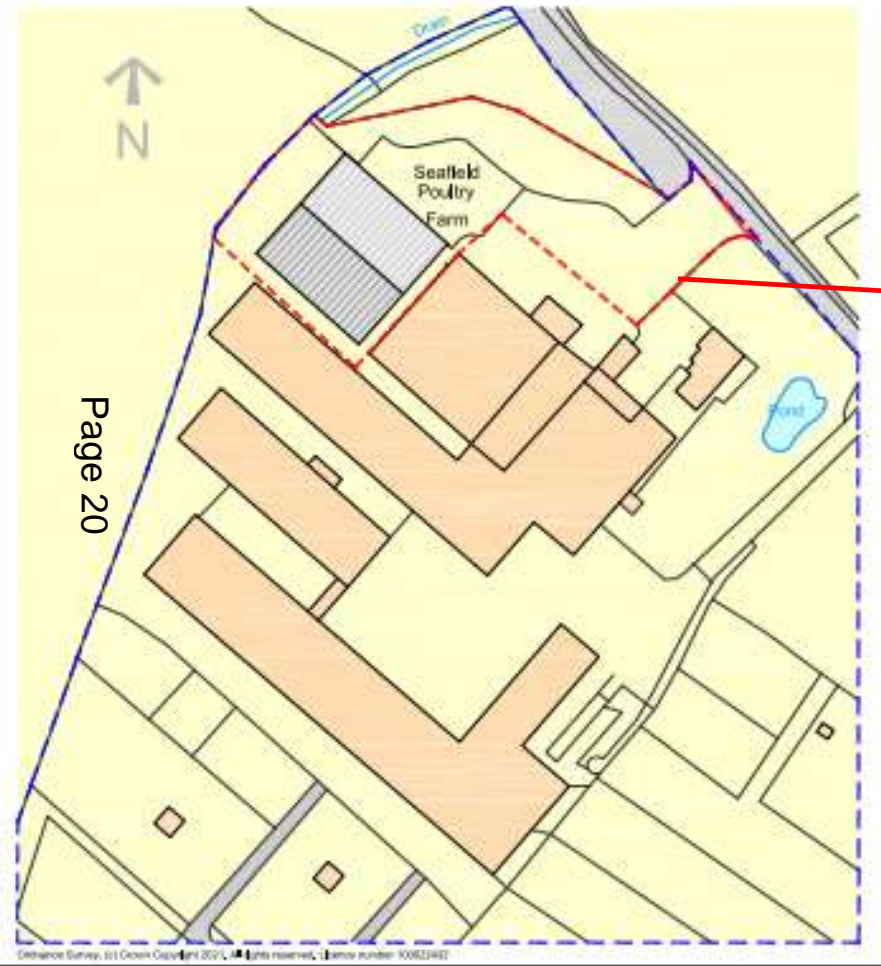
RECOMMENDATION:

(1) Minded to APPROVE FULL PLANNING PERMISSION

(2) That DELEGATED POWERS be granted to the Head of Planning, Regeneration and Leisure Services to determine the application following:

(a) The expiry of the consultation period on 13 October 2022 and in the event that further representations are received, that DELEGATED POWERS be granted to the Head of Planning, Regeneration and Leisure and Services, in consultation with the Chair of Planning Committee, to assess whether new material considerations have been raised and to issue a decision after the expiry of the publicity period accordingly

Site Location and Aerial View

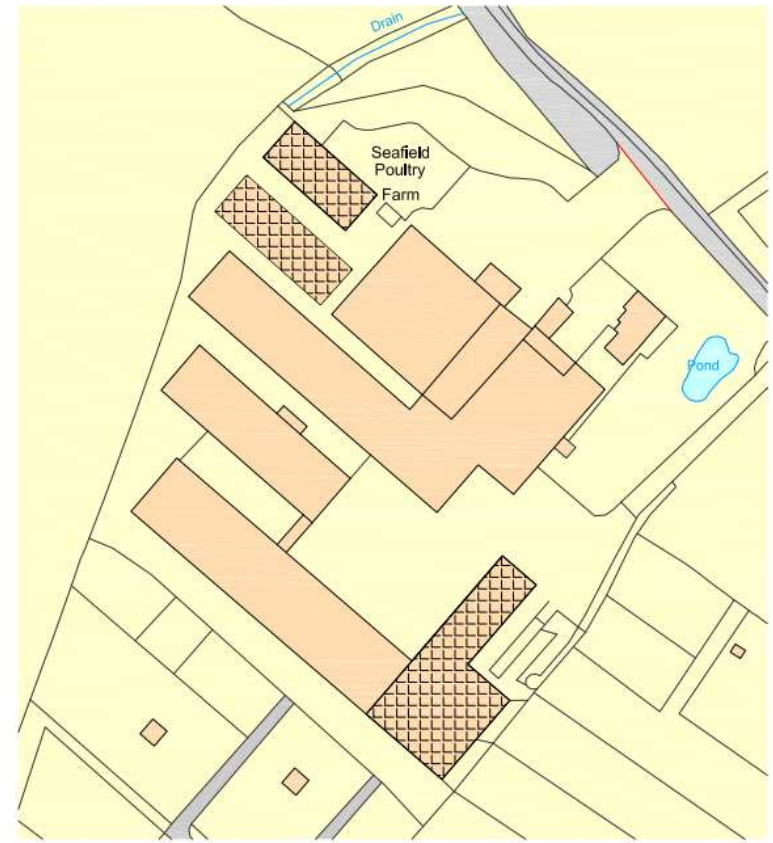


Existing and Proposed Block Plan



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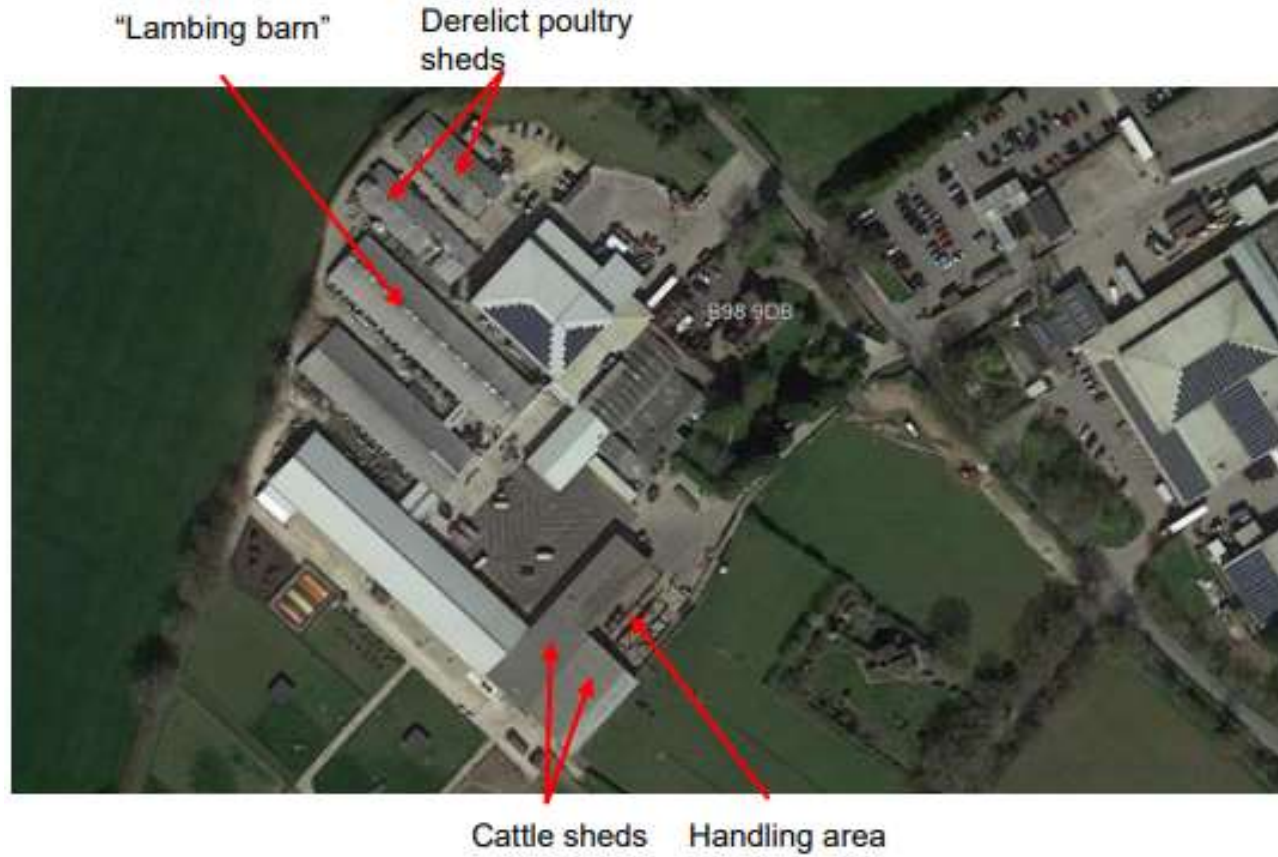
PROPOSED BLOCK PLAN



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EXISTING BLOCK PLAN

Existing Livestock Buildings on the Holding



Site Photos



Page 23
Existing lambing barn →

Existing animal handling system



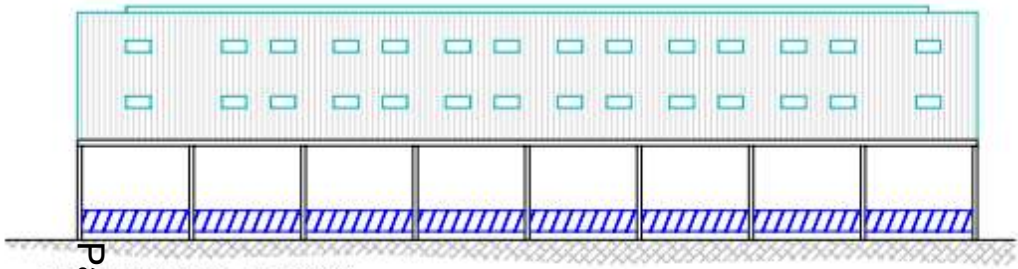
Existing cattle shed

Existing chicken shed →

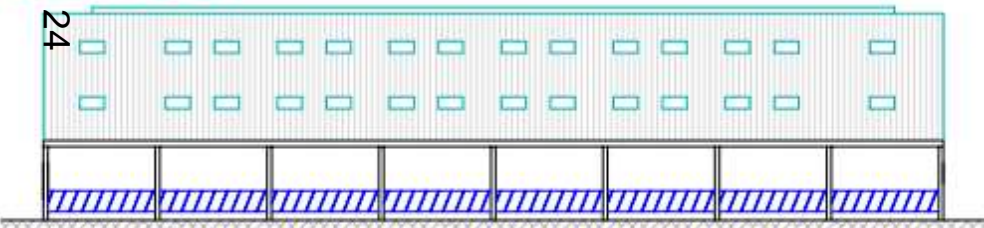


Agenda Item 5

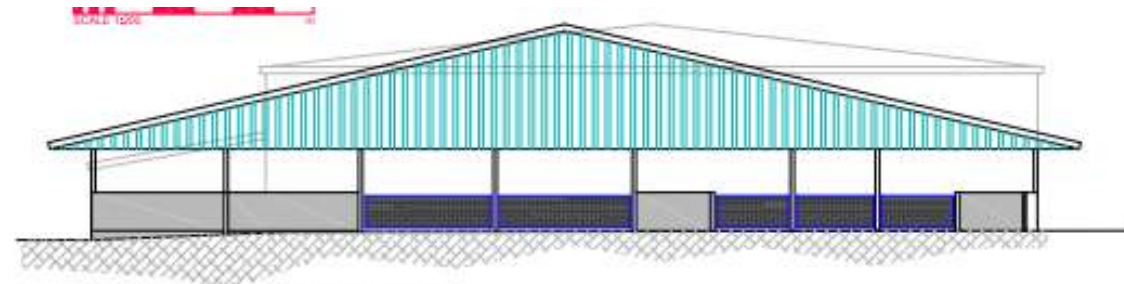
Proposed Elevations



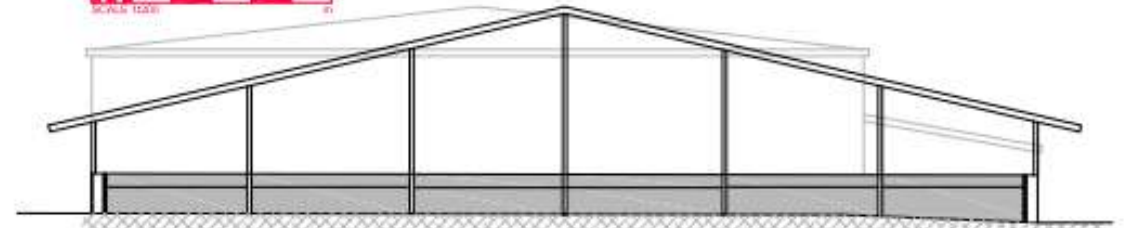
PROPOSED EAST ELEVATION



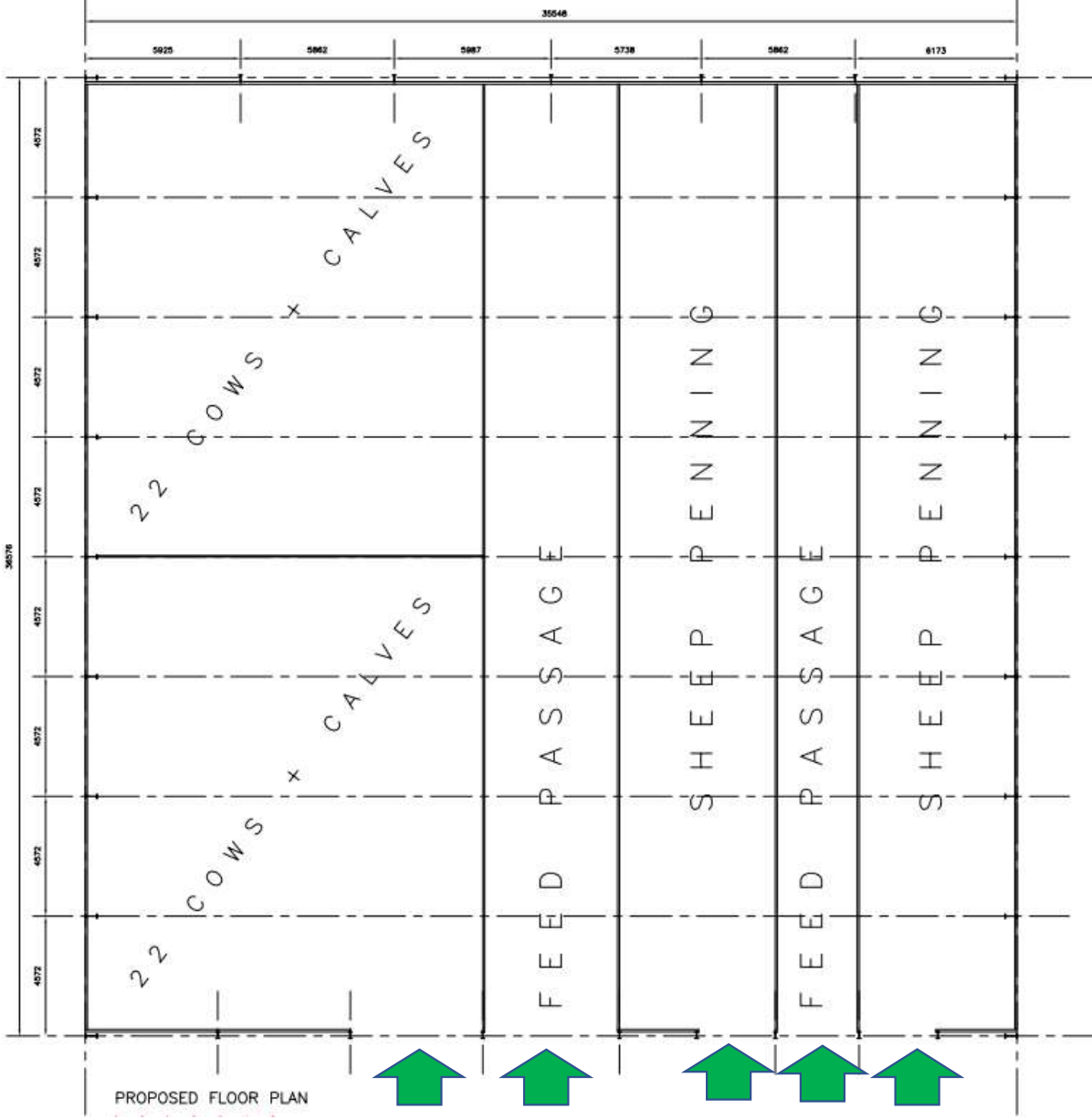
PROPOSED WEST ELEVATION




PROPOSED NORTH ELEVATION



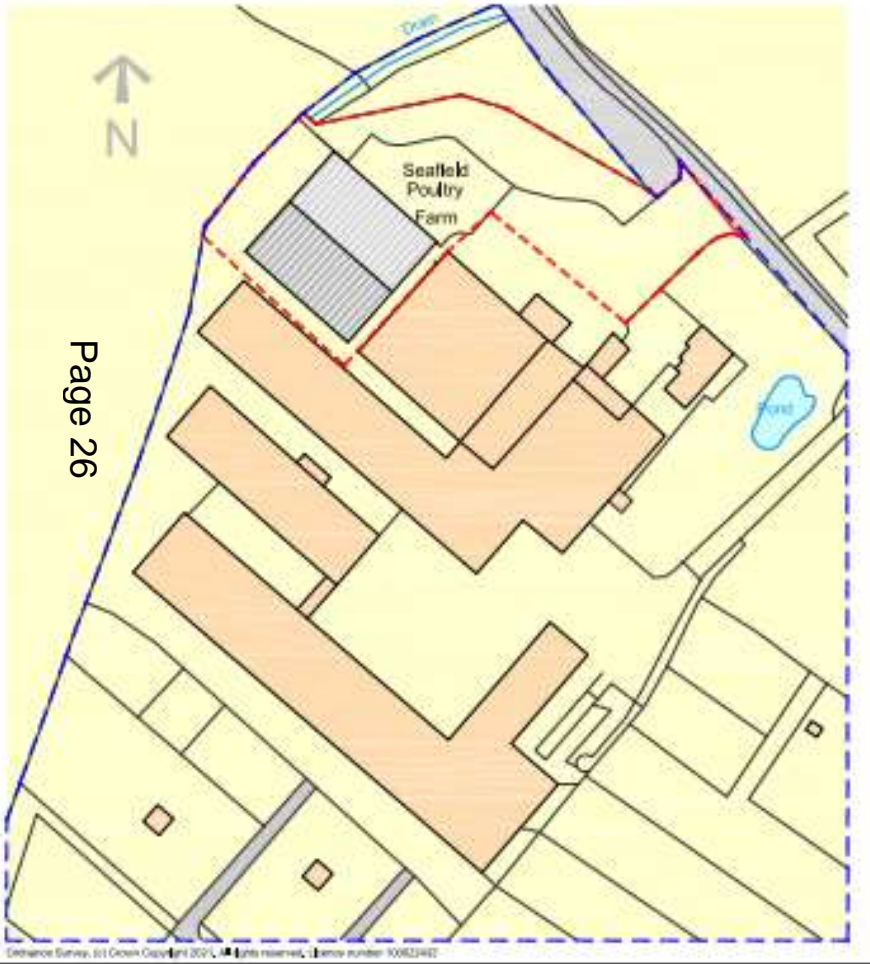
PROPOSED SOUTH ELEVATION



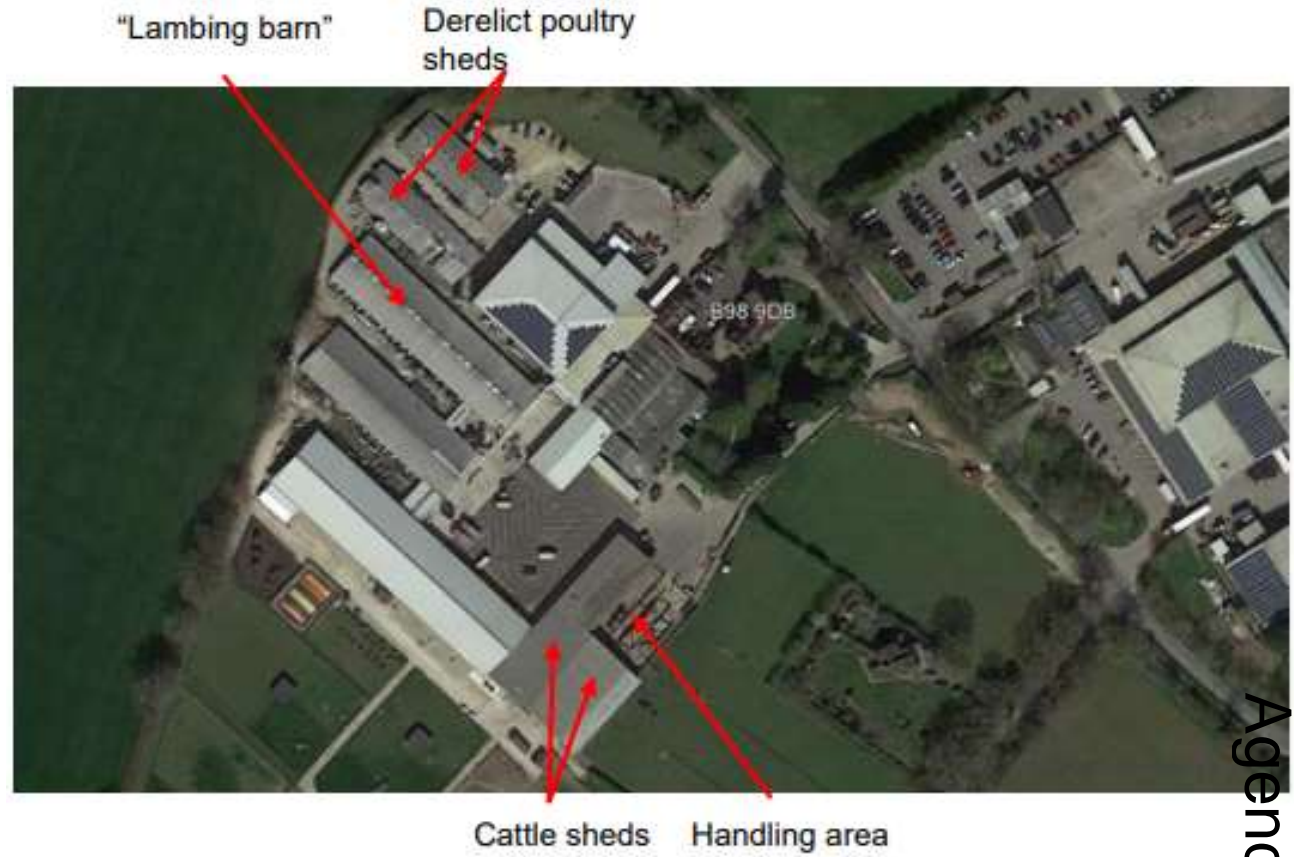
Proposed floor plan

 Access points

Site Location and Aerial View



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Agenda Item 5

Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Ms Jayne Willetts	Removal of Condition 3 (Permitted Development Rights) and Variation of Condition 6 (Conservation Rooflights) of Planning Approval 21/01248/FUL Single Storey Side Extension The Barn, Woodman Lane, Clent, Stourbridge, Worcestershire DY9 9PX	02.11.2022	22/01137/S73

RECOMMENDATION: That planning permission be **Refused**

Consultations

Clent Parish Council Consulted 07.09.2022

Views awaited

Conservation Officer

- At the time of conversion permitted development rights were not removed, although as this was almost 50 years ago
- The Barn is a Non-Designated Heritage Asset
- The Farmhouse and the Barn positively contribute to the character of the Conservation Area and rural setting
- Existing PD rights would allow unsympathetic additions - there is therefore an objection to the removal of this condition
- There would be potential to harm Heritage Assets as potential extensions could undermine the utilitarian appearance of the Barn.
- Top hung rooflights are more suitable to preserving the appearance of a converted agricultural building
- Object to both removal of Condition 3 and variation of Condition 6

Publicity

Neighbours consulted 1.9.22 (expired 25 September 2022)

One site notice posted 20 August 2022 (expired 13 September 2022)

Press notice published 2 September 2022 (expired 19 September 2022)

No representations received.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design
BDP20 Managing the Historic Environment

Others

NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance
Bromsgrove High Quality Design SPD

Relevant Planning History

21/01248/FUL	Single storey side extension	Approved	05.11.2021
B/9094/1981	Extension to form bedroom and bathroom.	Approved	17.08.1981
B/1522/1975	Conversion of existing barn to dwelling house, (as amended by site plans received 22.8.75).	Approved	15.09.1975
B/1261/1975	Conversion of barn to dwelling house.	Refused	23.06.1975

Assessment of Proposal

1.0 Background

1.1 This application is made under Section 73 of the Town and Country Planning Act for variation and removal of conditions. It follows planning approval 21/01248/FUL for a single storey side extension which was granted in November 2021 by Bromsgrove Planning Committee. The application is brought before Committee for the same reason as previously, which is that the applicant is related to a Committee Member.

1.2 The current application is two-fold. Firstly, it seeks to remove condition 3 of the 2021 planning approval for the extension, which takes away Permitted Development Rights for Classes A to D, and Class AA under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Secondly, it seeks to vary condition 6 of that approval, which requires the applicant to install top hung metal conservation-style rooflights to the approved extension, rather than rooflights to match other existing rooflights on the property.

1.3 Condition 3 reads as follows: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to D (inclusive) and Class AA, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

1.4 The reason for the condition as stated on the Decision Notice is to protect the openness of the Green Belt, However, in addition it is noted that Officers also considered at the time of the application that future extensions under Permitted Development may also be harmful to Heritage Assets and their settings and that the application was being supported, but subject to the proviso that there would be the removal of Permitted Development Rights for future extensions, in order to protect these Heritage Assets. The Conservation Officer at the time of the application indeed stated that the current application is supported, but subject to removal of Permitted Development Rights, in order to protect against potential future harm to Heritage Assets.

1.5 Therefore it seems reasonable to consider the current application in the light of both of these material considerations.

1.6 Condition 6 reads as follows:

“The rooflights hereby approved shall be conservation style, metal, top hung and not centre pivot and flush to the surface of the roof.”

1.7 The reason for the condition is to ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

1.8 The applicant contends that planning condition 3 is unreasonable and should be removed and further seeks variation of condition 6 which the applicant believes is inappropriate and should be re-worded to ensure that it would match the existing rooflights.

1.9 With respect to the use of conditions, Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities (LPA's) should consider whether otherwise unacceptable development could be made acceptable through the use of conditions and Paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In addition to this, Paragraph 54 of the NPPF states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

2.0 Assessment

2.1 The Barn is a 19th Century, former brick barn, of traditional appearance, which is located on the northern side of Woodman Lane in Clent, which is a small settlement to the north west of the District in an area designated as Green Belt. In addition, the site is located in the Clent Conservation Area, and is adjacent to the Grade II Listed Clent House Farmhouse, with The Barn being historically part of the farmstead to the farmhouse. The building is considered a non-designated Heritage Asset, and as such, the

property contributes to our understanding of how historic farmsteads operated and also contributes positively to the rural character of the Conservation Area and its immediate setting. A Public Right of Way (PROW) runs from north to south, along the site's eastern boundary.

2.2 In brief, its planning history is that The Barn was originally granted permission for conversion into a dwelling in 1975. At that stage, Permitted Development Rights were not removed, as it was prior to the designation of the Clent Conservation Area in 1981 and the farmhouse being listed, and at that time planning policies were different. It is worth noting that had the application been made more recently, this would be guided by the approved Bromsgrove High Quality Design Guide 2019 which advises that where consent is given for the conversion of a traditional rural building, it is likely that a condition will be included removing permitted development rights for extension and alterations, to ensure the building remains rural in character. In effect, this building was converted long before this guidance and the previous document, the Conversion of Rural Buildings SPD which dated from the early 2000s, and contained similar guidance, came into being.

2.3 After the initial conversion an application for a bedroom and bathroom extension was subsequently approved in 1981, but again this pre-dated the current guidance and therefore PD Rights remained intact. This was followed by approval in November 2021 under reference 21/01248/FUL for a single storey side extension, whereby it was considered that in order for the extension to be acceptable in planning terms, certain permitted development rights needed to be removed and that in accordance with Paragraph 54 of the NPPF, there was a clear reason to do so. Whilst the applicant has suggested that the removal of permitted development rights is unreasonable, the LPA considers that the site specific circumstances in this case warrant the condition to be retained. The implementation of these permitted development rights, without careful control, could harm the visual amenity of the area. Furthermore it could harm the openness of the Green Belt, as set out in the reason for the condition.

3.0 Reasoning for Removal of Condition 3 (Permitted Development Rights)

3.1 This application seeks the wholesale removal of Condition 3 of permission 21/01248/FUL. The Classes of development covered by this condition are as follows:

Class A - Enlargement, improvement or other alteration of a dwellinghouse

Class B - Additions etc to the roof of a dwellinghouse

Class C - Other alterations to the roof of a dwellinghouse

Class D - Porches

Class AA - Enlargement of a dwellinghouse by construction of additional storeys

3.2 The Green Belt Aspect:

3.2.1 In relation to the Green Belt and visual openness, as well as potentially harming the character, appearance and historic interest of the host building, current policies BDP1 and BDP19 of the Bromsgrove District Plan (BDP) take account of visual amenity, landscape and require development to enhance the distinctiveness of the local area, whilst policy BDP4 of the BDP only supports appropriate development within the Green Belt.

3.2.2 It is noted that the application site lies in an edge of village, semi-rural location, which is reflected in the sporadic nature of the development in the immediate area, where there are often substantial spaces between developed plots. The application site contributes to this character, as the site has hedges to both the south and east boundary road and public footpath frontages, with the dwelling being set well back from Woodman Lane and only occupying a small area of the plot. Furthermore, the dwelling is approached from the north-east side, via an access and parking area off the public footpath/bridleway which lies to the east, and its rear elevation and L-shaped garden both face the road and footpath, with the garden currently providing a buffer from these two highways/public vantage points. However it is further noted that there are gaps in the hedging which allow views through to the rear elevation of The Barn, and at certain times of the year this native hedging would die back and enable further and more prominent views of the property. In addition, it is noted that the land rises gently from the south to the north, such that the dwelling, although set back, would be viewable from public vantage points, particularly the upper parts of the building.

3.2.3 Noting the above, examples of the types of development which could subsequently be undertaken within Permitted Development limits would include the following: a single storey extension to a maximum depth of 4 metres across the original width of the rear, south garden-facing elevation, towards both Woodman Lane and the Listed adjacent Clent House Farmhouse; a two storey extension of 3 metres depth to the same elevation; installation of additional rooflights under Class C, to either the north or south planes of the roof; porches to external doors.

3.2.4 By reinstating permitted development rights, it is considered that this could result in unsympathetic works being carried out which would fail to respect the simple rural character of the building. Whilst any extensions, additions or alterations permitted may not be large or substantial, they would nevertheless be visible in public views and would affect the modest size and/or appearance of the original building. Such development could result in harm being caused to the historic and architectural interest of the NDHA, as well as to the contribution that the building makes to the rural character of the Conservation Area.

3.2.5 It is further noted that any extensions to The Barn currently allowable under Permitted Development would be predominantly to the rear facing Woodman Lane and the public footpath, and could undermine this spacious character which provides a positive contribution to the Clent Conservation Area, such that these extensions would be likely to harm the attractiveness and open/undeveloped nature of the landscape and countryside and the setting of the Non-Designated Heritage Asset. (NDHA).

3.2.6 In addition, the retention of the existing boundary vegetation, whilst welcome, cannot be secured indefinitely and the PROW which runs along the eastern boundary of the site, providing further views of the currently open nature of the site.

3.2.7 Openness is an intrinsic characteristic of the Green Belt and Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to keep land permanently open. Case law has found that openness comprises of a visual dimension, and therefore the construction of extensions without any further control could also harm the openness of the Green Belt.

3.2.8 Furthermore, whilst it is noted that existing dwellings in the Green Belt benefit from normal permitted development rights and the government has not sought to restrict these, the application site would not have benefitted from these rights prior to the original conversion of the barn. The construction of extensions could therefore lead to inappropriate development within the Green Belt.

3.2.9 Justification for retention of the condition removing Permitted Development Rights is that the Barn has reached its upper limit of proportionate additions, should the 2021 approval be implemented. Policy BDP4 criterion (c) states that support is given to extensions to existing dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² (original dwelling plus extensions) provided that the scale of development has no adverse impact on the openness of the Green Belt. It is calculated by Officers that approved 2021 extension would result in an overall percentage increase of 33.63% over and above the original, which is close to the 40% upper limit in the Green Belt.

3.2.10 Therefore there is a strong argument that further extensions should be restricted from a Green Belt viewpoint.

3.3 The Heritage Aspect:

3.3.1 in terms of Heritage Assets, the objective to safeguard buildings and areas of special townscape, historic and architectural interest is most closely aligned with Policy BDP20 of the Bromsgrove Local Plan, which amongst a number of things, aims to sustain and enhance the significance of Non-Designated Heritage Assets and Conservation Areas.

3.3.2 Both the host building and the application site currently provide a positive contribution to the character and appearance of the area. The Barn itself is a non-designated heritage asset and whilst extended to one corner as part of the 1981 application, largely maintains its linear form, modest proportions, and character as a rural building. Although it is noted that certain permitted development rights to extend and alter a dwelling are already partly restricted within Conservation Areas, without further control, extensions which do not respect the particularly modest proportions of the host building and window, door and roof openings which do not respect the simple character of the building could be carried out. In addition to this, the construction of a conservatory or porch, could also result in unsympathetic domestic or urbanising features.

3.3.3 This development could consequently harm the historic and architectural interest of the host building, which is currently largely in keeping with, and provides a positive contribution to its rural, edge of village location, adjacent to a traditional Farmhouse. In addition, the painting or rendering of the building could also have a negative impact on this non-designated heritage asset, as its facing materials are currently traditional red brick, which is typical for the age, type and location of this building.

3.3.4 The Conservation Officer has objected to the current application on the grounds that the removal of the planning condition would enable the potential for unsympathetic additions to the property, which would undermine the utilitarian appearance of The Barn and would have the potential to harm the setting of the neighbouring listed building as well as the character and appearance of the Clent Conservation Area.

3.3.5 Therefore, whilst compromised by previous extensions and indeed by the latest extension, in Officers views enough of the original utilitarian agricultural character survives to justify the condition removing the likelihood of further extensions extinguishing the agricultural character completely.

4.0 Reasoning for Variation of Condition 6 (Rooflights)

4.1 The Conservation Officer has objected to the application in respect of the variation of planning condition 6, upholding that a requirement for top hung conservation style rooflights to be installed (rather than pivot type) is a reasonable requirement.

4.2 The applicant is now seeking this condition to be amended to enable rooflights to match others on the property.

4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of an area. Furthermore, the Historic Environment policies in BDP20 of the Bromsgrove District Plan, amongst other things, states that development affecting heritage assets, should not have a detrimental impact on the character, appearance or significance of the heritage asset or heritage assets.

4.4 In addition, Paragraph 195 of the NPPF requires LPAs to take account of the significance of affected heritage assets when considering the impact of a proposal, whilst Paragraph 199 requires great weight to be attached to the conservation of designated heritage assets, irrespective of the level of potential harm. Any harm to or loss of, the significance of a designated heritage asset, including its setting, requires clear and convincing justification. Paragraph 202 requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal; and Paragraph 206 states that 'Local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significance.

4.5 As regards the requirement to install top hung conservation rooflights, it is considered that they are more utilitarian in appearance and therefore more suitable to preserving the appearance of a converted agricultural building. Given that there are likely to be views across the garden from Woodman Lane towards the extension especially in the winter months, this means that the side elevation and thus, the rooflights, would be visible.

4.6 It is noted that the applicant has objected to these rooflights and asks that the new rooflights match the originals. However, there would not appear to be any other rooflights on this elevation, so the new conservation rooflights would not be seen with the context of a different style.

4.7 The retention of this condition is therefore supported from a conservation standpoint, as it would comply with the requirements of the 1990 Act, policies in the Bromsgrove District Plan and the NPPF as noted above.

4.8 In terms of paragraph 202 of the NPPF regarding the harm to the designated heritage asset, in this case the Conservation Area, would be at the lower end of less than

substantial harm, but it is not considered that there are any public benefits as a result of the proposals, other than perhaps the building work for proposed extensions or other small-scale developments being carried out to the property itself. Such works may benefit the local economy through the construction process, however given the small-scale nature of any development, this benefit would be extremely modest and time limited. As a result, the public benefits would not be sufficient to outweigh the harm to the Conservation Area, which carries considerable weight.

4.9 Hence, the variation of condition 6 for changes to rooflights is recommended for refusal.

5.0 Tests for Conditions

5.1 In applying planning conditions to any grant of planning permission the NPPF requires LPA's to have regard to six tests to ensure the validity of conditions. The tests are set out in paragraph 55 of the NPPF; further advice on this matter is provided by the Government's National Planning Practice Guidance (NPPG). The relevant tests are that conditions need to be: necessary, reasonable, relevant to planning, relevant to the development to be permitted, enforceable and precise.

5.2 The six tests are assessed as follows, in relation to both Conditions 3 and 6:

5.3 Necessary and Reasonable:

5.3.1 With regard to the particular nature of the Condition in question it is important to note that Paragraph 17 (Reference ID: 21a-017-20140306) of the NPPG states that "Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under Article 4 of the Town and Country Planning (General Permitted Development). (England) Order 2015 to enable them to withdraw permitted development rights across a defined area".

5.3.2 The NPPF (2019) has now been updated to reflect this guidance, such that in Paragraph 53 it states that "... planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so".

5.3.2 In respect of this application, it is considered that there is both clear and reasonable justification to remove future Permitted Development Rights on Green Belt and Heritage grounds as the combination of these factors comprise exceptional circumstances in this case.

5.3.3 Furthermore, due to the scale and size of the extended dwelling compared to the original dwelling it is considered by the LPA that since the extended property would be close to the 40% upper limits of Policy BDP4, that by removing the permitted

development rights from the extended dwelling the substantial weight afforded to the protection of the openness of the Green Belt or harm arising from inappropriate development could be controlled and prevent the consecutive excessive loss of openness. It is considered that whilst this would not necessarily limit any possible future extensions, it would give the LPA opportunity to ensure appropriate scaling and siting to minimise any additional harm to the Green Belt.

5.3.4 Taking the above into consideration the LPA consider the approach of removal of permitted development rights under condition 3 of planning permission 21/01248/FUL reasonable and necessary, reflecting the thrust of national and local policy.

5.3.5 There is no Article 4 Direction in place for Clent Conservation Area, therefore each case must be assessed on its own merits as to whether it is reasonable and necessary to both remove permitted development rights and control additional fenestration.

5.3.6 In relation to the rooflights under condition 6, in this case, given the proliferation of rooflights at the property already, being identified as 14 on the existing building, it is considered that it would be both reasonable, and necessary, to ensure that the rooflights for the proposed extension should be of as limited visual impact as possible and appropriate to the historic character of the barn. Hence the Condition 6 restriction to ensure discrete, metal, flush conservation style rooflights only.

5.3.7 Planning permission may have been refused had these conditions not been imposed since there would be no means of limiting the future scale of the dwelling and potential adverse impact on Heritage Assets arising from the exercise of permitted development rights and the installation of inappropriate rooflights.

5.3.8 It is noted that The Barn did not have its Permitted Development rights removed after its conversion to a dwelling in the 1970's, since this was in the context of a different planning landscape to that which exists today. However it is reasonable to measure the application against current policy and guidance. The current advice within Paragraph 5.20 of the Bromsgrove High Quality Design SPD recognises that extensions may be harmful to Heritage Assets and their settings. It is considered that this is particularly relevant, given the sensitivity of the part of the site where Permitted Development is currently possible, in an area which is more prominent and closer to the Listed Building and therefore reasonable in this instance to add limitations over and above what were deemed necessary more than 40 years ago.

5.3.9 It is further noted that condition 3 does not preclude further development on the site, it merely gives the LPA a degree of control to influence the scale and siting of any future development.

5.4 Relevant to planning and relevant to the development permitted:

5.4.1 It is considered for the reasons outlined elsewhere in this report and within the assessment of planning application 21/01248/FUL, that both conditions 3 and 6 relate to planning objectives and fairly and reasonably relate to the development permitted.

5.5 Enforceable

5.5.1 It is considered that it would be entirely possible to enforce the conditions from a practical point of view. The presence or absence of additional development in comparison with the plans approved under the 2021 application is fundamentally discernible and therefore readily enforceable.

5.6 Precise

5.6.1 The planning conditions set out precisely what development is restricted on the application site to both the applicant and others who may subsequently have an interest in the land/site.

5.6.2 For the reasons set out above the LPA consider the conditions to be appropriate to the development in question for the purposes of protecting both Green Belt and Heritage Assets. It is considered that both conditions are consistent with the requirements of the NPPF and guidance within the National Planning Practice Guidance with respect to the 'six tests' for planning conditions (Paragraph 55) and is consistent with Bromsgrove District Council's approach to Green Belt development and in particular Policy BDP4 and heritage policy BDP20. For the reasons set out above, both conditions meet with the remaining tests such that the LPA considers it reasonable to impose the restrictive planning condition.

6.0 Response to Planning Statement

6.1 A Planning Statement has been submitted by the applicant, in support of the application. The contents of this are noted, and the more salient points are addressed below:

6.2 Within the statement, reference is made to planning conditions not being used to restrict national permitted development rights unless there is clear justification to do so. It is considered that the impact on the Green Belt and Heritage Assets is sufficient justification, given that the property is already close to the threshold level of 40% additional floorspace, beyond which potential harm to The Green Belt would be of relevance, therefore Condition 3 is justifiable, as outlined elsewhere within this report.

6.3 Furthermore, recent appeal decision APP/P1805/W/22/3296017 for the nearby property -The Barn, Bromsgrove Road, Clent DY9 9QB is of material relevance, as there are close similarities with the current application site in terms of both visual openness and impact on the Conservation Area.

6.4 The appeal was dismissed, with the Inspector taking the view in particular that permitted development rights enabling various additions and alterations to be carried out to the dwelling without first receiving approval from the local planning authority, 'could result in unsympathetic works being carried out which would fail to respect the simple rural character of the building. Whilst any extensions, additions or alterations permitted may not be large or substantial, they would nevertheless be visible in public views and would affect the modest size and/or appearance of the original building.' And that 'Such development could result in harm being caused to the historic and architectural interest of the NDHA, as well as to the contribution that the building makes to the rural character of the Conservation Area'.

6.5 The decision goes on to say that the condition removing permitted development rights is 'justified in terms of being both reasonable and necessary in order to afford appropriate control relating to the effects of possible future development on both the character and appearance of the host building and on the Conservation Area as a whole.'

6.6 The Planning Statement also points out that the applicant could lawfully alter and extend the dwelling prior to November 2024 without further permission or control from the Council prior to constructing the side extension which has been approved, and that this creates a viable 'fallback position', which effectively makes the condition void. However, Officers note that the LPA has no control over such works if planning permission is not required. This would not justify the current request to remove Condition 3, and indeed if such works were carried out, that this would arguably provide a stronger case for future applications being considered as causing harm to the Green Belt.

6.7 A further point is made that 'Permitted Development is already self-regulating to ensure that development undertaken within the scope of permitted development is appropriate to the property itself and its surroundings.' However, it is noted that potential developments under Permitted Development could in this instance be harmful to both visual openness of the area and Heritage Assets due to the sensitivity of the site, particularly from a visual point of view, as noted above.

7.0 Conclusion

7.1 This application seeks the removal of condition 3 (Removal of Permitted Development Rights) of planning permission 21/01248/FUL and variation of condition 6 of the permission, to allow matching rooflights to the existing rather than the required top hung conservation style rooflights.

7.2 Whilst the applicant suggests that the removal of permitted development rights is unreasonable, the LPA considers that the control of these rights is required in order to protect the physical and visual openness of the Green Belt and the attractive, open qualities of this part of the countryside, which currently provides a positive contribution to the Conservation Area, and to protect the character, appearance and historic and architectural interest of the host building, which is a Non-designated Heritage Asset.

7.3 Whilst further information has been provided in support of the application, the LPA are of the opinion that the site-specific circumstances in this case warrant condition 3 to be retained and condition 6 not to be varied.

7.4 In accordance with Paragraph 54 of the NPPF, there is a clear reason for the conditions to remain, and in accordance with Paragraph 56, the conditions would meet the necessary tests.

RECOMMENDATION: That planning permission be **REFUSED**

Conditions:/Reasons for Refusal

- 1) The removal of condition 3 and reinstatement of permitted development rights for alterations and extensions, roof additions and alterations, porches and additional upward storeys could lead to harm to the openness of the Green Belt, the rural, utilitarian character of the host building, which is a non-designated heritage asset, as well as harm to the rural character of this part of the Conservation Area, and the attractive, open nature of the surrounding countryside.

Having regard to the potential harm that could arise to visual amenity, as identified above, the removal of condition 3 would be contrary to Policies BDP 1, 4, 19 and 20 of the Bromsgrove District Plan 2017, Paragraph 5.20 of the High Quality SPD and Paragraphs 195, 199 and 200 of the NPPF.

- 2) The variation of condition 6 from two top hung conservation style rooflights to pivoting rooflights to match the existing is unacceptable and would significantly harm the character and appearance of the Non-Designated Heritage Asset, due to the introduction of unsuitable additions to the east elevation which would jar with the simple, utilitarian appearance of this part of the building and would be incongruous when viewed from the adjacent Woodman Lane and public footpath.

This would be contrary to Policies BDP1, BDP15 and BDP 20 of the Bromsgrove District Plan 2017, the High Quality Design SPD and Paragraphs 195 and 199 of the NPPF.

Case Officer: Jane Fray Tel: 01527 881263
Email: jane.fray@bromsgroveandredditch.gov.uk

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The Barn, Woodman Lane, Clent, Worcestershire
DY9 9PX

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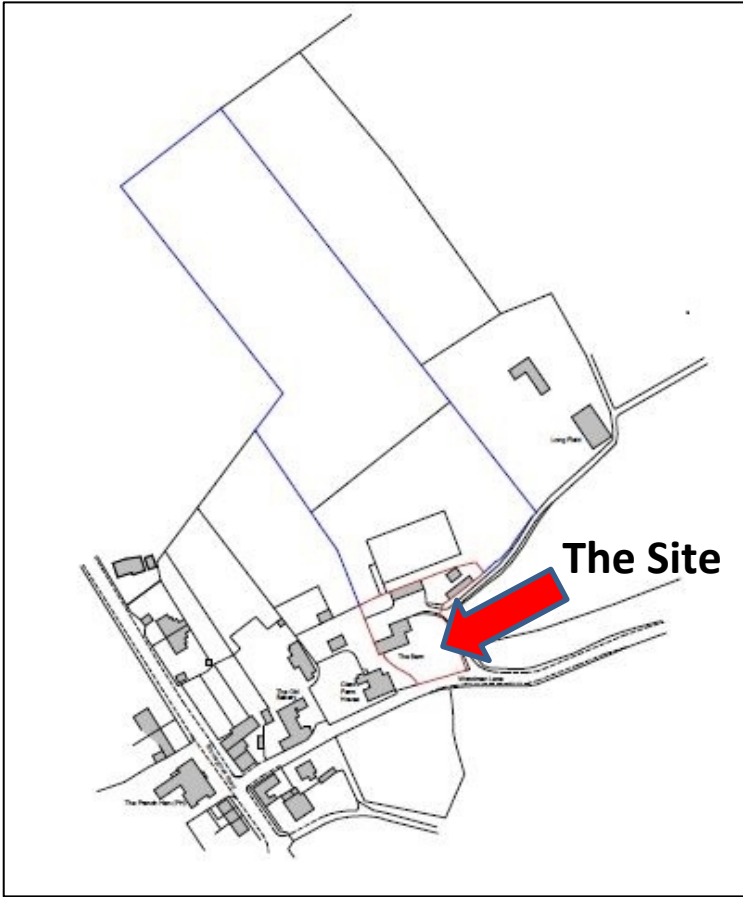
Removal of Condition 3 (Permitted Development Rights) and
Variation of Condition 6 (Conservation Rooflights) of
Planning Approval 21/01248/FUL - Single Storey Side Extension

Recommendation: Refuse Planning Permission

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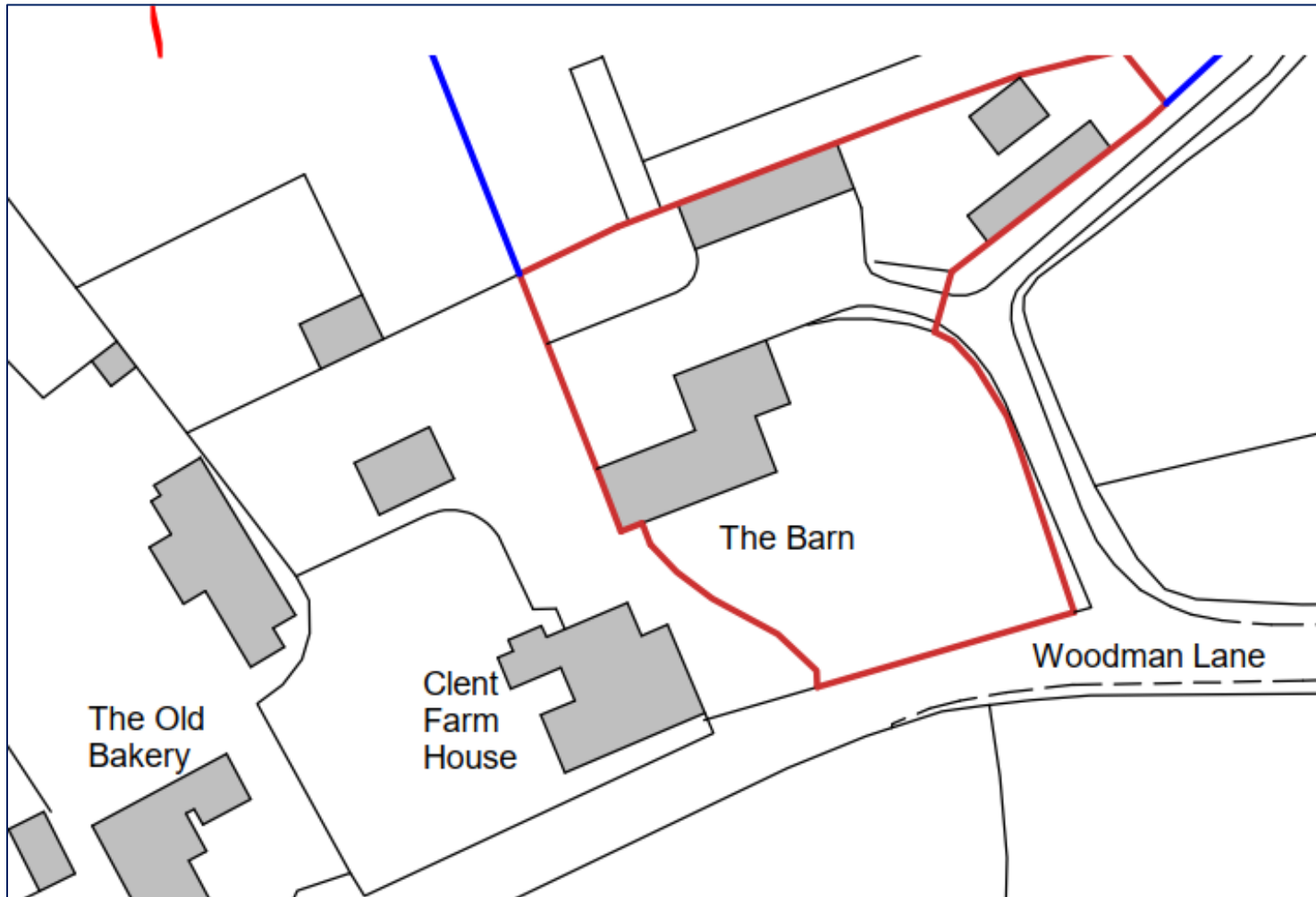
Location Plan and Aerial View

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Existing Block Plan



Approved Floor Plan

Original ground floor area 109.51 square metres
 Original first floor area 109.51 square metres
 Total originally built 219 square metres

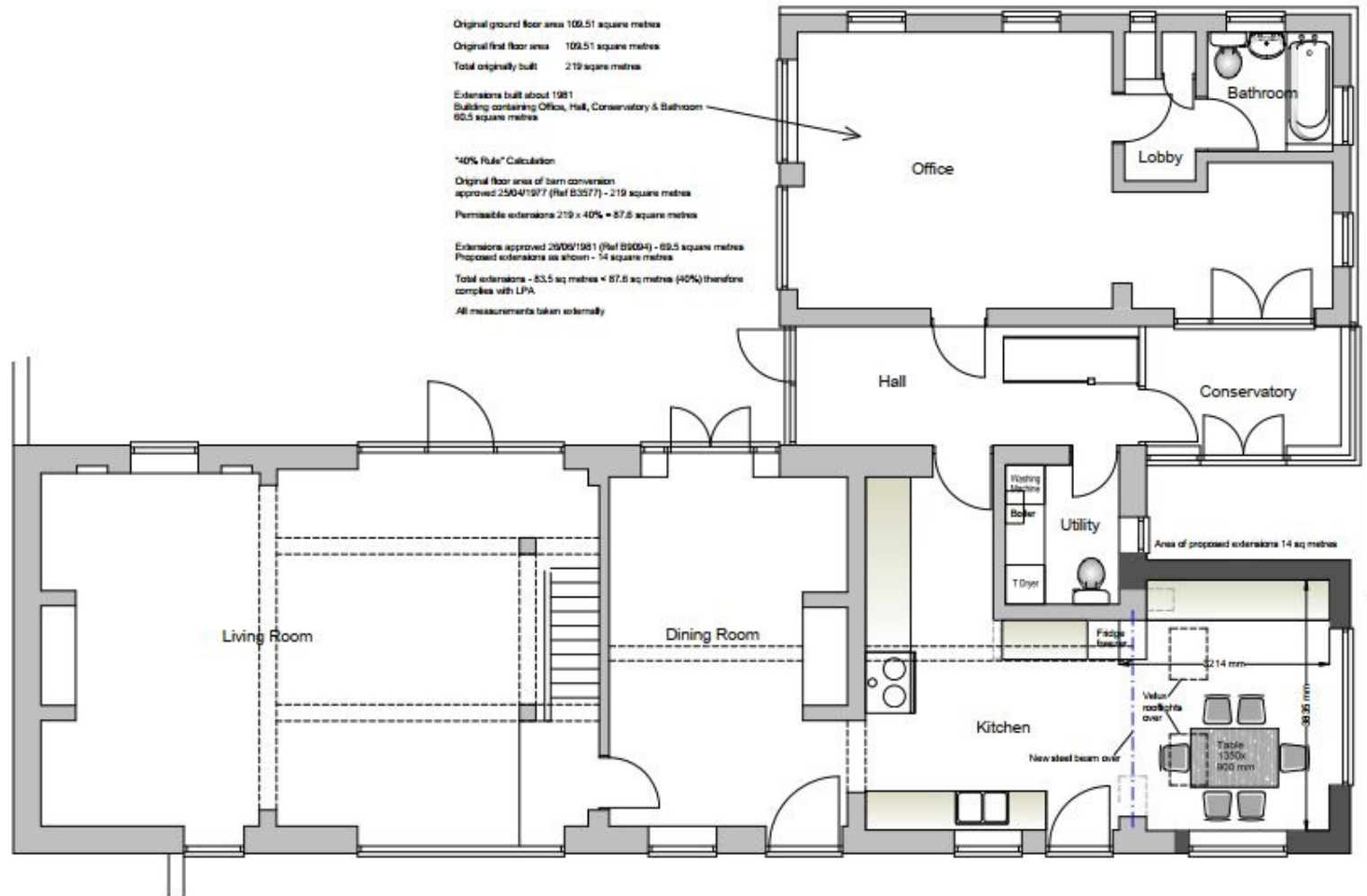
Extensions built about 1981
 Building containing Office, Hall, Conservatory & Bathroom
 69.5 square metres

"40% Rule" Calculation
 Original floor area of barn conversion
 approved 2504/1977 (Ref B3577) - 219 square metres
 Permissible extensions 219 x 40% = 87.6 square metres

Extensions approved 2606/1981 (Ref B9604) - 69.5 square metres
 Proposed extensions as shown - 14 square metres

Total extensions - 83.5 sq metres = 87.6 sq metres (40%) therefore
 complies with LPA

All measurements taken externally



Approved Side Elevation Plan

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Approved Rear Elevation Plan

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Site Photos



Site Photos



Site Photos



Site Photos

