

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Ms Jayne Willetts	Single storey side extension The Barn, Woodman Lane, Clent, Stourbridge, Worcestershire DY9 9PX	27.10.2021	21/01248/FUL

RECOMMENDATION: That planning permission be **Granted**

Consultations

Clent Parish Council Consulted 01.09.2021
Views awaited

Conservation Officer

- No objection subject to conditions
- The barn is a Non-Designated Heritage Asset and is in the Clent Conservation Area. It has not been assessed to be curtilage listed due to the separate ownership and use at the time of Listing. However, it is still very much within the setting of the Grade II Listed Building.
- The proposed alterations would not cause harm to the Heritage Assets.

Worcestershire County Council Countryside Service Consulted 01.09.2021
Views awaited

Worcestershire County Council Highways Consulted 20.10.21
Views awaited

Publicity

Neighbours consulted 2.9.21
2 letters posted by hand 2.9.21 (expired 26 September 2021)
One site notice posted 2 September 2021 (expired 26 September 2021)
Press notice published 10 September 2021 (expired 27 September 2021)

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)
Bromsgrove High Quality Design SPD

Relevant Planning History

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. Background

1.1 This application follows the original conversion of the barn into a dwelling in the 1970's.

2. Proposal

2.1 This application is for the erection of a single storey side extension, amounting to 14 square metres, with a mono-pitched roof, to provide a dining space off the existing kitchen. Materials are proposed to match the existing. The area is currently part of the side garden area.

2.2 The application site is located in Clent, being a small settlement within the Green Belt. As such, the property is outside of the Village Envelope, and within designated Green Belt. In addition the property is a non-designated Heritage Asset located in the designated Clent Conservation Area and is located adjacent to the Grade II Listed Clent House Farmhouse.

2.3 Policy is not supportive of residential development unless it amounts to proportionate additions to existing dwellings and does not impact significantly on the openness of the Green Belt. Furthermore, extensions should respect the character and appearance of the host building, its surroundings, and not impinge on the residential amenities enjoyed by occupiers of existing nearby development. Account will also be taken of the setting of the building within a Conservation Area and any impact on the adjacent Listed Building.

3. Green Belt

3.1 A key point to consider is whether the proposal represents inappropriate development in the Green Belt. Paragraph 137 of the National Planning Policy Framework (the Framework) makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to the express exceptions outlined in Paragraph 149.

3.2 One such exception is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

3.3 Policy BDP4 of the Bromsgrove Local Plan clarifies under criterion (c) that support is given to extensions to existing dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² (original dwelling plus extensions) provided that the scale of development has no adverse impact on the openness of the Green Belt.

3.4 It is calculated by Officers that the barn had original floor area of approximately 216 square metres when it was converted. A previous extension to the north-eastern corner of the building amounts to 58.69 square metres. The currently proposed extension would add a further 13.96 square metres, giving a total of 72.65 square metres, resulting in an overall percentage increase of 33.63% over and above the original. Therefore, the proposed additions to the property are considered to fulfil criterion c) which sets out that extensions which are proportionate in scale, over and above the original dwelling would be appropriate development in the Green Belt.

3.5 In addition to whether the scale proposed is appropriate, impact on the visual openness of the Green Belt is a material consideration, as stated in Policy BDP4.4 of the Local Plan, which adds the proviso that even if an extension does not exceed the 40 % maximum allowance that assessment should be made as to whether the scale would have an adverse impact on openness.

3.6 In this instance, given the single storey scale, modest increase in floor area and position of the proposed extension adjacent to existing built form on two sides, plus existing boundary hedging which would largely screen the proposed extension from public views, it is not considered that the extension would impact adversely on openness.

3.7 The development therefore accords with Policy BDP4 of the 2017 adopted Bromsgrove District Plan and NPPF Paragraph 149 in this respect.

4. Character and Appearance/Street Scene

4.1 The application site is to the northern side of Woodman Lane, east of the junction with Bromsgrove Road and is in an area characterised by traditional dwellings in generous plots with mature landscaping, thereby giving this part of the road a distinct, spacious and verdant character and appearance. The Barn is set back from the road and is adjacent to a bridleway/footpath. Vehicular access and parking is gained from the bridleway which runs along the eastern boundary of the site and runs to the north of the dwelling. Both highway boundaries, including Woodman Lane to the south and the bridleway to the east, adjoin the main garden area, and are characterised by mature, largely native hedgerows.

4.2 Paragraph 3.10.1 of the approved Bromsgrove High Quality Design Guide considers that extensions to previously-converted rural buildings should not normally be permitted, however goes on to say at Paragraph 3.10.2 that *“Where extensions to previously converted rural buildings are proposed they will be treated differently to extensions on purpose-built dwellings. The original nature and character of the building should have been retained through the conversion and it should be retained where extensions are proposed. Proposed extensions must reflect the form, character, and utilitarian nature of the building”*.

4.3 It is considered that the original conversion and previous extensions have, to a large extent, already resulted in the loss of some of the intrinsic character of the original barn. For example, the previous extension to the north-east corner has resulted in the loss of the linear form of the original conversion. Plus, the previous addition of an uncharacteristic conservatory, rooflights, chimneys and additional fenestration has added a domestic character which is already at odds with the simple, previous agricultural form of the building.

4.4 The current proposal is for a relatively modest, single storey addition, which is considered to be of a design, scale and position which is largely in-keeping with the host building, representing a subordinate addition and incorporating matching materials and fenestration which is sympathetic to the existing building. Furthermore, the currently-proposed extension is considered to improve the existing appearance of the barn, particularly when viewed from the main public vantage point of Woodman Lane, by creating a more linear form, on a line with the original, south-facing elevation and also introducing a more simple form, which screens the previously-added conservatory and corner extension from view in the street scene.

4.5 Therefore, due to these benefits in terms of character and appearance, on balance, the proposed design is considered acceptable, in line with policy BDP19 of the Local Plan and the approved 2019 Bromsgrove High Quality Design Guide.

5. Heritage Assets

5.1 The Barn is a previously converted rural building which was once in associated use with Clent Farmhouse, the neighbouring Grade II Listed Building. The Barn is red brick with a clay tile roof, with a brick chimney flanking the western gable, and another off-centre of the roof to the eastern side.

5.2 The Barn is within the setting of Clent Farmhouse, a Grade II Listed Building, and lies within the western end of the Clent Conservation Area. Clent Farmhouse directly fronts the road behind a small walled garden, and The Barn is set further back from the road behind the brick boundary wall. The Barn is slightly raised on a higher ground level, so although partially concealed by walls and vegetation, it is still quite visible from the lane. The layouts of Clent Farmhouse and The Barn sit closely together.

5.3 The Barn is a Non-Designated Heritage Asset. It has not been assessed to be curtilage listed due to the separate ownership and use at the time of listing. However, it is still very much within the setting of the Grade II Listed Building.

5.4 The Conservation Officer has commented that the proposal is for a single storey side extension to accommodate an enlarged kitchen space and considers that the proposed extension would preserve the linear plan form and utilitarian characteristics of the original dwelling, in accordance with Paragraph 3.10.2 of the Local Plan, as addressed earlier in this report.

5.5 Furthermore, given the small scale of the proposal it is considered to be a neutral addition to the setting of the Listed Building whilst preserving the architectural and historic special interests of the Non-Designated Heritage Asset and Conservation Area.

5.6 Officers therefore consider that the proposed alterations would not cause harm to the Heritage Assets and therefore recommend approval of the application based on the above assessment.

5.7 However, in addition, given that the building has been identified as a non-designated heritage asset, Paragraph 203 of the 2021 NPPF must be engaged. This paragraph states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. A balanced judgement on this can be found under the Planning Balance section, as follows:

6. Planning Balance

6.1 In this instance, no harm is identified to the asset, due to the single storey scale, design and position of the current extension proposed. It is further noted that the layout of the development is not considered to be detrimental to the overall character and rhythm of the street scene.

6.2 However, in addition, the Conservation Officer has commented that unfortunately, The Barn did not have its Permitted Development rights removed after its conversion to a dwelling, as per Paragraph 5.20 of the Bromsgrove High Quality Design SPD. It is considered that future extensions under Permitted Development may be harmful to the Non-designated Heritage Asset, the Conservation Area or the adjacent Listed Building, and their settings, particularly 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.

6.3 Therefore, the current application is supported, but subject to removal of Permitted Development Rights, in order to protect against potential future harm to Heritage Assets.

6.4 Further consideration in relation to Permitted Development rights is given below.

7. Permitted Development Rights.

7.1 It is noted that, given that the property currently benefits from Permitted Development Rights, an extension in this position to the side of the property would be Permitted Development if there had not been a bridleway to the side, (which falls within the definition of a highway, in planning terms).

7.2 It is further noted that if the extension which is currently under consideration were to be constructed, that if Permitted Development Rights were to remain in place, then further extensions could be carried out without the need for planning permission. Examples of what may be permissible under Permitted Development include a single storey extension to a maximum depth of 4 metres across the original width of the south, garden-facing elevation, towards both Woodman Lane and the Listed adjacent Client House Farmhouse, a two storey extension of 3 metres depth and installation of rooflights under Class C, to either the north or south planes of the roof.

7.3 Officers consider that, given the sensitive location of the site, being in a Conservation Area, adjacent to a Listed Building and in the Green Belt, that should the current application be approved, effectively resulting in additions which are close to the maximum allowable 40% Green Belt limit, and also given the sensitive nature of heritage assets, that it would be reasonable and justifiable to remove future Permitted Development Rights, such that future proposals would be subject to consideration by the Local Planning Authority.

7.4 However, the agent for the scheme has put forward a view that it would be unreasonable to remove future Permitted Development on the basis that:

“it is clear that the government, in drafting the legislation for PD rights consider that it is reasonable for PD rights to be available to most dwellings throughout the UK. It seems unreasonable, therefore, to remove these rights just because a property is approaching the 40% limit. PD rights apply regardless of the 40% rule and it seems that you are conflating the two issues.

You consider that if the property is extended under PD rights this will be harmful to the Green Belt. But the government obviously does not consider this to be the case otherwise they would have removed PD rights in the Green Belt. Neither does the government consider that the proximity of a Listed Building warrants removing PD rights otherwise they would also have done this.

Clearly, the loss of PD rights due to this small extension which the Conservation Officer considers has a neutral impact is a big ask and will substantially reduce the value of the property. My client is therefore reluctant to accept this. We are both aware that it is very unlikely that the council will approve any further extensions (due to the 40% rule) so from my client's perspective it would not be reasonable to agree with you that any future extensions which would otherwise be PD are subject to Planning Permission.

My client therefore formally requests that a condition removing Permitted Development rights is not attached to any approval you may be minded to issue.”

7.5 In response to these points, it is noted that the National guidance within the 2021 Framework provides clarification as follows:

7.6 Paragraph 54 states that ‘planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so’.

7.7 In this instance it is considered by Officers that there is clear justification on the basis of the following:

- Great importance is attached to Green Belts as set out in Paragraph 137 of The Framework. Substantial weight is afforded to protection of the Green Belt from harmful, inappropriate development, being defined in Paragraphs 148 and 149 as being disproportionate additions over and above the size of the original building. Therefore, it follows that given that the current scheme represents almost 34% additions over and above the original floor space, that any future extensions would be likely to exceed the 40% policy limitations (as set out elsewhere in this report) and would therefore represent disproportionate additions, which would be

inappropriate and would by virtue of this, result in significant harm to the Green Belt.

- Great weight is afforded by the Government to all heritage assets, as set out in Paragraph 199 of The Framework, irrespective of whether the harm is substantial, a total loss of, or less than substantial harm to its significance. Officers consider that future proposals for extensions to the application property, particularly in the part of the site between the barn and the nearby listed building, could result in harm to heritage assets and that therefore it would be reasonable to control this taking place unchecked, by use of an appropriately-worded condition, to enable further assessment of such a proposal in terms of its potential impact on heritage assets.

8. Amenity

8.1 Given the spacious plot, single storey nature and position of the proposed extension and separation distances achieved the proposal is not considered to have an undue impact on the residential amenity of the adjoining occupiers in respect of overlooking, overbearing or loss of light.

9. Highways

9.1 There would be no direct impact on existing parking or access, since the proposed extension is within the existing amenity space. A dining space is proposed and there are no parking implications in terms of additional bed spaces.

9.2 The views of WCC Highways are currently awaited.

10. Trees

10.1 Whilst there are a number of trees and hedges within and around the site, the proposed extension is positioned away from these and there would be no direct impact on trees or hedges.

11. Conclusion

11.1 The application site is located in the Green Belt, whereby planning policy is not supportive of residential development unless it amounts to proportionate additions to existing dwellings and does not impact significantly on the visual openness of the Green Belt. It has been demonstrated that the extension is proportionate and is not harmful to the visual openness of Green Belt. As such, it would therefore not constitute inappropriate development.

11.2 No harm has been identified to the setting of the non-designated heritage asset and no significant harm is considered to result in terms of impact on the setting of the adjacent Grade II Listed Building or the Conservation Area, subject to a recommendation to remove future Permitted Development Rights to protect both Heritage Assets and the Green Belt.

11.3 Furthermore, the proposed extension is in-keeping with the character and appearance of the existing dwelling and the layout and density of the street scene.

11.4 No significant impact on residential amenity has been identified.

11.5 There are no implications for highways and the public right of way as a result of the proposals.

11.6 Taking all the above matters into consideration, it is considered that planning permission should be granted for this development, subject to conditions.

RECOMMENDATION: That planning permission be **Granted**

- 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:

1468/7A Revised Location Plan, dated Aug 2021, received 1.9.21

1468/4 Proposed Floor Plans, dated July 2021, received 4.8.21

1468/5 Proposed Side Elevation Plan, dated July 2021, received 4.8.21

1468/6 Proposed Rear Elevation Plan, dated July 2021, received 4.8.21

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) (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.

Reason: To protect the openness of the Green Belt.

- 4) Prior to building of the walls, a brick sample panel shall be erected on site, to be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 5) Prior to their first installation, samples of the proposed roof tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

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

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 7) Prior to their first installation, details of proposed windows and doors at a scale of 1:5 and 1:20 shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of proposed colour and materials. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 8) All proposed rainwater and ventilation goods for the extension hereby approved shall be painted black.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

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