



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY 5TH DECEMBER 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 10th October 2022 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 22/00803/FUL -Amendments to previously approved dwelling house (21/01086/FUL) including an attached garage, a rear orangery, internal alterations including the creation of a 2nd floor and changes to the front and rear fenestration - The Keepers, 6A St Catherine's Road, Blackwell, Worcestershire, B60 1BN - Mr. A. Keay (Pages 7 - 26)
6. 22/01114/FUL - Demolition of a warehouse and replacement with an agricultural building for vertical farming - Units 2B To 2D, Oakland, Seafield

Lane, Portway, Worcestershire, B98 9DB - Green Clover Developments Limited (Pages 27 - 46)

7. 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 47 - 72)
8. 22/01241/S73 - Variation of condition 8 planning permission 19/01544/FUL - Variation of opening hours to visiting members of the public - Attwell Farm Park, Seafeld Farm, Seafeld Lane, Portway, Redditch Worcestershire - Mr. M. Attwell (Pages 73 - 86)
9. 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

25th November 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](mailto: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](mailto:p.ross@bromsgroveandredditch.gov.uk) before 12 noon on Thursday 1<sup>st</sup> December 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 1<sup>st</sup> December 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](http://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](http://www.bromsgrove.gov.uk)

# Agenda Item 3

Planning Committee  
10th October 2022

## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 10TH OCTOBER 2022, AT 6.00 P.M.**

PRESENT: 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, M. A. Sherrey and C. J. Spencer

Officers: Mr. D. M. Birch, Ms. J. Chambers, Mr. R. Keyte, Mr. M. Rowan (via Microsoft Teams) and Mrs. P. Ross

19/22 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absence.

20/22 **DECLARATIONS OF INTEREST**

Councillor A. B. L. English declared in relation to Agenda Item No.5 - (Planning Application – 22/00801/FUL – Seafield Farm, Seafield Lane, Portway, Redditch, Worcestershire, B98 9DB in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor A. B. L. English left the meeting room.

21/22 **MINUTES**

The minutes of the Planning Committee meeting held on 5<sup>th</sup> September were received.

That the minutes be amended at Minute No. 17/22, paragraph 7, page 3 and paragraph 10, page 4 - Planning Application 8 Forest Close, Lickey End, Bromsgrove, B60 1JU, as follows:-

That the word subordinate be changed to read insubordinate.

**RESOLVED** that, subject to the amendment as detailed in the preamble, that the minutes of the Planning Committee meeting held on 5<sup>th</sup> September 2022, be approved as a correct record.

22/22 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF 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.

23/22

**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**

Officers drew Members' attention to the Committee Update, which detailed an amended Recommendation, Revised Condition 3, an additional Condition 8 and new Informatives. Copies of 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.

Officers presented the report and in doing so drew Members' attention to the presentation slides, as detailed on pages 20 to 26 of the main agenda report; and the additional slides showing the proposed drainage plan and additional photos of the buildings proposed for demolition.

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

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 was amended so that the farm storage, hay and straw storage elements were withdrawn from the application.

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

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

The existing cattle shed cannot accommodate all the cows for over-wintering. Throughout the application process, the farmer had stressed



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the need for over-wintering accommodation for his livestock. The existing cattle shed could 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 had advised that the herd size of approximately 120 suckler cows was considered to justify the additional space.

With regard to sheep, the Agricultural Consultant had 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 would, therefore, house the larger flock of sheep, which would be housed from December to circa February / March.

The application form stated that storm water would drain to soakaways. North Worcestershire Water Management (NWWM) had advised that due to the clay soils this would be unlikely to be feasible. The agent had subsequently explained that there would be no increase in runoff from the site compared to the pre-development situation. No additional surfacing was proposed and rainwater systems of existing buildings were plumbed directly into the adjacent ditch. NWWM did request further clarification on this matter, details of which were included on page 3 of the Committee Update; with the recommendation of an additional condition.

The supporting statement stated that waste water would be plumbed into existing below ground surface water drainage system there would 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 had recommended a Condition regarding manure storage to protect run off polluting water courses.

WRS was consulted regarding contaminated land and their response was detailed on page 1 of the Committee Update.

Officers concluded that the proposed agricultural building fell within a limited and closed list that was appropriate development within the Green Belt. The agricultural need for the development had been established. Design, layout, location, appearance and impact on amenity of this agricultural building were considered appropriate and acceptable.

At the invitation of the Chairman, the Applicant, Mr. M. Attwell addressed the Committee, and Councillor A. B. L. English, Ward Member also addressed the Committee.

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

In response to the request made by the Applicant, Mr. Attwell during his address to the Committee asking for the removal of Condition 4, "The building hereby approved shall not be open to the public visiting the Attwell Farm Park".

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Members questioned if this Condition could be removed, and the implications should the Committee be minded to remove Condition 4.

Officers clarified that the application before Members had been considered and assessed by officers as an agricultural building, which the application had been submitted as. Condition 4 was to ensure the satisfactory operation of the site and to protect the Green Belt. The site was located in the Green Belt where development was only considered appropriate if it fell within a closed list of exceptions and buildings for agriculture were identified as one of the exceptions. The farm had two uses, as a Farm Park and as a working farm. To allow members of the public to visit the working farm extended into education/leisure use and beyond the agricultural use and would therefore be considered and assessed under different criteria in the Green Belt and could be deemed inappropriate development in the Green Belt.

Further debate followed on the Attwell Farm Park and the agricultural buildings being proposed; with officers suggesting that the animals could be made available to view at the Attwell Farm Park and that trainees and college students would not be visiting the farm as part of the Attwell Farm Park attraction.

During the debate Councillor A. D. Kriss questioned how enforceable the Condition would be and therefore proposed an Alternative Recommendation that Condition 4 be removed, which was seconded by Councillor S. P. Douglas.

On being put to the vote, the Alternative Recommendation was lost.

**RESOLVED** that planning permission be approved subject to: -

- a) delegated powers be granted to the Head of Planning, Regeneration and Leisure Services to determine the application following:
  - (i) The expiry of the consultation period on 13 October 2022 and in the event that further representations were 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 had been raised and to issue a decision after the expiry of the publicity period accordingly;
- b) Conditions 1, 2, 4, 5, 6, and 7, as detailed on pages 16 and 17 the main agenda report;
- c) revised Condition 3, as detailed on page 2 and 3 of the Committee Update;
- d) new Condition 8, as detailed on page 3 of the Committee Update;

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and

- e) two new Informatives for Discharge Responsibility and Protected Species, as detailed on page 3 of the Committee Update.

24/22

**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**

This application was withdrawn from the Agenda.

The meeting closed at 6.39 p.m.

Chairman

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# Agenda Item 5

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr A Keay	Amendments to previously approved dwelling house (21/01086/FUL) including an attached garage, a rear orangery, internal alterations including the creation of a 2nd floor and changes to the front and rear fenestration.  The Keepers, 6A St Catherine's Road, Blackwell, Worcestershire, B60 1BN		22/00803/FUL

**Councillor King has requested that the application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **Granted**

## **Consultations**

### **Highways - Bromsgrove**

No objection

### **Lickey And Blackwell Parish Council**

Lickey and Blackwell Parish Council does not support this application.

### **North Worcestershire Water Management**

This site has been previously commented on for multiple planning applications, the latest being 22/00059/FUL. I have no further comments to make based on the changes made. However minimal drainage details, as previously, have been provided. It was requested via condition that details of the proposed drainage were provided with a previous application for this development. These details have not been received and we will therefore need this information in due course.

### **Arboricultural Officer**

No objection

### **Councillor King**

It would be fair to all involved to bring the application to the planning committee thus giving the residents an opportunity to make their objections known publicly and the developer a chance to answer them.

## **Public Consultation**

53 neighbour letters sent on 23.06.22 (expired 17/07.22)

Neighbours/members of the public have submitted 25 objections. These can be summarised as follows;

- Larger than previously approved
- Not in keeping/eyestore/prominent to the streetscene
- Contrary to Lickey and Blackwell NP and Bromsgrove DP
- Disregarding previous decisions
- Impact on amenity/overlooking
- Loss of light
- Change in height of dwelling
- Drainage
- Precedent for future development in the area if application approved

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
 BDP2 Settlement Hierarchy  
 BDP7 Housing Mix and Density  
 BDP16 Sustainable Transport  
 BDP19 High Quality Design  
 BDP21 Natural Environment  
 BDP23 Water Management

### **Others**

NPPF National Planning Policy Framework (2021)  
 National Design Guide  
 Bromsgrove High Quality Design SPD  
 Lickey and Blackwell and Cofton Hackett Neighbourhood Plan

## **Relevant Planning History**

APP/P1805/W/ 22/3290354	Appeal regarding the removal of permitted development rights under Condition 10 of 21/01086/FUL	Appeal Allowed	07.12.2022
TPO22/147	Tree works	Approved	16.09.2022
22/00015/FUL	Amendments to previously approved dwelling house including an attached garage a rear orangery, internal alterations and changes to the fenestration	Refused	18.03.2022
21/01086/FUL	Dwellinghouse (retrospective)	Approved	08.10.2021
21/00420/FUL	New dwelling house	Refused	03.06.2021
20/00715/FUL	New dwelling house	Approved	23.02.2021

15/0608	Four-bedroom two-storey new dwelling with detached garage on land to the rear of 6 St Catherines Road.	Approved	13.10.2015
11/06555	Erection of dormer bungalow and detached garage to the rear of 6 St Catherines Road	Approved	26.11.2011
10/0973	Erection of three bedroomed detached bungalow and garage	Approved	09.12.2010
2006/0840	Renewal of B/2003/0331: 2no. dwellings - Outline consent	Approved	04.10.2006
2003/0881	Two dwellings - Outline Consent	Approved	22.08.2003

## Assessment of Proposal

### Site Description

This application relates to a dwelling to the rear of 6 St. Catherine's Road. It is located on the eastern side of the road in the residential area of Blackwell. The plot of land historically formed part of the garden at number 6 but was subdivided some years ago. An existing access road runs along the northern boundary of number 6 to serve the application site. The site is bound to the north by the rear garden of number 8 and to the south by the rear gardens of numbers 4 and, in part, 4a. To the east is a field understood to be in the ownership of number 10, and to the west is the rear garden of number 6. An area Tree Preservation Order ((26) 2003) covers the site. Blackwell First School lies approximately 50 metres to the north of the site. Most of the plot is enclosed by a high concrete wall.

The dwelling has now been completed and is occupied.

### Background

As outlined in the planning history, the dwelling on this site has undergone several iterations. This includes earlier in 2022, proposed amendments to the dwelling were refused under 22/00015/FUL for the following reason:

*“The proposal would comprise additions to an approved dwelling, which by virtue of its height, scale, massing and design would harm the openness of the area and fail to integrate into the established character and quality of the local environment. The proposal would therefore be contrary to Policies BDP1 and BDP19 of the Bromsgrove District Plan, Policy BD2 and Policy BD3 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan, the National Planning Policy Framework and the Council's High Quality Design SPD.”*

The current retrospective application is like this refused scheme, albeit a 2nd floor has been incorporated into the roof of the dwelling.

The current application has been in abeyance following a planning appeal relating to the removal of permitted development rights relating to planning application 21/01086/FUL that was being considered by the Planning Inspectorate (APP/P1805/W/22/3290354). This appeal has now been considered, and the disputed condition regarding the permitted development rights has been removed.

The removal of this condition and the comments made by the Inspector in their assessment are considered below.

In relation to character and appearance, the Inspector in paragraph 8 indicates that "*The enlargement of the property, through the erection of extensions and outbuildings allowed by permitted development rights would not give rise to an overly large development in relation to the plot or harm the character and appearance of the area through loss of openness*". Concluding that the "*..disputed condition is not reasonable or necessary in the interests of the character and appearance of the area*".

In terms of residential amenity, the Inspector outlines that "*Permitted development rights would allow the erection of potentially significant extensions and outbuildings to the property, however, it has not been demonstrated that any of the additions would cause tangible harm in terms of the living conditions of occupiers of neighbouring properties*".

I consider that this substantially alters the consideration of the changes to the approved dwelling compared to the previous assessments outlined in the planning history section.

## **Proposal Description**

This is a retrospective planning application for amendments to a previously approved dwelling house (21/01086/FUL) and includes an attached garage, a rear orangery, internal alterations incorporating a 2nd floor and changes to the fenestration.

It follows four recent applications for the erection of one dwelling on this site, 20/00715/FUL, which was approved on 23rd February 2011, 21/00420/FUL which was refused on 3rd June 2021, 21/01086/FUL approved on 8th October 2021 and 22/00015/FUL, which was refused in March 2022.

## **Principle, Character, Design and Scale**

The National Planning Policy Framework (NPPF) excludes urban private residential gardens as previously developed land. Policy BDP19 (n) of the Bromsgrove District Plan (BDP) states that the development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment. The supporting text states that 'Development which significantly increased the proportion of ground coverage by buildings, or the scale of proposed buildings, is likely to be out of keeping with its surroundings and therefore likely to be unacceptable and will be refused'. Paragraph 124(d) of the NPPF emphasises the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Policy BD2 Encouraging High Quality Design of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan 2018-2030 (Neighbourhood Plan) which was adopted in January 2020 states that 'subdivision of plots and infill development must have appropriate regard for characteristic plot densities at their location.' Policy BD3 Residential Developments in Gardens of the Neighbourhood Plan identifies openness and density of



the built form as factors to be considered in ensuring development of garden land retains the character of the residential area at their location. St. Catherine's Road has a mixed character. The existing street scene comprises a mix of predominantly large two storey dwellings and some single storey dwellings that vary between modern and traditional, with a variation of pitched and hipped roof types. Some of these properties sit on generously sized plots.

The approved scheme under 21/01086/FUL was considered acceptable because of the removal of the garage adjoining the property, the rear orangery, and the front bay. This sufficiently reduced the footprint, overall area, and volume of the proposed dwelling. These amendments to the scale, bulk, and design addressed issues of openness and meant that the dwelling would be in keeping with the scale and design of the extant permissions on and adjacent to the site and would not harm the character of the area. Permitted development rights were also removed to ensure the garage and other extensions could not be implemented without the consideration of the LPA.

The retrospective proposal seeks to increase the footprint of the development by approximately 60 square metres through the addition of a side garage, as well as a rear orangery, increasing the overall scale and massing of the development and increasing the amount of built form relative to the plot size. The three projecting gables have been retained, the middle of which would now include a full height glazed window that would extend close to the apex of the main roof, and the central gable has also been increased in size, giving the impression of a dwelling that is greater than two storeys. Further windows have been added to the first-floor front elevation. These elements all create a vertical emphasis and add bulk. Furthermore, the dwelling also incorporates a second floor.

Following the recent appeal decision and Inspectors comments, which reinstates permitted development rights, the ground floor extensions would be permitted development, as well as the alterations to the roof to incorporate a second floor. While the changes to the gable projections are noted, these changes in themselves are minor and would not warrant refusing the planning application. Neighbours have also commented regarding the overall height of the dwelling. However, it is evident that a change in levels has been incorporated in the erection of the dwelling, this is acceptable.

On that basis, the previous reason for refusal regarding the scale and design of the dwelling can no longer be substantiated and the current application be supported.

## **Residential Amenity**

Objections have been received in respect of overlooking, overbearing, loss of light, and outlook. It is noted that objections regarding the loss of amenity have been raised throughout the application. Ultimately, the applicant's approach to building the dwelling through retrospective planning applications has not assisted in reducing residents' concerns regarding this matter.

However, the dwelling exceeds the minimum separation distances to surrounding dwellings, there is a separation distance of approximately 40m to the rear of no 6 St Catherine's Road. The dwelling would be set back from the rear garden boundary of number 6 by approximately 10 metres.

It is acknowledged that the first-floor windows could introduce oblique overlooking to the adjacent gardens of numbers 4, 4a and 8, however, this level of overlooking is similar to

what may occur from the rear windows of properties in a linear run of development and is not viewed as an unacceptable intrusion.

An objection has also been received from number 10, which has land that adjoins the rear of the site, regarding overlooking from the garden area and a lack of obscured glazing in the second-floor rear bathroom. It is noted that following a site visit, the owner of the property has screened the window with the ornamental grasses/reeds. The land directly to the rear of the application site does not appear to form the domestic curtilage of number 10, which lies further to the north alongside the dwelling, it is not considered appropriate to require obscured glazing in this case as there is no direct overlooking of windows or the rear garden area of the dwelling. The garden at 6a has a depth of 14m and is considered a sufficient size not to cause an undue impact on the land relating to number 10.

## **Foul and Surface Drainage**

The proposed development site is situated in the catchment of Batchley Brook & Hewell Stream. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. However, we are aware of flood risk issues on St Catherine's Close. Correctly designed drainage will mitigate any flood risk from surface water on the site and surrounding area, including St Catherine's Close.

North Worcestershire Water Management has commented on the multiple previous planning applications regarding a requirement for drainage information. The Drainage Engineer has again requested a surface water drainage scheme be provided on a drainage plan to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on the site or within the surrounding area. I will update Members at Committee on this issue.

## **Highways**

No objection has been raised by WCC Highway regarding the application.

## **Conclusion**

For the reasons set out in the assessment, I am now satisfied that the previous reason for refusal cannot be substantiated. The dwelling as built is acceptable in character and appearance and is not out of scale when compared to other dwellings. The application should therefore be approved.

**RECOMMENDATION:** That planning permission be **Granted**

## **Conditions:**

1. The development hereby approved shall be carried out in accordance with the following plans, drawings and information:

Location Plan

Site Plan 1:500 March 22

Proposed Front Elevation 1:100 June 22

Proposed Site Elevation 1:100 June 22

Proposed Site Elevation 1:100 June 22

Proposed Rear Elevation 1:100 June 22  
Proposed Ground Floor Plan 1:100 June 22  
Proposed First Floor Plan 1:100 June 22  
Proposed 2nd Floor Plan 1:100 June 22  
Detail of materials outlined in planning application forms

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

2. The windows installed at first floor level on both side elevations as shown on the approved plans shall within two months be fitted with obscure glazing and any opening light shall be at high level and top hinged only. The obscure glass and the opening shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents.

3. Within two months of the date of this decision, a scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. This scheme should be indicated on a drainage plan, which shall include the extent of buildings and hard standings, the materials proposed and a timetable for its implementation. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk

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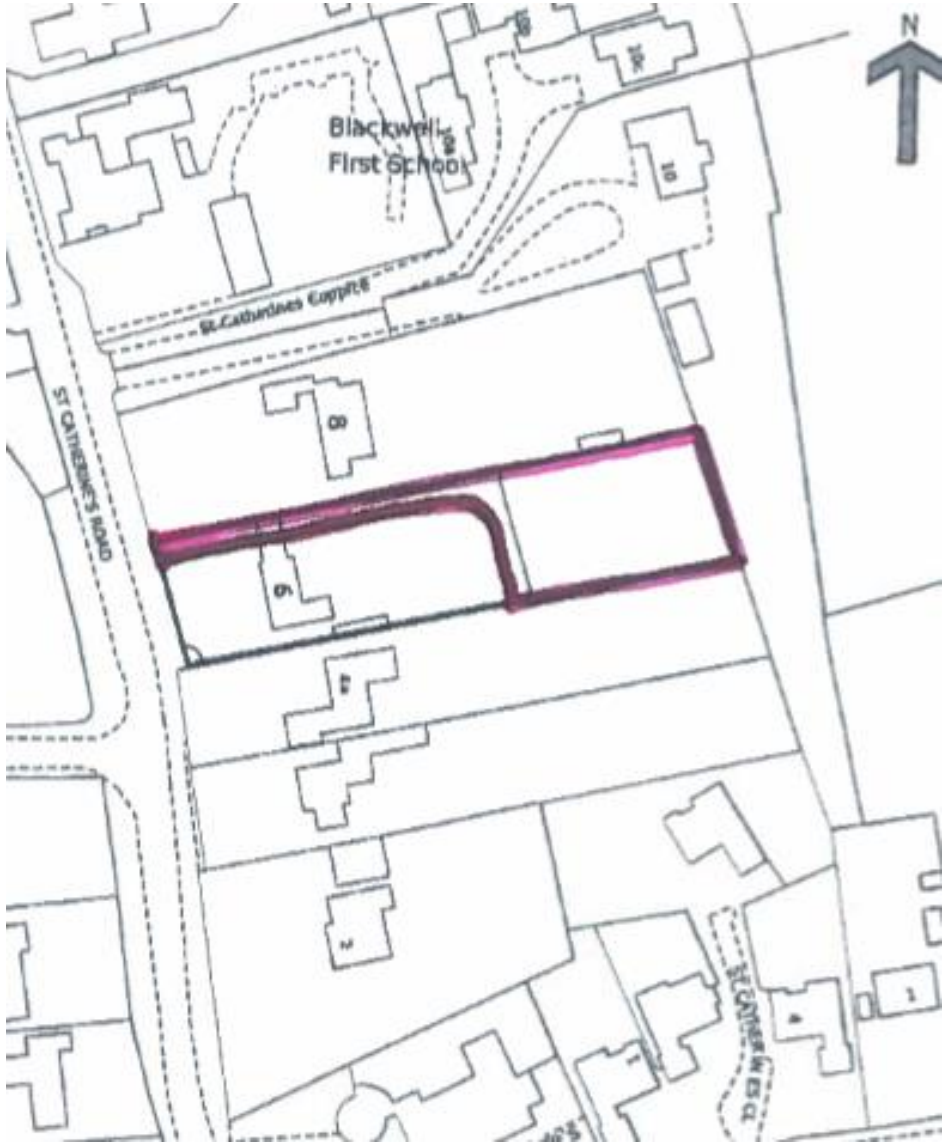
# 22/00803/FUL

Amendments to previously approved dwelling (21/01086/FUL) house including an attached garage, a rear orangery, internal alterations including the creation of a 2nd floor and changes to the front and rear fenestration.

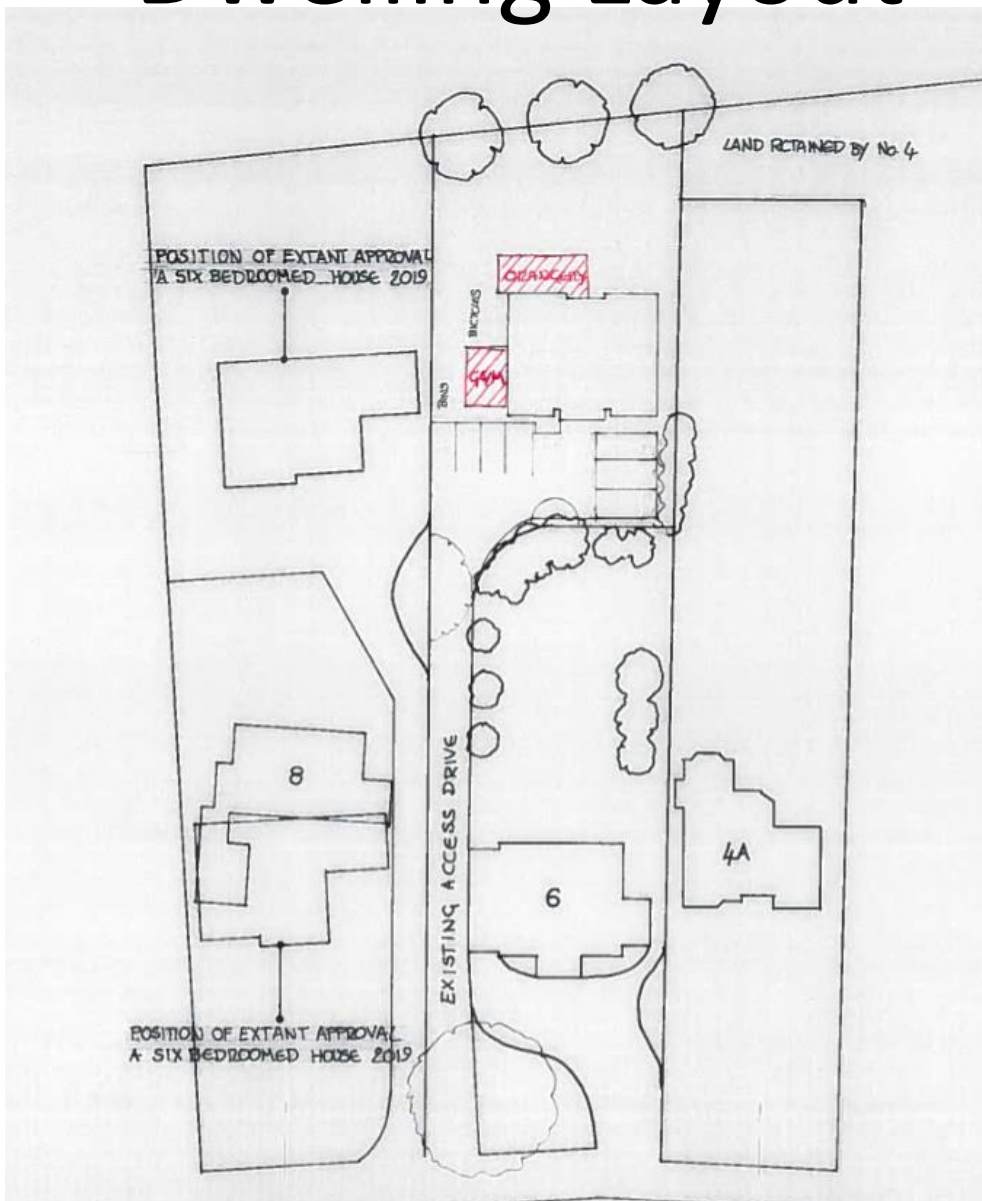
The Keepers, 6A St Catherine's Road, Blackwell,  
Worcestershire, B60 1BN

Recommendation: Grant

# Location Plan



# Dwelling Layout



# Front and Rear Elevations

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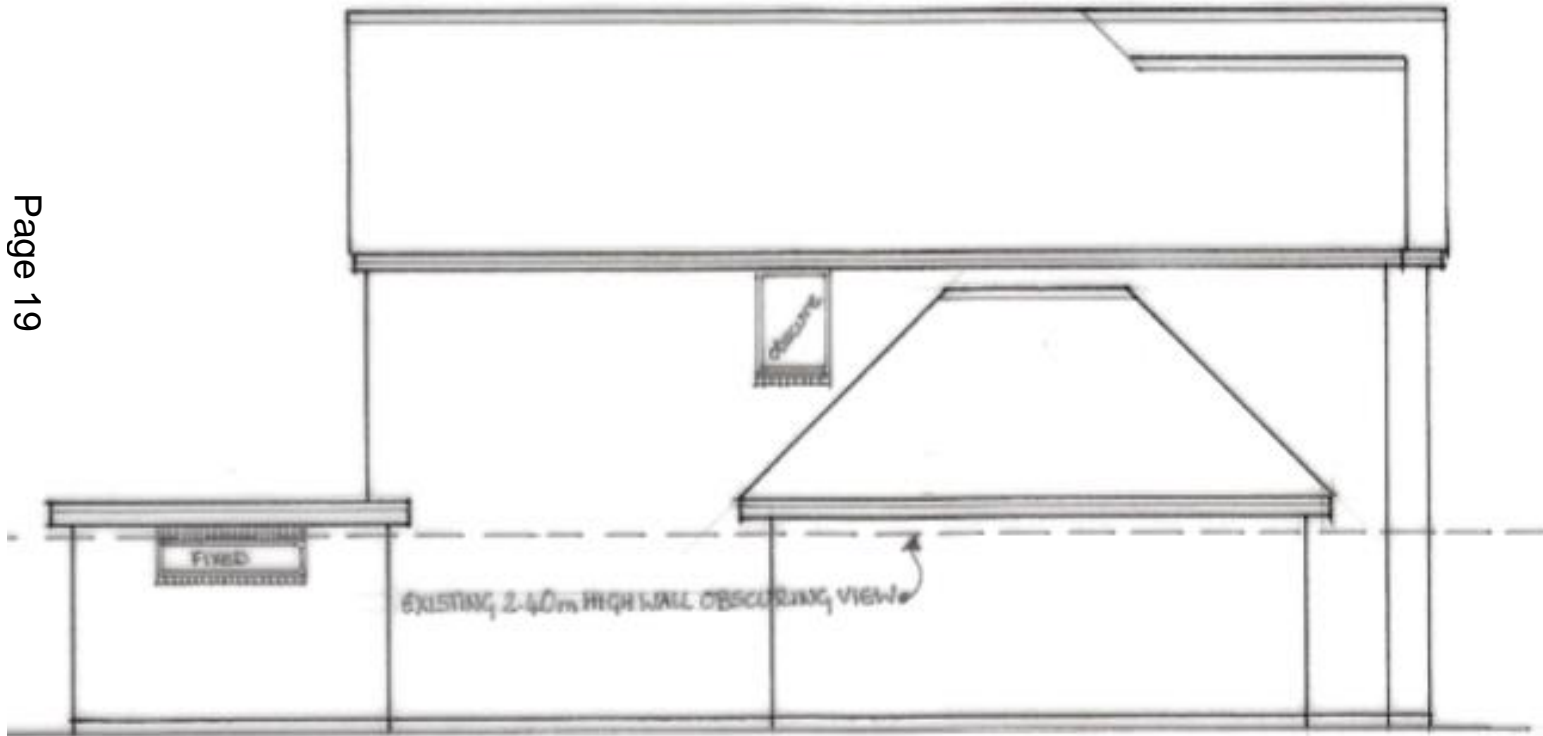
PROPOSED REAR ELEVATION 1100

Agenda Item 5



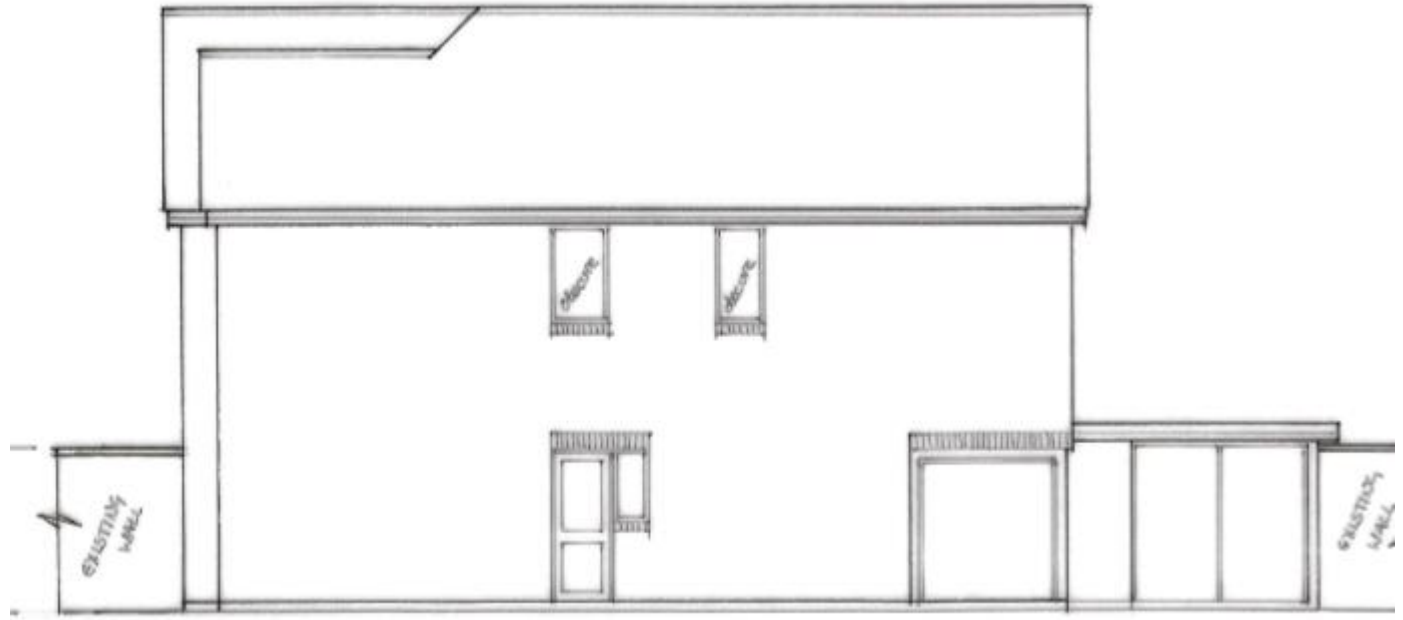
# Side Elevation (facing 8 St Catherines Road)

Page 19

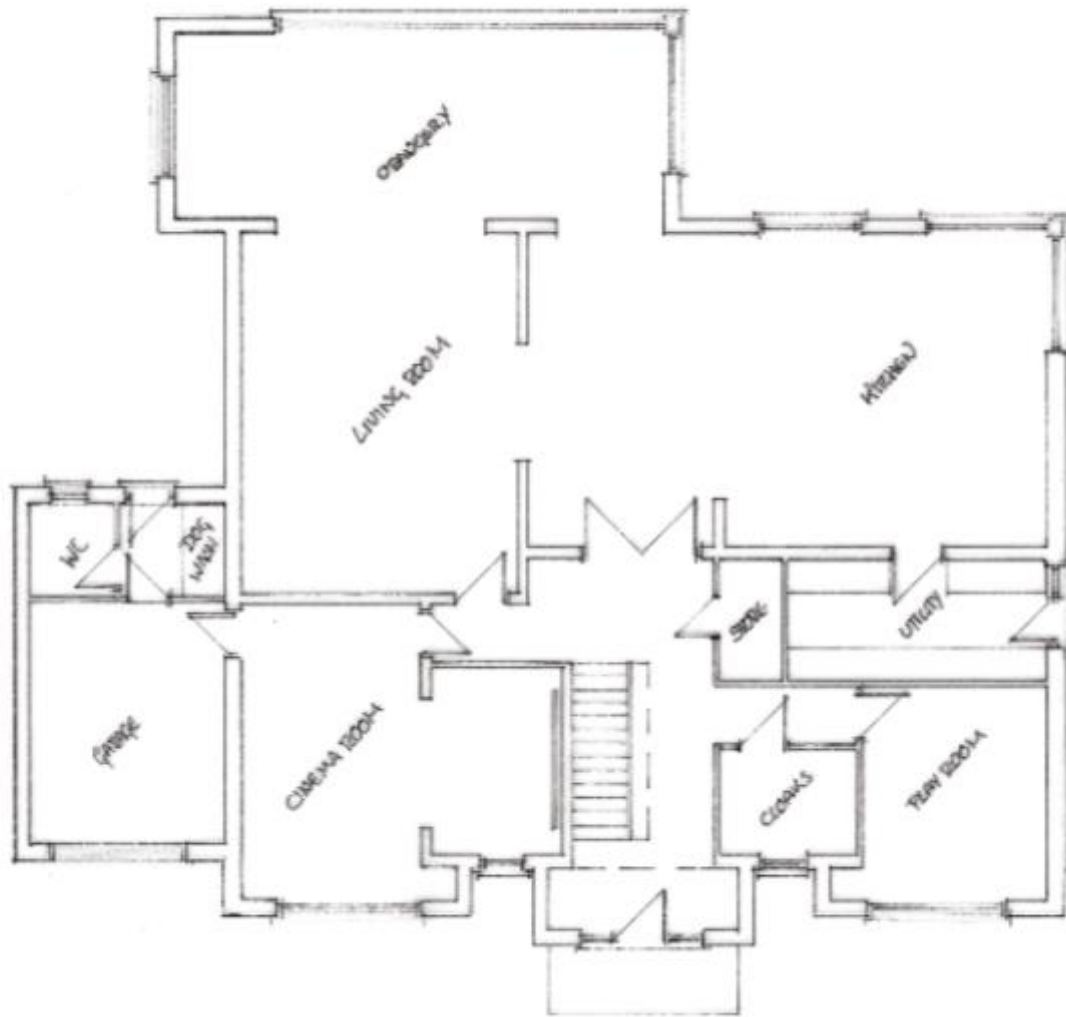


Agenda Item 5

# Side Elevation (facing 4A St Catherines Road)

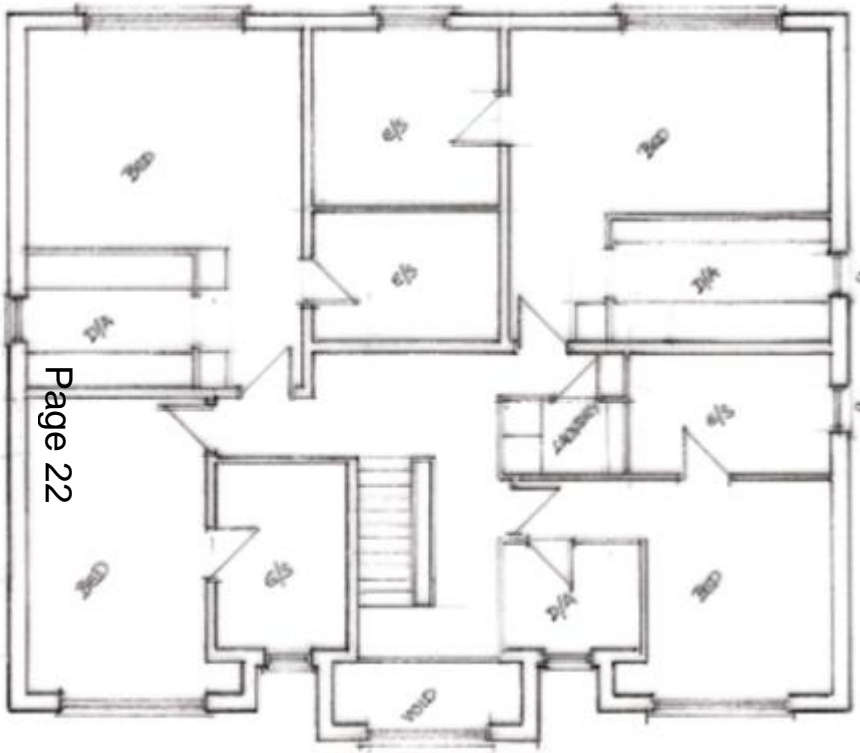


# Floor Plan

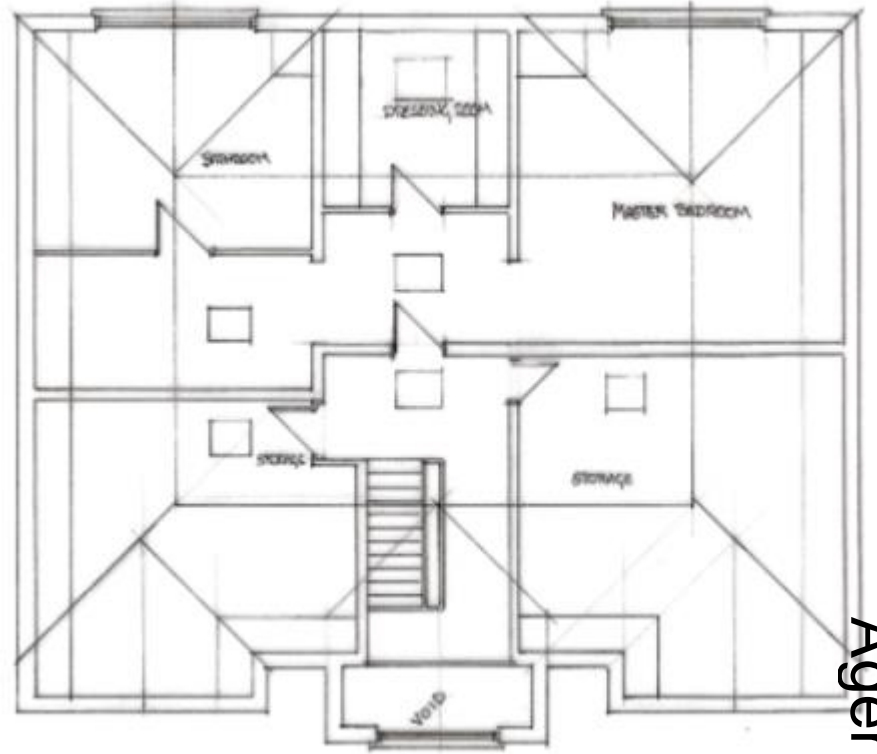


Ground Floor

# Floor Plan



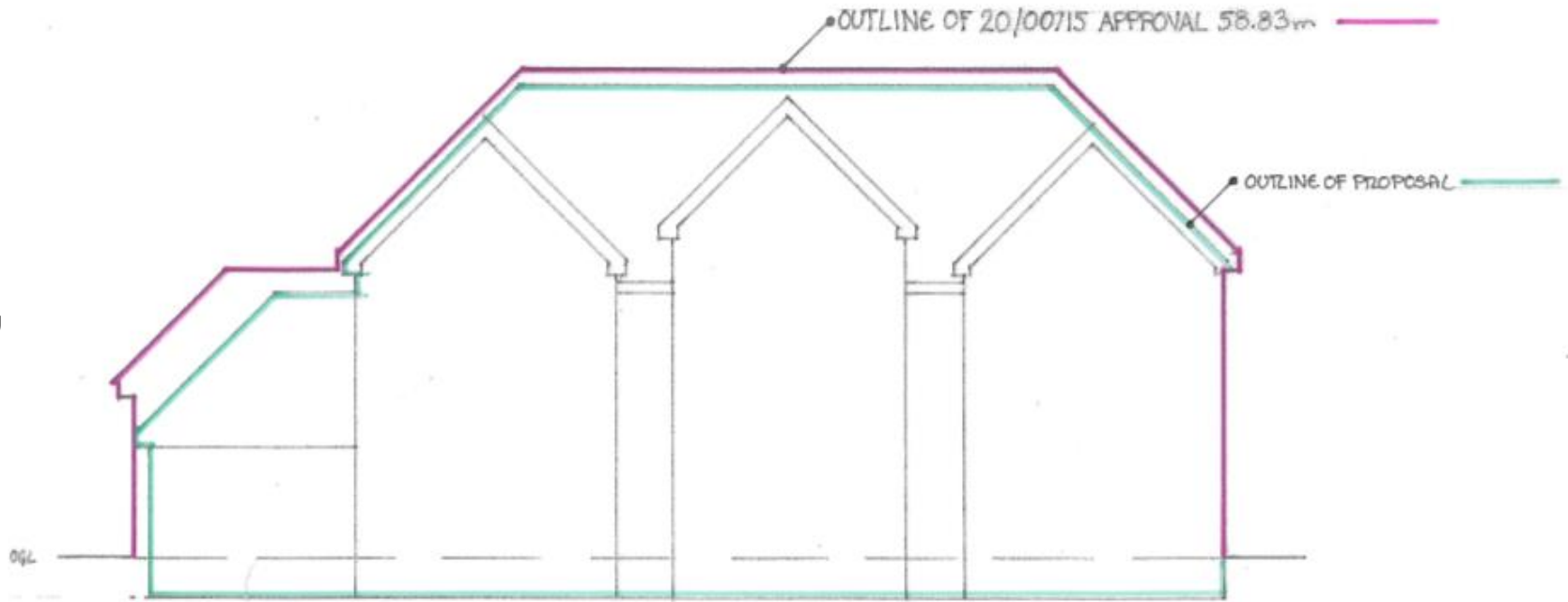
First Floor



Second Floor

# Comparison Plans

Page 23



SUPERIMPOSED COMPARISON ILLUSTRATING  
HOW THE PROPOSED DWELLING HOUSE SITS  
COMFORTABLY WITHIN THE CONFINES OF  
THE EXTANT PREVIOUS APPROVAL 20/00715

Agenda Item 5



20/00715/FUL  
 approved  
 scheme before  
 level change

Agenda Item 5



21/01086/FUL  
 approved  
 scheme after  
 level change

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APPROVED APPLICATION 21/01086

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Current proposal  
after level change

Agenda Item 5



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Green Clover Developments Limited	Demolition of a warehouse and replacement with an agricultural building for vertical farming  Units 2B To 2D, Oakland, Seafield Lane, Portway, Worcestershire B98 9DB	14.11.2022	22/01114/FUL

**RECOMMENDATION:** That planning permission be **GRANTED**.

## Consultations

### **Highways - Bromsgrove**

No objection subject to conditions in relation to cycle parking, accessible parking provision and electric vehicle parking provision.

### **Beoley Parish Council**

Beoley Parish Council can see no technical reason to object to this application.

### **Agricultural Consultant**

There are no concerns regarding the use of the building and the reasons for the building, as it is reasonable to require an agricultural building that complies with relevant structural and health and safety standards. It is considered that the need for the building is justified. We have not been to the site so cannot verify whether there are any other buildings that may be suitable and available.

There are no significant concerns with regards to the size of the building since it will replace an existing building of the same footprint and in this case, the larger the floorspace, the greater the growing capabilities. The design and the proposed materials are considered appropriate. The agricultural building will benefit from the existing infrastructure that is already present at Oakland International, including access and parking.

### **North Worcestershire Water Management**

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding (looking specifically at where the proposed building is to be located).

According to aerial photographs, the site of the proposed building is currently developed/hardstanding, therefore there should be no increase in runoff generated from the site and therefore no impact upon flood risk. I assume the existing drainage arrangements will be utilised although no details have been submitted. As a major application, the use of SuDS is expected. The following condition is recommended:

No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform

with the non-statutory technical standards for SuDS (Defra 2015). The submitted scheme shall give priority to achieving infiltration techniques and the scheme shall include the details and results of field percolation tests.

## **WRS - Contaminated Land**

No objection subject to the provision of gas protection measures or the provision, implementation and verification of a remediation scheme.

## **WRS - Air Quality**

WRS has no adverse comments in respect of air quality.

## **WRS - Noise**

The applicant has been requested to confirm whether any external plant is proposed, a final response from WRS in relation to noise is awaited.

## **Worcestershire Wildlife Trust**

Certainly, the interior would be unsuitable for roosting given its use. Assuming the outer walls are tight fitted and offer no opportunities for bats under flashing or outer components of the roof, the potential for bat roost would be very limited.

## Public Consultation

Site notice displayed 05.10.2022 (expired 29.10.2022)

Press notice posted 14.10.2022 (expired 31.10.2022)

No comments received.

## Relevant Policies

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP22 Climate Change

### **Others**

Bromsgrove High Quality Design SPD

NPPF National Planning Policy Framework (2021)

## Relevant Planning History

The site has a long and complex planning history. The most relevant to the site are outlined below:

12/0455	Extension to existing Cold Store Appeal allowed 12.09.2013	Refused	10.01.2013
09/0996	Erection of 5049 sq m warehouse to replace former poultry sheds at rear of	Granted	21.04.2010

# Agenda Item 6

22/01114/FUL

premises.

10/0238	Use of former agricultural sheds for storage and distribution (Use Class B8).	Granted	16.04.2010
B/2001/0039	Hygienic covered extension to cold store within existing Oakland Foods premises (as amended by plans received 12.02.01). Appeal allowed 03.08.2001 P1805/C/01/1058555	Refused	12.03.2001
B/2000/1337	Extension to existing food processing facility and extension to car park (northern)(as amended and augmented by plans and information recd 02.02.01, 05.02.01 and 09.02.01).	Refused	09.04.2001
B/1994/1027	Formation of car park for staff Appeal allowed 21/10/1997	Refused	11.03.1996
B/18923/1990	Erection of replacement/extension to egg packing station and erection of storage building. (as amended by plan received 29.1.90 and augmented by additional plan received 5.2.90).	Approved	12.02.1990
B/17745/1989	Erection of extension for farm offices, Attwell Farms Ltd.	Approved	10.04.1989
B/11294/1983	Extension to existing agricultural buildings. (as amended by plans received 7.10.83).	Approved	24.10.1983
B/3754/1977	Erection of 3 laying houses.	Approved	15.08.1977
B/1512/1975	Office accommodation within packing shed.	Approved	18.08.1975
B/1257/1975	Erection of replacement packing shed.	Approved	02.06.1975

## **Assessment of Proposal**

### Site Description

The application site (Oakland International) is located on the east side of Seafield Lane approximately 650m north of the junction of Seafield Lane with the B4101 Beoley Lane leading onto the A435. The Oakland site comprises a number of categories of buildings ranging from modern purpose built storage and distribution buildings to the immediate north and south of the application site. The building, which is the subject of the application is located in the central part of the main range of buildings on the site. Seafield Pedigrees and Atwell Farm Park are located on the opposite side of the road to the west. The land immediately to the north of the site comprises a car park with agricultural land beyond. There is a public footpath BE-552 along the field margin running along beyond the northern boundary of the site. The site is located in the Green Belt.

### Proposal

The proposal relates to the demolition of an existing warehouse building and its replacement with an agricultural building which will be used for vertical indoor farming. The building identified for demolition is numbered Building 2 comprising parts B, C and D on the accompanying site plan which are currently being used for the storage, packing, grading and distribution of food products. The building numbered 2A is being retained. The proposed building will be occupied by a company called Vertical Futures.

The collective floorspace for demolition is 2,592sqm. The replacement building will be erected on the same footprint as the demolished parts and would have 2,592sqm of floor space. The proposed agricultural building measures 7.7m to the eaves and 10.6m to the ridge. It should be noted that the height is 0.8m greater than the building being demolished. There would be two entrances to the building provided on the south east elevation. The existing access arrangements with Seafield Lane will remain in place and there are no proposals to alter the existing parking or turning areas.

### Background

In terms of background, Oakland ~~Redditch~~ are currently undergoing a major transfer of storage and distribution activity to other sites (Bardon, Corby and Dublin) and the trading volume at the Seafield Lane site is being reduced due to a number of factors. These include the unsuitability of some of the existing buildings (including warehouse 2) for storage and distribution following a Health and Safety Audit and the substantial increase in fuel costs have necessitated consolidation of activities at Bardon and Corby, where critical mass can be achieved. There would be a projected reduction of approximately 160 employees (reducing the current workforce at the site from 450 to 290). The vertical farming operation would employ 20 staff.

Vertical farming is a method of production within an entirely controlled environment where the crops are supplied with the appropriate levels of water, air and energy to encourage the maximum crop yield. It amounts to a step beyond more conventional methods such as the use of glasshouses. Vertical farming utilises LED lighting, hydroponic/aeroponic sprays to feed plants and the temperature and humidity of the facility are maintained at an optimum level. The advantage of the system is that yields are maintained at

predictable levels regardless of the prevailing weather conditions and production can occur in close proximity to the storage, packaging and distribution of the products. This reduces the food miles required to deliver the food produced and there are sustainability benefits arising from this approach. It is noted that only 50% of the UK's demand for vegetables and 16% of the demand for fruit is fulfilled from existing conventional agricultural systems which are heavily reliant on the availability of labour and weather conditions. It is estimated that approximately 750 tonnes of food would be produced annually at the facility. The application is accompanied by a Planning Statement, Agricultural Needs Statement and Transport Statement in which further details are set out in the relation to vertical farming technology.

## Principle

The site is located in the Green Belt where development is only considered to be appropriate if it falls within a closed list of exceptions. Policy BDP4.4(a) of the Bromsgrove District Plan (BDP) lists one of these exceptions to be buildings that are required for agriculture. This policy is consistent with paragraph 145(a) of the National Planning Policy Framework (NPPF). The views of the Councils Agricultural Consultant are noted. There are no concerns expressed in relation to the use, design and siting of the building for vertical farming purposes. In terms of scale, vertical farming utilises height and volume to achieve efficiency of production and it is considered that the additional 0.8m is justified in respect of the farming model proposed. The size of the building at 2,592sqm is commensurate with the production capacity envisaged and allows space for seeding and storage of supplies and water. In respect of scale, it should be noted that the building would replace an existing building of the same footprint and whilst the increased height is noted, it would be lower (at 10.6m maximum to ridge) than the adjoining building 3B (which is 12.9m to the ridge). Members should note that the building to be replaced is currently used for storage and distribution purposes and a Certificate of Lawfulness was granted for the use of a similar adjoining building (currently 3B) (former agricultural sheds) as falling within a B8 (Storage and Distribution Use) under application 10/0238. In terms of the planning merits of the proposal with respect to Green Belt and land use, it is considered that the loss of the B8 storage use to be replaced by an agricultural use would be considered a benefit. This is both in the context of the appropriateness of an agricultural use in the Green Belt and the potential reduction in traffic and servicing of the use were the building to remain within Class B8 (storage and distribution), as set out in paragraph 6.5 of the submitted Planning Statement.

The Agricultural Consultant raises the matter of the availability of other buildings to meet to requirements of the proposed vertical farming operation and refers to a number of the new buildings to the south east of the main range which have recently been constructed. These are referred to as buildings 4 and 5 on the site plans accompanying the application. These buildings comprise a Cold Store and an extension of this building (Ref:12/0455) was allowed under appeal on 12/09/2013. It is not considered that these buildings would be available or be of sufficient scale to accommodate the vertical farming proposal.

## Design and Appearance

The design of the building would be similar to that of the adjoining buildings with metal sheeted walls and roof. The building design will be entirely enclosed to ensure that

ambient environmental conditions are maintained. There would be limited visibility of the proposal from public vantage points such as Seafield Lane and it is not considered that the building would have any discernible impact when viewed from the public footpath to the north, given the current arrangement of buildings on the site. The proposed roof solar panels would not be easily visible by virtue of the configuration of the buildings on the site. It is considered that the proposal would comply with policy BDP19 and Sections 6.2 and 6.3 of the Bromsgrove High Quality Design SPD in respect of design.

## Drainage

It is stated that the drainage will utilise a sustainable drainage system. The site falls within flood zone 1 (with a low risk of fluvial flooding) The site of the proposed building is not shown to be susceptible to surface water flooding. It is assumed that the existing drainage arrangements will be utilised although no details have been submitted. As a major application, the use of SuDS would be expected. There are no objections raised by North Worcestershire Water Management subject to a condition requiring a surface water drainage strategy to be approved and implemented.

## Ecology

The application is not accompanied by a Preliminary Ecological Appraisal. However, the views of Worcestershire Wildlife Trust have been sought in relation to the requirement for a survey. It should be noted the interior of the building has been used as a chiller and enclosed in insulation material, the frontage of the building comprises two loading bays with sealed modern aluminium cladding. The building would not be considered to offer potential as a bat roost.

## Highways

The Planning Statement outlines that there would be reduction in Heavy Goods Vehicles (HGV) movements arising from the proposal. The level of reduction is not quantified. The agricultural building will require the import of seeds, consumables and feeds on small vehicles rather than HGVs and therefore it is considered that there would be reduction in the HGV traffic on Seafield Lane as a result. The building amounts to the replacement of existing floorspace and it is considered that the existing access, parking and servicing areas are adequate to meet the requirements of the proposal. There are no objections raised by Worcestershire Highways subject to conditions in relation to Electric Vehicle Parking Provision, Cycle and Accessible Parking provision.

## Residential amenity

The site of the proposed building is commercial in nature and it is not considered that the vertical farming proposal would have a discernible impact on residential amenity. The potential for reduced HGV movements would have some benefit in terms of the traffic levels on Seafield Lane between the site and the B4101. The comments of Beoley Parish Council are noted and whilst there is no objection raised to the current proposal, reference has been made to other unauthorised developments at the site. Your Officers are satisfied that the building to be replaced has an established lawful use and the matter of other developments without planning permission carries little weight in the

determination since the proposal must be considered upon its individual merits. No Third Party Representations have been received.

## Contaminated Land/Air Quality/Noise

The application site is within 250m of a registered landfill site or significant area of unknown filled ground which has the potential to produce landfill gas from degradation processes. WRS have no objection subject to a condition requiring gas protection measures or a risk assessment. There are no adverse comments of noise or air quality.

## Conclusion

The building would be used for a Vertical Farming operation and this amount to appropriate development in the Green Belt in the context of policy BDP4 of the Bromsgrove District Plan and paragraph 145(a) of the NPPF. The proposed building would replace an existing building on the same footprint which is currently in storage and distribution (B8) use. The size, design, use and siting of the building are considered appropriate. No objections have been raised by consultees or members of the public in relation to the proposal.

**RECOMMENDATION:** That planning permission be GRANTED.

## 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:

Drawing Ref: 9919-B-100 Site Location Plan

Drawing Ref: 9919-B-200 Existing Site Plan

Drawing Ref: 9919-B-201 Proposed Site Plan

Drawing Ref: 9919-B-300 Existing Ground Floor Plans and Elevations

Drawing Ref: 9919-B-301 Proposed Ground Floor Plans & Elevations

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

- 3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), no development included within Schedule 2, Parts 3 (Changes of Use) or

Part 6 (Agriculture and Forestry) shall be carried out on the holding without the Prior Approval of the Local Planning Authority to an application in that behalf.

Reason: In order to ensure that the proposed building remains available for agricultural purposes in accordance with policy BDP4 of the Bromsgrove District Plan and the NPPF.

- 4) The building the subject of this permission shall be dismantled and the resultant debris removed from the site should the use of the structure cease to be used for agricultural purposes within ten years of completion.

Reason: In order to protect the openness and visual amenity of the Green Belt in accordance with policy BDP4 of the Bromsgrove District Plan and the NPPF.

- 5) (a) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. Verification of the installation of gas protection measures must be carried out in accordance with current UK guidance and best practice.

or

b) A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. Verification of the installation of gas protection measures must be carried out in accordance with current UK guidance and best practice.

Reason: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed.

- 6) The Development hereby permitted shall not be first occupied until 6 sheltered, safe, secure and accessible cycle parking spaces to comply with the Council's adopted highway design guide has been provided in accordance with details which



shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 7) The Development hereby approved shall not be brought into use until 1 accessible car parking space has been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all.

- 8) The Development hereby approved shall not be opened until 2 electric vehicle charging spaces have been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority. The power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities.

- 9) No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015). The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To allow proper consideration of the proposed surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

**Case Officer:** David Kelly Tel: 01527 881666  
Email: david.kelly@bromsgroveandredditch.gov.uk

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22/01114/FUL

Units 2B To 2D, Oakland, Seafield Lane, Redditch, Worcestershire B98 9DB

*Demolition of a warehouse and its replacement with an agricultural building for vertical farming*

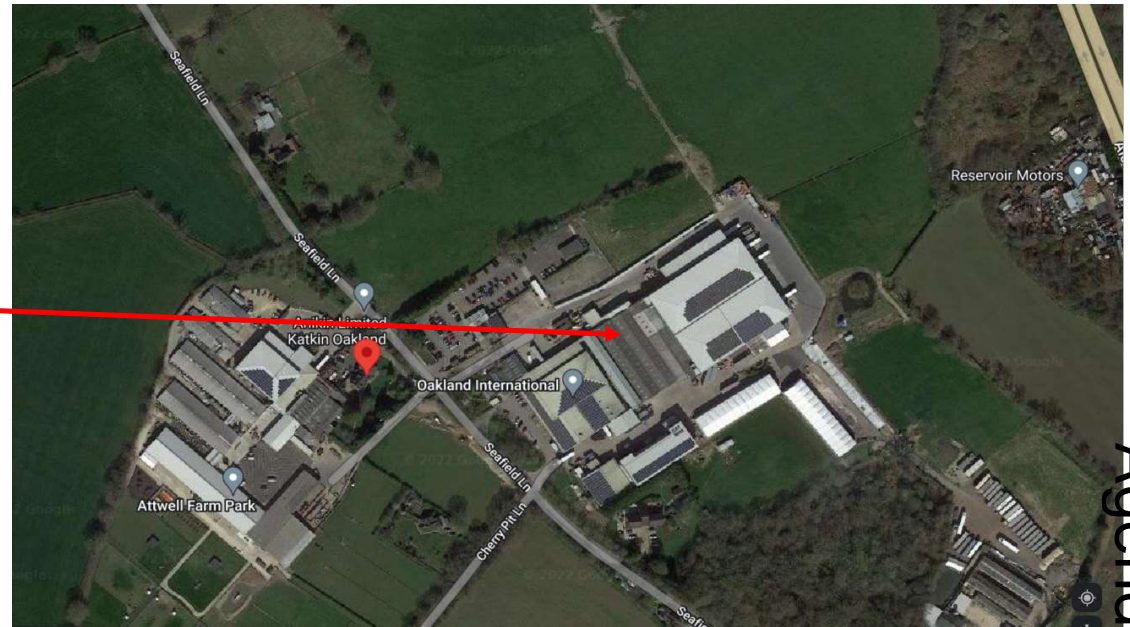
Page 37

Recommendation: Grant subject to conditions

Agenda Item 6

# Site Location and Aerial View

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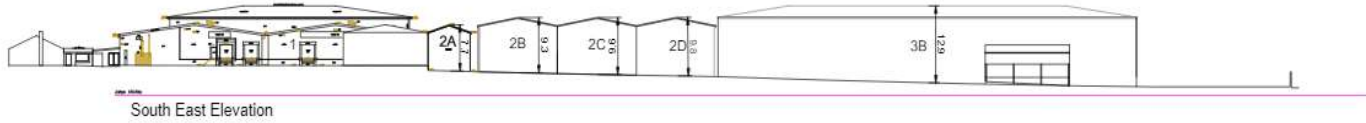
# Existing Block Plan



# Proposed Site Plan



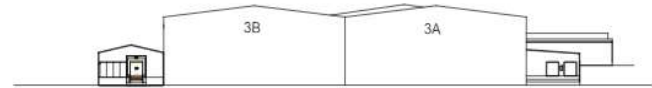
# Existing Elevations



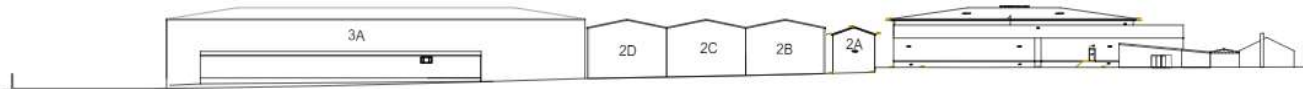
South East Elevation



South West Elevation

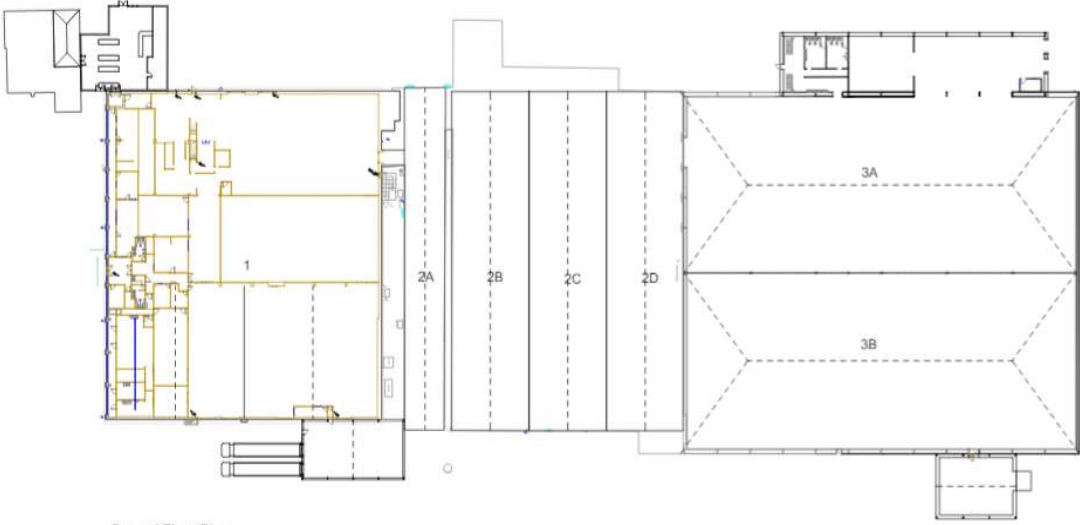


North East Elevation



North West Elevation

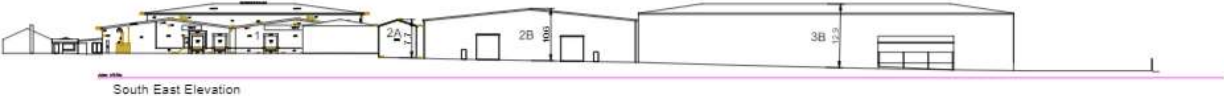
# Existing Floorplans



Ground Floor Plan



# Proposed Elevations



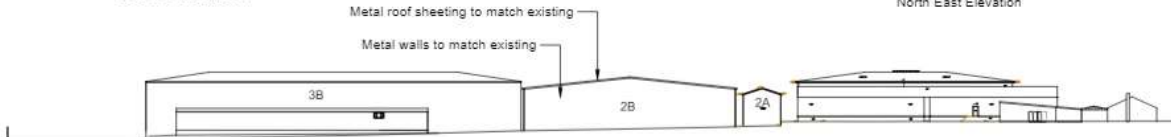
South East Elevation



South West Elevation

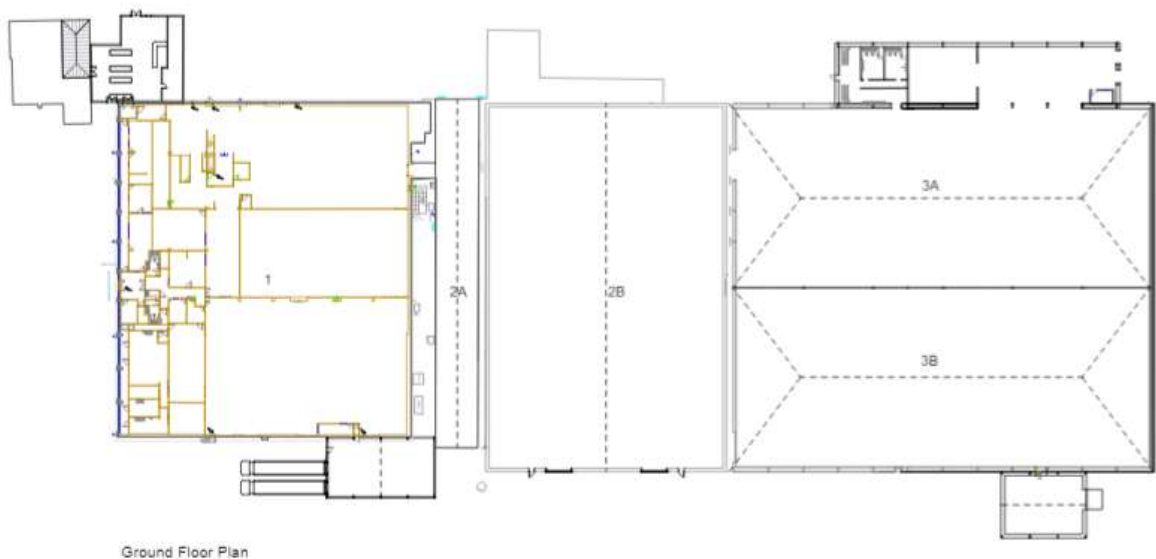


North East Elevation



North West Elevation

# Proposed Floorplans



Ground Floor Plan

# Site Photos



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Internal views

External views



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# Agenda Item 7

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 several gaps in the hedging which allow views through to the rear elevation of The Barn, particularly from the south east corner of the site, at the junction of Woodman Lane with the public bridleway. At this junction, there is a clear gap where the post and rail boundary fencing is viewable, and there is little vegetative cover. Indeed, there are clear views from here towards the position of the approved extension. In addition, at certain times of the year this native hedging would die back and enable further and more prominent views of the property. Also, 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. The applicant has submitted further evidence and photos to demonstrate that the extension would not be viewable from public highways, however officer photos show that this is not the case. It is noted that the application site (and particularly any development on it), would be prominent from viewpoints to the south and east – and if the existing vegetation here were to be lost, or trimmed, the site would become prominent from public vantage points. Notwithstanding the above, we live in a changing climate and no-one is certain what the future of native tree species will be. We note it is difficult for the Council to control vegetation in perpetuity and the point to note here is that vegetation cannot be relied upon to mask development in the long term. Indeed, advice from Historic England is that hedges and vegetation are not necessarily permanent in the lifespan of a building and should not be used as a reason for allowing development, which in itself may not be acceptable, as recognised in Historic England's Good Practice Planning Advice Note 3 on The Setting of Heritage Assets

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 some extensions, additions or alterations permitted may not be large or substantial, others, such as a two storey addition would be substantial and visible in public views affecting 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, as mentioned elsewhere in this report, 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 140m<sup>2</sup> (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 perspective.

### 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 other 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 metal 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. This type of rooflight is also more 'lightweight' visually, with a slimline frame, and is designed with a lower profile, enabling it to sit recessed into the roof. Whereas, it is noted that the current rooflights are more prominent, being chunkier in appearance, stand proud of the existing roof tiles and are less traditional in style. Given that there are likely to be views across the garden from Woodman Lane, in particular, towards the extension, especially in the winter months, this means that the side elevation and thus, the rooflights, would be visible. Therefore, by reducing the visual prominence of this face of the building, the addition of top-hung rooflights is considered acceptable, as opposed to the more strident pivoting styles.

4.6 It is noted that the applicant has objected to installing top-hung rooflights and asks that the new rooflights match the originals. However, it is considered that the requirement for more lightweight, metal rooflights is justified for this new phase of development, particularly since there are no immediately adjacent existing rooflights. There are not any other rooflights on the gable element to which the approved extension would join, and the other rooflights are less prominent to this part of the building, with two of them being set back and at high level on a recessed part of the east elevation and a further one being on the existing conservatory roof and being to the south, rather than east elevation. So the new conservation rooflights would not be seen with the context of a different style of rooflight.

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/ Additional Justification**

6.1 A Planning Statement, additional comments and photographs have been submitted by the applicant, in support of the application and in rebuttal to the Committee Report which was originally scheduled for the 10 October meeting, then subsequently deferred at the request of the applicant, to be presented at November Committee. The contents of these documents are noted, the key points of which 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 Whilst the applicant contends in their further comments that this appeal decision is materially different to the current case, due to the appeal site decision being made at a time when the policy was in operation to enable removal of PD rights, officers take the view that likewise, in considering the current application it is: a) reasonable to assess the proposals in the context of current guidance and policy, and b) that in any event the development now proposed has reached a point where further changes could be harmful, which is a material consideration.

6.7 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.

6.8 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.

6.9 The applicant also makes the point that whilst the building began life as an agricultural building that it now looks nothing like an agricultural building, in relation to considering the proposals in relation to its rural buildings policies and guidance. Photographs are submitted to demonstrate this by the applicant. However, officers take the view that whilst much of the character of the original simple barn have been lost, that the features that do remain are arguably worthy of greater protection to ensure that they are not lost or significantly compromised. The building features traditional brick and plain roof tiles, vertical cladding to two of the gables of an agricultural style, with the main roof being largely of simple form. There is evidence of a double height opening to the north elevation thought to contain the threshing barn doors, and other openings are in an irregular arrangement more typical of agricultural buildings than planned domestic buildings.

## 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 would 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 Design 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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22/01137/S73

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

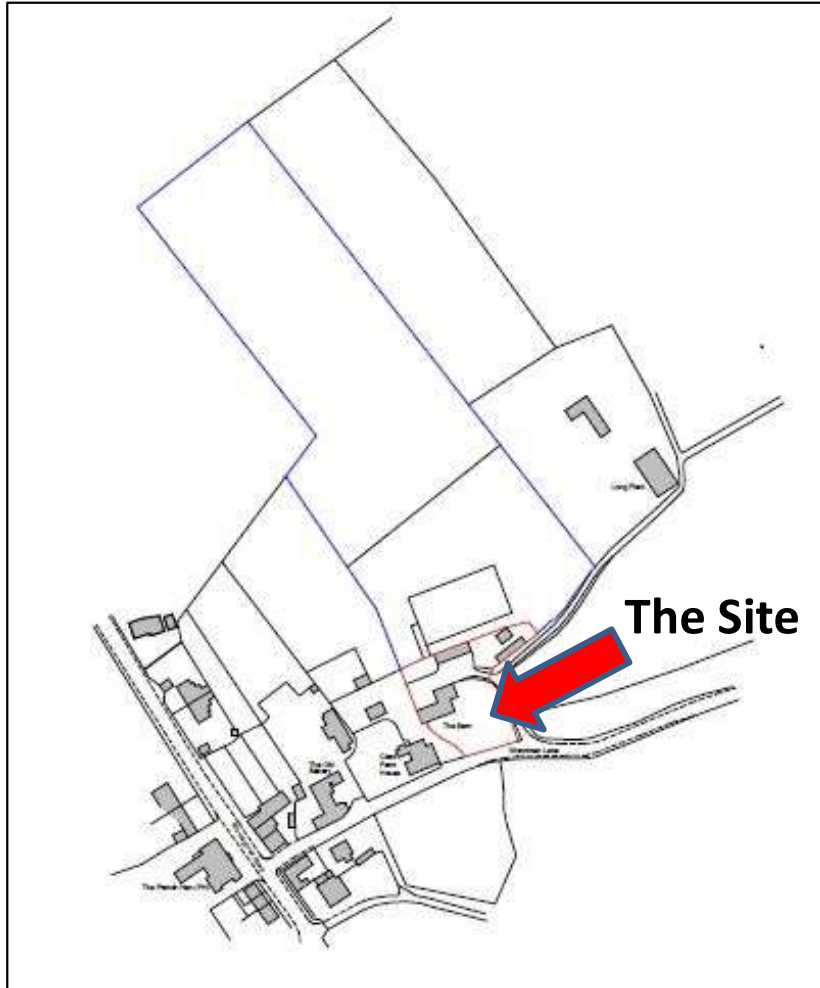
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Removal of Condition 3 (Permitted Development Rights) and  
Variation of Condition 6 (Conservation Rooflights) of  
Planning Approval 21/01248/FUL - Single Storey Side Extension

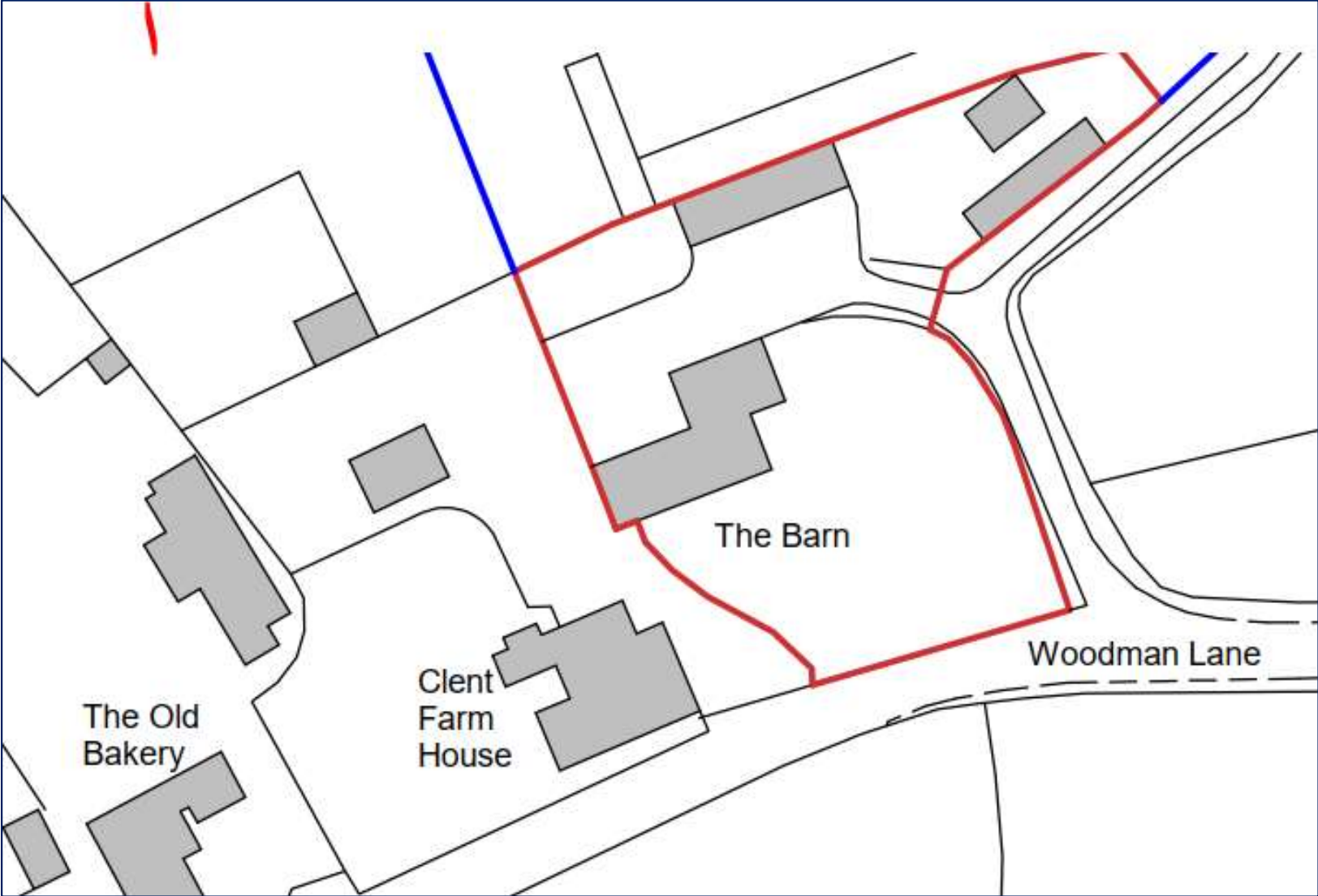
Recommendation: Refuse Planning Permission

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# Location Plan and Aerial View



# Existing Block Plan



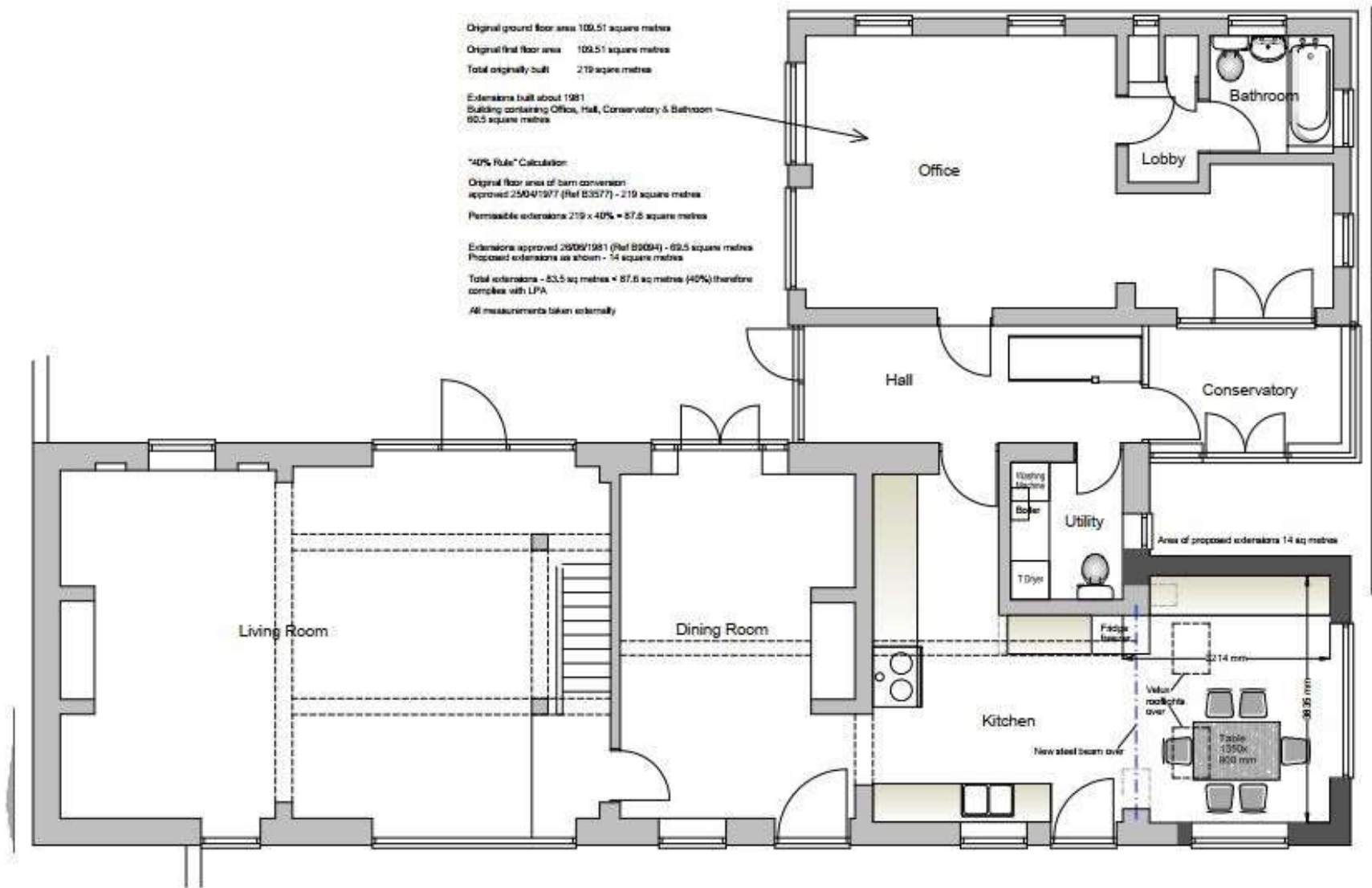
# Approved Floor Plan

Original ground floor area 109.51 square metres  
 Original final 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 25/04/1977 (Ref B3277) - 219 square metres  
 Permissible extensions 219 x 40% = 87.6 square metres

Extensions approved 29/09/1981 (Ref B9094) - 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



# Photo showing gaps in boundary planting to Woodman Lane



# Rooflight Images

- Top-Hung Flush Rooflight



- Existing Velux Rooflights



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr M Attwell	Variation of condition 8 planning permission 19/01544/FUL - Variation of opening hours to visiting members of the public  Attwell Farm Park, Seafield Farm, Seafield Lane, Portway, Redditch Worcestershire	09.12.2022	22/01241/S73

**RECOMMENDATION:** That planning permission be **GRANTED**

## Consultations

### **Highways – Bromsgrove**

No highway objection to the proposed variation of condition 8 for planning permission 19/01544/FUL. The variation of opening hours to visiting members of the public from 5:00pm to 6:00pm. No highway implications with the 6pm closing time being proposed.

It should be noted Highways would not be able to provide the appropriate evidence to support a refusal since this is a minor change to the operating hours with no suggestion that it increases the visitor numbers.

### **WRS – Noise**

No objection to the variation of condition application in terms of noise. For your information; I have reviewed our nuisance database and can find no current nor historic nuisance complaints relating to the site.

### **Beoley Parish Council**

We at Beoley Parish Council object to this application which, if granted, will inflict even more misery upon local residents. Seafield Lane is already over congested with traffic at the best of times, both with Attwell Farm Park and Oakland International, but with winter dark evenings approaching and no streetlights on a 60mph Lane, the risks are massive. The original granting of permission was based upon restrictions to both parking and opening hours and now this business simply wants to over-ride these restrictions. They were put there for valid and sensible reasons, which remain. We object.

### **Public Consultation**

9 letters sent (10.10.2022)

Site notice posted 23.09.2022 (expires 17.10.2022)

Press notice published 23.09.2022 (expires 10.10.2022)

6 letters of objection have been received raising the following concerns:

- Currently open most days of the year.
- Allowing extended opening hours will only add to the frustrations and annoyance that this development has caused.
- Intrusion into our privacy
- Erode the residential amenities and the residents right to peaceful living.

- Traffic, noise, nuisance and light pollution etc caused by extending the opening hours will have a direct detrimental impact on the living conditions of the neighbouring residents.
- Children under 10 are not learning anything in the evenings, it is just money making venture whilst causing nuisance and inconvenience for the locals.
- Completely excessive for an educational facility.
- Whilst some might take the view it is only an hour, with all the lights on until 6:00pm and the traffic not leaving till 6.30:pm it makes a big difference summer and winter. In the summer just having an hour in the garden with it quiet or being able to walk the dog without excessive traffic on the lanes makes a big difference to our quality of life.
- Traffic levels and highway safety. This lane has a 60mph speed limit and has no street lighting.
- The lane is completely unsuitable for any traffic other than residents who are familiar with the lane, particularly in the dark.
- None of the reasons offered for justifying the need for extending the opening hours to meet attendees' requirements are supported by any factual evidence to show that any of the referenced users were unable to attend because of the existing agreed opening hours.
- The applicant claims that by extending hours he will be able to influence when families arrive and depart. There is no evidence to support how this is possible. In reality families will necessarily choose for themselves when to visit to suit their situation.

## **Visit Worcestershire**

Anticipates the variation of the condition would lead to increased numbers of visitors to the area but over an extended period which could lead to opportunities for other local businesses and suppliers.

**Councillor English** - Attwell Farm Park was granted planning permission on 21st October 2020 but with various conditions including one to restrict opening hours so that they were from 9am - 5pm to 'safeguard the amenities of neighbouring residents'. These conditions were set by the planning committee in discussions with the planning officers. The Farm Park is a Bromsgrove business success but when looking to vary conditions we have to be mindful that the conditions will still safeguard the residents' amenities and also help the business in these difficult times.

With this in mind I would suggest the following opening hours:

9:00am – 5:00pm every day during (Worcestershire's) school term time

9:00am – 6:00pm Worcestershire school holidays during daylight saving hours.

I would not support an open-ended 9:00am – 6:00pm for special occasions as this could be open to interpretation and difficult to monitor and enforce.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP12 Sustainable Communities



Plan reference

BDP13 New Employment Development  
BDP16 Sustainable Transport  
BDP19 High Quality Design  
BDP21 Natural Environment

## **Others**

NPPF National Planning Policy Framework (2021)  
NPPG National Planning Practice Guidance

## **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
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## **Assessment of Proposal**

### **EXISTING PLANNING CONDITION**

Planning condition 8 of planning permission 19/01544/FUL states:

Visiting members of the public shall be limited to between 9:00am and 5:00pm.  
Reason: To safeguard the amenities of neighbouring residents.

### **PROPOSAL**

The application seeks to amend condition 8 attached to 19/01544/FUL to the following:

- 9:00am and 5:00pm school term time
- 9:00am and 6:00pm weekends and school holidays
- Special occasions hours to suit the requirements of various seasonal events for example:
  - Halloween
  - Easter
  - Christmas
  - And other national events that may be applicable eg. Jubilee

It has been clarified by the applicant that the indoor areas only would be open during the later hours during wintertime: the animals outdoors naturally go to their housing at dusk, outdoor lighting is not proposed.

Members will note this application relates to a Section 73 application. The procedure in Section 73 of the Town and Country Planning Act 1990 permits a developer to apply for planning permission to carry out development already authorised by an extant planning permission without complying with one or more of the conditions of that permission.

## **GREEN BELT**

The essential characteristics of Green Belts are their openness and their permanence. The farm park already benefits from planning permission and operates within the Green Belt. No change of use or operational development is proposed. Although visitors would be on site longer than the current planning permission permits, this is not considered to be harmful with regard to Green Belt policy. NPPF para 145 explains that local planning authorities should plan to positively enhance the beneficial use of Green Belt, such as looking for opportunities to provide access. The application seeks to improve access to the farm park and to the Green Belt and therefore is considered to comply with Green Belt policy.

## **HIGHWAY MATTERS**

The supporting information submitted with the application explains that the longer opening hours will spread out the times of visitors travelling to and from the park and avoid any peaks in traffic flow. There is no proposal to provide any additional parking facility as part of this application. Objectors have expressed concern at existing and future traffic on Seafield Lane and nearby country lanes and consequences for highway safety. A Travel Plan was submitted and approved under condition 13 attached to planning permission 19/01954/FUL. However, it should be noted that there is no explicit control in the current planning permission on the number of visitors or vehicles (other than by the number of car parking spaces) at the site during the times of 9am-5pm and it would not be reasonable to seek to impose such control in determining this application. Access to the farm park is by ticket and therefore it can be expected that the owners can control the numbers and that the level of parking available at the site and the need to ensure site safety for visitors would be self-limiting.

The NPPF (para 111) sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Access to the site is achieved from the public highway network. The Highway Authority has been consulted and raised no objection to the application. In particular, the comments state that '*Highways would not be able to provide the appropriate evidence to support a refusal since this is a minor change to the operating hours with no suggestion that it increases the visitor numbers.*' Therefore, it is considered that a refusal based on highway considerations could not be substantiated.

## **ECONOMIC MATTERS**

Para 81 of the NPPF states that decisions should help create the conditions in which businesses can invest, expand and adapt. Policy BDP12 is supportive of services and facilities that meet the need of the community and of enabling existing facilities to adapt to changing needs. BDP15 supports proposals that satisfy social and economic needs of rural communities, encourages diverse and sustainable rural enterprises and tourism related initiatives appropriate to the countryside. The proposal is consistent with these policies. Furthermore, a letter from Visit Worcestershire identifies the benefit of the farm park to the local economy.

The application represents an adaptation of the existing business and this is required by government policy to be given significant weight in support of the application in the planning balance. Economic considerations weigh in favour of the proposal.

## **IMPACT ON AMENITIES OF NEIGHBOURING RESIDENTS**

The reason the condition was imposed by Planning Committee when it resolved to grant planning permission for this use was to safeguard neighbour amenity. Prior to the submission of the application residents have complained about noise from the site. In response to the application, concerns have been received from local residents regarding the adverse impact of increasing the opening hours on amenity, particularly with regard to noise and lighting detracting from the enjoyment of their property and the rural location.

WRS has been consulted and has raised no objection, adding that no complaints have been made to its service. The supporting information explains that visitor numbers are expected to be spread over a longer time period to 6pm, with lower concentrations of inbound and outbound traffic movements during the day and thus with the noise associated with these. It is noted that there is no limit or control over total visitor numbers at the site, or traffic movements under the approved planning permission. It would be unreasonable to impose a specific condition limiting the number of users on site as no indication of users has been provided and, in my view, would be difficult to enforce.

The Local Planning Authority cannot control the level of noise generated at the site under the planning permission that has been granted. An increase in time for the public to be present on the site from 5:00pm to 6:00pm at weekends and during school holidays is not considered to be excessive or unreasonable. It is likely that this would be at the later end of when families would leave the site considering that the applicant has advised that the main customer base is young families – children under 10 and grandparents. WRS has not identified any concern with this proposed increase. Therefore, whilst the later opening time can be expected to have some impact on neighbour amenity, in planning terms it is not considered to be significantly harmful to justify a refusal. School holidays can vary depending on the local education authority area. It seems reasonable to link these to the school holidays as they relate to Bromsgrove District.

With regard to concerns on lighting, there is an on-going investigation into an allegation of new lighting being installed at the site without planning permission.

No lighting is proposed as part of the application. The existing condition allows the public to be on site until 5:00pm i.e. after dusk during wintertime (no lighting was proposed or approved as part of the existing planning permission for the site). The applicant has also indicated that only indoor areas would be open during winter as the animals in the outdoor

pens naturally go into their shelters at dusk and it would be too dark to supervise outside in winter, though this would be difficult to enforce. Therefore, the proposal is considered to be little different to the extant permission with regard to lighting.

However, a removal of the condition to allow hours to suit various seasonal events does raise concern that the farm park could be open very late in the evening which could conflict with the time when residents could reasonably expect rural enterprises to close and to be able to enjoy a quieter time at home. No compelling evidence has been submitted to demonstrate that amending the condition to enable 'hours to suit' is necessary for the use of the site and would not be harmful to neighbouring amenity. Therefore, removal of the condition to allow hours to suit various seasonal events is not supported. Such an approach does not meet one of the tests for the imposing of conditions in terms of being precise. Members will note the comments from Councillor English on this point.

An appropriate revision to condition 8 is considered to be:

Visiting members of the public shall be limited to between:

9:00am and 5:00pm Monday – Friday on non-official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

9:00am and 6:00pm Saturday and Sunday and official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

## **PLANNING BALANCE**

Allowing the public to visit the farm park till 6:00pm rather than 5:00pm may increase the total number of vehicles on surrounding roads compared to the existing authorised hours however Highway Authority has made clear that it has no concern with the proposal. It may result in lower noise levels during part of the day if visitors spread out their visits as suggested in the supporting evidence put forward by the applicant. However, this cannot be guaranteed. It may also prolong the timescale over which visitors can be heard at the farm park, though at 6:00pm this is not considered to be significantly harmful to amenity.

The proposal would offer increased access to the Green Belt, to local facilities, an education opportunity, tourist provision and economic benefits, all of which are material planning considerations and weigh in favour of the proposal. Planning policy also requires significant weight to be given to economic considerations in determining the application.

To conclude in terms of the planning balance, it is considered that a variation of the condition to 9:00am and 6:00pm on Saturday, Sundays and during local school holidays would be acceptable. The removal of the hours restriction to allow for seasonal and other national events is not supported for the reasons set out above.

If Members are minded to approve this application, this will result in a new and independent planning permission to carry out the same development as previously permitted but subject to the new and amended conditions as specified. Any new consent does not amend the pre-existing planning permission but rather establishes a new consent, leaving the original planning permission (19/01544/FUL in this case) intact and unamended.

**RECOMMENDATION:** That planning permission be **GRANTED**

**Conditions:**

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings -
  - WAA 061/P/201 Rev H - Site Plan
  - WAA061/P/400 - PROW Boundary Confirmation
  - Car Park - 09.02.2020
  - WAA 061/P/204/Rev B - Detailed Floor Plans
  - WAA 061/LP01/401 - Proposed Elevations
  - WAA 061/LP01/402 - Proposed Elevations 2Reason: To define the permission and to ensure that the development meets the design quality and environmental
  
- 2) There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees and hedgerows unless previously approved in writing by the Local Planning Authority. The scheme of hard and soft landscaping to be applied to the Overspill Parking Area, that includes:
  - (a) planting plans (to a recognized scale and to be of native species appropriate to the character of the area) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
  - (b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
  - (c) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
  - (d) any existing trees and hedges, which are to be retained, accurately plotted;
  - (e) Overspill Parking Area layout;
  - (f) Sympathetically constructed and drained hard surfacing of the Overspill Parking Area. The location, type and materials to be used for the Overspill Parking Area permeable hard surfacing including details of sustainable drainage integration and including specifications and details of manufacturer, type and design of the proposed surfacing. Samples may be required to be submitted and approved;
  - (g) a timetable for the implementation of the soft and hard landscaping scheme.) shall be carried out strictly in accordance with the approved details and timetable of implementation approved on 7th January 2022 and shall thereafter be protected, maintained and managed in accordance with the approved details.

shall be carried out strictly in accordance with the approved details and timetable of implementation approved on 7th January 2022 and shall thereafter be protected, maintained and managed in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to ensure the Overspill Parking Area can be used for visitor access and parking during wet weather conditions in the interests of highway safety.

- 3) The acoustic fence shall be erected in accordance with the details and implementation timetable that have been approved in writing by the Local Planning Authority on 22nd June 2021 and shall remain on site in accordance with the approved details thereafter.

Reason: To safeguard the living conditions of the residents of Seafield Lodge from noise generated by the approved visitor car park.

- 4) There shall be no external lighting provided in connection with this development.

Reason: To safeguard the rural character of the area.

- 5) The approved plans, specification and management scheme for the enhancement of the site for biodiversity and ecology through the provision of features including native hedgerow reinstatement, native tree planting and new bat and bird roosting/nesting boxes, implementation timetable approved by the Local Planning Authority on 7th January 2022. The scheme shall be completed in accordance with those details and implementation timetable that have been approved in writing by the Local Planning Authority and shall be subsequently managed and maintained in accordance with the approved specification and scheme.

Reason: To ensure a net gain in biodiversity and ecology is achieved.

- 6) If within a period of five years from the date of completion of the tree, hedgerow and shrub planting scheme pursuant to conditions 2 and 5, any tree, hedge or shrub plant is/are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced.

- 7) Visiting members of the public shall be limited to between:

9:00am and 5:00pm Monday – Friday on non-official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

9:00am and 6:00pm Saturday and Sunday and official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

Reason: To safeguard the amenities of neighbouring residents.

- 8) In addition to the 5 electric vehicle charging spaces provided in accordance with a specification approved by the Local Planning Authority on 13th May 2021, a further 5 electric vehicle charging spaces shall be provided by 21 October 2023 and following their provision, such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.  
Reason: To encourage sustainable travel and healthy communities
- 9) The accessible car parking spaces required to be provided in accordance with the details approved on 1st April 2021 thereafter shall be kept available for disabled users as approved.  
Reason: To provide safe and suitable access for all.
- 10) The 10 secure motorcycle parking spaces to be provided in accordance with the details agreed in writing by the Local Planning Authority on 1st April 2021 thereafter shall be kept available for motorcycle parking as approved.  
Reason: To provide safe and suitable access for all
- 11) The 8 sheltered, secure and accessible cycle parking to be provided in accordance with details approved in writing by the Local Planning Authority on 1st April 2021 thereafter the approved cycle parking shall be kept available for the parking of bicycles only.  
Reason: To encourage sustainable travel and healthy communities.
- 12) The development shall continue to be in accordance with the details previously approved under condition 13 of planning permission 19/01554/FUL on 21st June 2021. The approved Travel Plan shall continue to be implemented, monitored and reviewed in accordance with the approved details.  
Reason: To reduce vehicle movements and promote sustainable access.

**Case Officer:** Jo Chambers Tel: 01527 881408  
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22/01241/S73

Attwell Farm Park, Seafield Farm, Seafield Lane, Portway, Redditch, Worcestershire B98 9DB

*Variation of condition 8 planning permission 19/01544/FUL - Variation of opening hours to visiting members of the public*

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RECOMMENDATION: Grant subject to conditions

Agenda Item 8

# Site



# Aerial View



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