

BROMSGROVE DISTRICT COUNCIL

Messrs AS, BS and BS Bhandal
C/O Miss Suzanne Tucker
FBC Manby Bowdler LLP
Routh House Hall Court
Hall Park Way
Telford
TF3 4NJ

Grant of Planning Permission subject to Conditions

APPLICATION:	20/00443/FUL
LOCATION:	Four Stones Restaurant, Adams Hill, Clent, Stourbridge
PROPOSAL:	Glazed sun room (part retrospective): remove sloped roof and replace with flat aluminium-framed glazed roof, retaining the remaining structure as existing
DECISION DATE:	30th July 2021

Bromsgrove District Council as the Local Planning Authority grants planning permission in accordance with the Town and Country Planning Act 1990 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) for the proposal described above. This permission is subject to conditions which must be complied with and are set out below:

Conditions

- 1) The development to which this permission relates must be begun within 4 months from 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:

Site location plan Dwg. No. FS/22
Proposed alterations to sunroom Dwg. No. FS/21 Rev.a

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

- 3) Materials to be used externally on the walls and roofs shall be in accordance with those annotated on Dwg. No. FS/21 Rev.a. The development shall be carried out in accordance with those details.

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



Ruth Bamford
Head of Planning and Regeneration

Reason

This proposal has been assessed against the following documents

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP20 Managing the Historic Environment

Others

Bromsgrove High Quality Design SPD

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Assessment of Proposal

Planning Permission was granted under application 16/0403/FUL for; 'Demolition of front sunroom and replace with new flat roof sunroom'. The development has been implemented on site, but not in accordance with the approved drawing. The replacement to the original sunroom/conservatory includes a dominant roof structure.

Retrospective permission was sought under application 17/00646/FUL to regularise the development. However, the proposal raised issues associated with the site's location in the Green Belt and within the Clent Conservation Area and was subsequently refused. The applicant appealed the decision, but the appeal was subsequently dismissed.

Following on from the dismissed appeal, The Council have taken enforcement action in respect to the unauthorised structure. The applicant made 3 appeals against the enforcement notice. The enforcement appeals were initially dismissed, however, the appellant challenged the decisions in the High Court on a procedural matter. The High Court challenge was successful and the Court has ordered the Planning Inspectorate to re-determine the enforcement appeals.

In the meantime, the applicant is also looking at alternative approaches to resolve the enforcement matter and this application is a scheme showing modifications to the sunroom to address the refusal reasons of application 17/00646/FUL. The modifications include the removal of the pitched roof, canopy and supports, and replacing with a lower flat roof.

With reference to policy BDP4, application 16/0403/FUL allowed the general extent of the sunroom as it reflected the floor space of a previous conservatory. However, the structure built on site (as reflected in refused retrospective application 17/00646/FUL) is taller and its resultant bulk and mass is markedly greater than that previously approved under 16/0403 impacting upon the openness of the Green Belt and representing further harm.

Permission sought under this application shows a sunroom that is similar to that approved in 2016, however, the overall height of the sunroom is lower than that on site at present and would also be lower than the scheme approved under application 16/0403/FUL.

The modifications proposed under this application is for a more modest glazed structure than that granted permission in 2016. It is considered that the modifications proposed for the sunroom would not have an impact on the openness of the Green Belt and as such would accord with policy BDP.4 of the District Plan and the NPPF.

In addition, modifications proposed for the sunroom will have a neutral impact on the character and appearance of the Clent Conservation Area and would not harm the significance of the Area. The Conservation Officer raises no objection to the proposal.

Neighbour objections

Comments have been submitted from neighbouring occupiers in respect to the structure that has been built on site without the benefit of planning permission. A neighbour has also raised comments in respect to noise etc. However, Worcestershire Regulatory Services raise no objections to the proposal.

Planning obligations

Due to the unauthorised nature of the current development on site, a Legal Agreement is proposed for this scheme to ensure that the replacement works are carried out within a limited timeframe. Given the enforcement issues on this site, it would be appropriate to ensure the works that form part of this application are carried out promptly within a suitable timeframe from the date of this permission. Although it is noted that the Hearing date for the enforcement appeal is fixed for 24 August 2021 and the date of the decision of the enforcement appeal is likely to be within a couple of months of the date of the Hearing.

The applicant is agreeable to a Legal Agreement and such an Agreement is currently in the process of being drafted.

Conclusion

An unauthorised structure exists on site at present. The works proposed under this application would be an acceptable solution to resolving the unauthorised works on site. The modifications would be more in keeping with the building and as such would be acceptable in a Conservation Area setting, whilst the scale of the development would be reduced having minimal harm on the openness of the Green Belt. The modifications proposed for the sunroom are acceptable and would be in accordance with policies in the District Plan and the NPPF.

Informatives

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.
- 2) A Legal Agreement forms part of this permission.

For your information

Appealing the Decision

If you feel that the conditions are not acceptable you can appeal to the Secretary of State through the Planning Inspectorate. This appeal should be made by 28th January 2022 unless supported by special circumstances. The appropriate form and further information on how to appeal can be found at <http://www.planningportal.co.uk/planning/appeals/planningappeals> or by contacting the planning Inspectorate Customer Services Team on 0303 444 5000. If you want a planning appeal to follow the inquiry procedure you should notify the Local Planning Authority and also the Planning Inspectorate at least 10 working days before submitting your planning appeal.

Purchase Notices

If Bromsgrove District Council or the Secretary of State has refused planning permission or granted it conditionally, the landowner may claim that the land is incapable of reasonable beneficial use, and for this reason may serve the Council a purchase notice requiring them to purchase the land. In certain circumstances, a claim may be made against Bromsgrove District Council for compensation. Further information about purchase notices can be found at: <http://www.legislation.gov.uk/ukpga/1990/8/part/VI>