

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.

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