



Certificate of Lawfulness of  
Existing Use or Development  
Planning Statement

Land at Arrowfields Barn, Grange Lane,  
Nr. Alvechurch, Worcs.  
Mr. & Mrs. J. McGarry

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21.270

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**Prepared by:**

Graham Parkes

BSc (Hons) Dip TP MRTPI

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# Introduction

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1. Cerda Planning Ltd. has been instructed by Mr. & Mrs. J. McGarry to submit an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) regarding their property known as Arrowfields Barn, Grange Road, nr. Alvechurch, Worcestershire, B48 7DJ.
2. Section 191 of the Town and Country Planning Act 1990 (as amended)(TCPA1990), as amended by the Planning and Compensation Act 1991, enables any person to apply to the Local Planning Authority if they wish to establish that the existing use of any buildings or other land is lawful.
3. In order to do so, the above Act makes provision for an application to be made to the Local Planning Authority specifying the land or building in question and describing the use.
4. When the local planning authority is provided with information satisfying them as of the lawfulness at the time of the application of the use, they shall issue a certificate to that effect.
5. This Supporting Statement demonstrates that the works at the land in question, namely the continued use of land within the curtilage of the property in question for purposes associated with the dwelling house, has been in place for a period of at least ten years and can, therefore, be properly considered to be a lawful proposed use of the property in question. In addition, the application is requested to consider the lawfulness of two outbuildings that have been constructed within the curtilage of the property as permitted development.
6. It is important to note that the policies and provisions within the local planning authority's development plan is immaterial to the determination of a Certificate of Lawful Use. The decision rests solely on the evidence which the local planning authority has at its disposal and not the planning merits of the use itself.
7. The test is one which rests on the 'balance of probability' and nothing more.
8. The Planning Practice Guidance relating to Lawful Development Certificates confirms that it is the applicant who is responsible for providing sufficient information to support any application that is made under those provisions.

# Introduction

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9. That said, the local planning authority is also entitled to canvass appropriate evidence, but it must share this with the applicant before determination so that the applicant has the opportunity to comment and produce counter evidence if applicable.
10. If the Local Authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, then there is no good reason to refuse the application. This is provided that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a Certificate on the balance of probability.
11. The application for this Lawful Development Certificate, therefore, seeks confirmation from the Bromsgrove and Redditch Borough Council as the Local Planning Authority that:
  - 1) *the land that is the subject of this application forms the lawful extent of the residential curtilage of the property, and,*
  - 2) *the outbuildings that have been constructed within the the residential curtilage of the property would be lawful by reason that they would be permitted development.*
12. The remainder of this Supporting Statement sets out a description of the site, details the use and summarises the evidence presented by the applicant in support of the Certificate of Lawfulness of Existing Use or Development (CLEUD) which is considered to represent a precise and unambiguous case for the granting of the certificate.

# The Application Site

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13. The application site is located at Arrowfields Barn, Grange Lane which lies in a rural location approximately 1.2 kilometres (0.7 miles) from the edge of the built-up area of Alvechurch which lies to the north of the application site.
14. Grange Lane is accessed from Redditch Road, some 360 metres to the south-east of the application site, which is the main road into Alvechurch from the traffic island on the A441 approximately 920 metres to the south-east.
15. There is a ribbon of existing residential properties on the western side of and around the junction of Grange Lane and Redditch Road. In addition, there are a small number of other, detached dwellings between those and the application site.
16. Arrowfields Barn itself comprises a two-storey barn conversion and is one of three such buildings that were previously associated with Grange Farm which adjoins the western boundary of the application site. Grange Farm itself retains a number of outbuildings. To the west of Grange Farm are other large, detached dwellings known as West Meadows and Monkspole, beyond which is open countryside.
17. As noted above, the property is one of three barn conversions with Castiello Barn which is linked to the northern end of Arrowfields Barn, with The Old Granary joined to Castiello Barn and lying parallel to Grange Lane. These three barn conversions were previously approved by the Bromsgrove District Council under application No.B13/719 on 14th April 1986. It is understood that they have been in residential use since 1988.
18. On 13th January 2015, the Council granted planning permission for the conversion of a garage linked to Arrowfields Barn to provide additional living accommodation along with external alterations.
19. The application site is accessed directly off Grange Lane via an in-out vehicular access and drive which is shared with the adjoining dwelling, Castiello Barn. There is no other vehicular or pedestrian access to the site. The area of the residential curtilage to the property (not including the shared driveway) is approximately 0.36 hectares (0.88 acres).
20. Adjoining the southern boundary of Arrowfields Barn is a large field which is owned by Applicants and is rented out by them to others for the grazing of sheep.

# Statement in Support of Application

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## STATEMENT IN SUPPORT OF APPLICATION FOR THIS CERTIFICATE OF LAWFUL EXISTING USE.

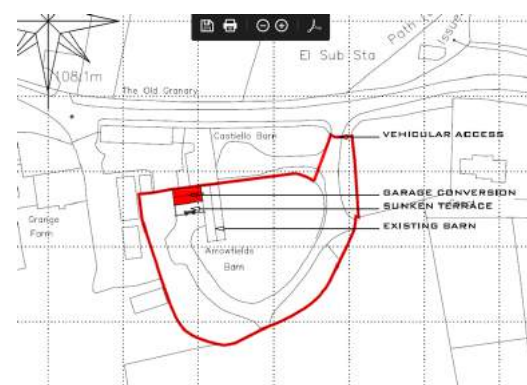
21. This Statement seeks to demonstrate the lawful extent of the residential curtilage associated with the property known as Arrowfields Barn, and on that basis, that two outbuildings that have been erected within the curtilage of the property would be lawful as permitted development.
22. When such a Certificate is granted, the lawfulness of any existing or proposed use or development or other matter to which it relates, is conclusively presumed. As such lawfulness is equated with immunity from enforcement action.
23. Any application for a Certificate of Lawfulness of Existing Use under Section 191 of the TCPA1990 is required to include the applicant's reasons for regarding the use described in the application as being lawful, together with any such information as the application considers to be relevant to the application.
24. The relevant section of the Act further provides that, if in an application under this Section the Local Planning Authority is provided with the information satisfying them of the *lawfulness* of an existing or proposed use or development, they shall issue a Certificate to that effect.
25. On that basis, this current application is accompanied by evidence to demonstrate the applicants' case for the grant of a Certificate of Lawfulness which will now be set out in the remainder of this section.
26. As noted in paragraph 17 of this Statement, the property in question was originally one of three barns associated with the adjoining Grange Farm for which planning permission was granted for their conversion to residential use in April 1986, with the actual use of the barns beginning in 1988 which confirms that the residential use has been continuous since that time, a period of at least 33 years.
27. The current applicants, Mr. & Mrs. J. McGarry purchased the property from the previous owners (Mr. & Mrs. Houtt) and have been living there with their family since May 2009. This is a matter of fact which are detailed in the affidavit that has been prepared by the applicants, and that by their neighbours Mr. Douglas and Miss K. Sandison, both of which are submitted as evidence in support of this application.
28. As noted in the introductory sections to this Statement, this application seeks to establish the lawful residential curtilage to

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the property known as Arrowfields Barn, then, once that has been established, that the two outbuildings that have been constructed by the applicants, would be allowed under permitted development rules.

## Lawful Extent of the Defined Residential Curtilage to the Existing Dwelling

29. The question over the lawful extent of the residential curtilage for the property initially arose in early July 2021 when the Council's enforcement section wrote to the applicants in relation to the service of a Planning Contravention Notice under Section 171C of the Town and Country Planning Act 1990 (as amended) in relation to the unauthorised construction without planning permission of two outbuildings (A and B) at the property which can be seen on the aerial photograph of the site to the right. The Council's case reference for this matter is 21/00113/INV.
30. The applicants then entered into correspondence with the case Enforcement Officer (Paul Murphy) relating to whether the two outbuildings were constructed under permitted development provisions in relation to the principal elevation of the existing dwelling.
31. We will address the matters in relation to the principal elevation of the property and the legality of the outbuildings in due course. However, in order to give full and proper consideration to those, we must first establish the residential curtilage associated with the dwelling.
32. As noted in paragraph 27 above, the applicants moved into the property in May 2009. On 13th January 2015, planning permission (14/0770) was granted by the Council to the applicants for the *'conversion of garage to living accommodation and external alterations'*.
33. The location plan submitted with that application can be seen to the right, however, it should be pointed out that the red line to define the planning application boundary was incorrectly drawn by the architect at that time as it omitted both the outbuildings A and B as shown in the photograph to the upper right which are considered to be within the lawful residential curtilage of the property.
34. In July 2021, the applicants submitted a single application (21/00991/FUL) for various works relating to the main property, together with the change of use of the garage



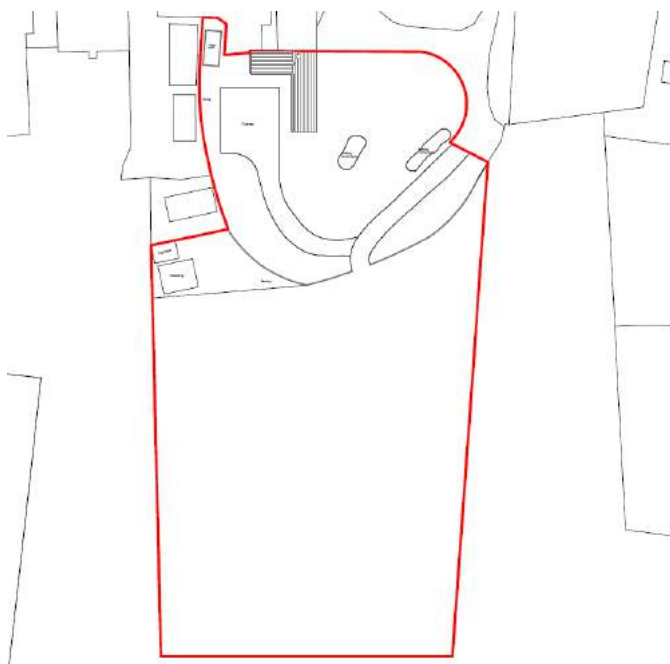


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conversion attached to the existing dwelling together with the provision of another outbuilding. However, in subsequent correspondence, the case officer (Laura Russ) indicated that the application was invalid and that three separate applications would be required for each element that had been applied for.

35. As part of that submission, a red line location plan to cover all three elements of the proposals was submitted, which is reproduced below. It should also be noted that the red line on the plan below includes the outbuilding A but which was omitted from the location plan for the 2014 application.



36. The case officer advised that the red line also appeared to extend around the adjoining field immediately to the south of the dwelling, and not just around what the LPA considered to be the domestic curtilage of the property which differed from that submitted and approved under the 2014 application for a similar (in part) proposal and as shown in paragraph 32 above.
37. What will be apparent from a consideration of the differences between the two location plans the two plans, aside from the inclusion of the field and the omission of the portion of the shared access from the highway, is the omission on the 2014 plan of the areas where the two outbuildings A and B that are shown on the aerial photograph referred to in paragraph 29 on the preceding page and which were the subject of the Planning



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there has been continuous use of the area for associated a period of more than 10 years which is more than sufficient to establish the lawful use of that area for associated residential purposes.

42. Going from the earliest photograph in December 1999, it can clearly be seen that the area immediately to the south of horizontal building would appear to be laid out as a vegetable patch with various beds of planting and paths between those areas. The line of the fence which separates the land from the field to the south is also clearly visible, a boundary which exists to this day.
43. From the evidence in the two affidavits that have been presented in support of this application, it will be apparent that this vegetable garden was established by the previous owners (Mr. & Mrs. Hoult) prior to the current applicants purchase of the property. Indeed, as highlighted on page 3 of the sales particulars for the sale of the property to the current applicants (see Appendix 2), it is apparent from the description that the property came with a 'vegetable patch' and, as there is no other such feature within the curtilage of the property, this must be the same feature that is shown on the aerial photographs.
44. From October 2003 until August 2007, it would appear that the various aerial photographs indicate that the use of the area as a vegetable patch in this south-western area of the property was somewhat in decline, however, the area appears to be well-maintained and the presence of a garden shed would indicate the ongoing use of the area in association with the property.
45. The photographs from June 2013 and April 2016, when the current applicants were now owners of the property and in residence, shows that use of the area as a vegetable garden had ceased, and that much of the area had become overgrown with vegetation. In that area, a circular object can be seen, which the applicants confirm in their affidavit was a trampoline set up for the use of their children and their friends. In addition, a concrete hardstanding had now been introduced along the northern boundary of the area in which a kennel and run for the family's dogs was set up, details of which are again confirmed in their affidavit, and also in that of Mr. Douglas & Miss Sandison.
46. The photographs from April 2018 and May 2019 still clearly show that the hardstanding area in use for the storage of various items. The adjoining areas have now become more

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overgrown, and the trampoline has been removed from that area.

47. The final and most recently available photograph from April 2021 shows that the majority of the overgrown vegetation has been cleared from the area and which had been tidied up. The area where the hardstanding is located now shows the position of a log store (with the light green roof), which was started by the applicants in August 2020, and which can be seen on a photograph in Appendix 3 of this Statement.
48. The larger rectangular building with the dark grey roof is an outbuilding which, once finished, will provide the occupants with a leisure space that can be enjoyed by the family and their friends. This building, started by the current applicants in September 2020 is that which the LPA identifies as building B in their case reference 21/00113/INV referred to at paragraph 29 of this Statement previously. It should be noted that this building remains unfinished at the present time and will be clad in cedar and allowed to weather. The lawfulness of this outbuilding, together with Building A, is further considered from paragraph 73 onwards below.
49. What this series of aerial photographs clearly shows, and which is corroborated in the evidence provided in the two affidavits, is that this area of the property, which is quite distinct in its separation from the adjoining field to the south, has been used for purposes associated with the enjoyment and occupation of the property in question for a considerable period of time.
50. On balance, therefore, it is considered that there is evidence to show that this area in the south-western corner of the application site has been in lawful use for the enjoyment of the property and for a continuous period of at least 22 years, and potentially for a much longer period, and is lawful.

## Consideration of the Principal Elevation of the Existing Dwelling

51. In this regard, the Council's investigations in relation to the service on 16th September 2021 of a Planning Contravention Notice in relation to the unauthorised erection without planning permission of outbuildings A and B under case reference 21/00113/INV and referred to in paragraph 29 above are relevant.
52. Subsequent to the service of the PCN upon the applicants, on 9th November 2021, the Council's Enforcement case officer



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(Paul Murphy) contacted the applicants by email presenting them with the opportunity to comment upon whether they considered that Elevation B was the principal elevation of the property, as can be seen in the Council's photograph from that communication to the right. Please note that photograph has been reorientated to an approximate north/south direction to accord with other photographs and plans in relation to the site.

53. In that email, Paul Murphy also provided an extract of a drawing submitted in respect of the planning permission 14/0770, granted on 15th January 2015, upon which he considered that Elevation B was the principal elevation. However, no reason is provided for this and it can only be that, having seen the position of the main entrance on the drawings, it has been deduced that this was the principal elevation of the dwelling. As is expanded upon from paragraph 62 onwards, the position of the main entrance does not necessarily mean that it has to be on the principal elevation of the building.
54. Following submission of the PCN, the applicants received a letter from the Council's Enforcement Officer (Paul Murphy) dated 1st December 2021, and which can be seen in Appendix 4 to this Statement. In the first paragraph of that letter, it states that the 'principal elevation' of the *original* dwelling is the critical factor, with which we concur.
55. The paragraph goes on to state that, in the case of a barn conversion, original becomes the point at which the building was converted to and begins its use as a dwelling. Again, we would not argue with that conclusion. The same paragraph continues and states that *"it is clear from the proposed floor plans in the application for the barn conversion to a dwelling in 1986 (ref B/13719/1986) that the original principal elevation was facing west"* or elevation B on the photograph to the upper right. This statement we do not agree with and would say that from just looking at the approved drawings, it would not be apparent which is the principal elevation of the dwelling.
56. Regarding the definition of 'original' from the Interpretation section of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), part (b) refers to a building, other than on Crown land, built on or after 1st July 1948 as so built. Clearly, this is pertinent to the property in question as this was 'built' or converted to a dwelling post 1986, however, it goes no further than that. It does not define what is the 'principal elevation of a dwelling as this is left to the Technical Guidance, which is considered further below.



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57. Under the permission, the Council approved drawing 691-03-Revision C, being the Proposed Plans & Elevations for the amendments to the property. On that drawing, prepared by the project architects (Homewood Design), what the LPA considers the principal elevation B, the architect has termed that elevation as the Proposed *Rear* Elevation. The extract from that drawing can be seen to the right.
58. In a similar vein, what the Council has identified as Elevation A, the project architect has termed the Proposed *Front* Elevation as can be seen on the extract from the drawing below right.
59. At no part of the definition of 'original' in the GPDO does it state that the 'principal elevation' of a property *must* be the one that has the main entrance to the dwelling. As such, it is considered that the Council has misappropriated the definition of 'original' for its own purposes to justify their own interpretation of the guidance.
60. The ability to identify which is the 'principal elevation' of the property in question is clearly relevant and critical to the consideration of any outbuildings that would then be lawfully allowed under permitted development. Therefore, an agreement of which is the principal elevation of the building is of paramount importance to the determination of this current application and the retention of the two outbuildings erected at the site.
61. The 'Permitted Development Rights for Householders : Technical Guidance' published by the Ministry of Housing, Communities and Local Government, updated in September 2019, provides guidance to homeowners as to whether a development would be permitted development or not.
62. Under the General Issues on page 7 of the document, the 'principal elevation' of a dwelling is defined as follows:
- 'Principal elevation' – in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.*
63. The definition states that that the principal elevation will *usually* contain the main architectural features including the main

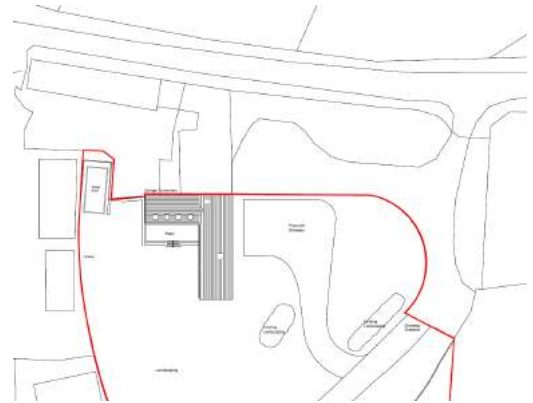




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entrance to the house and will *usually* be what is understood to be the front of the house. In relation to the property in question, the use of the word *usually* in the above definition is a critically important word.

64. Taking the definition as a starting point, and the position of the existing dwelling in relation to the highway (Grange Lane), as can be seen on the location plan to the right, it will be apparent that the property does not directly front the highway. Indeed, the property lies perpendicular to the highway, as does the linked property (Castiello Barn) to the north, and cannot therefore be considered to fall squarely within the standard definition of what would normally be a *usual* property.
65. As noted in paragraph 58 on the preceding page, the approved drawing in relation to application 14/0770 clearly identifies that the project architect, and a drawing that has been approved by the LPA, considers that the *front* elevation of the dwelling is that which is first seen when leaving the highway, namely, what the LPA has previously labelled as Elevation A.
66. It is understood that the LPA considers that Elevation B is the 'principal elevation' of the property which we believe is solely on the basis that the main entrance to the property is on that elevation which, as we noted in paragraph 54 above, the project architect has clearly labelled the *rear* elevation of the dwelling. Once again, we would state that the position of the main entrance is not the determining factor of what the Technical Guidance determines is the 'principal elevation' of a dwelling.
67. However, having regard to the definition of what constitutes a 'principal elevation' in terms of the guidance (see paragraph 62), this clearly states that it does not necessarily have to include the main entrance to a particular property, just that it is *usual* to be so.
68. As stated previously, there is no requirement for the property, and its 'principal elevation', to front the highway. That said, Elevation A (the approved front elevation) *is* visible from the highway when approaching the site along Grange Lane from the east as can be seen in the middle photograph to the right (source Google StreetView). This clearly shows the continuous Elevation A of both Arrowfields Barn (to the left) and the linked, neighbouring Castiello Barn (to the right) with the shared driveway to both properties also apparent.
69. Therefore, it is our contention that the 'principal elevation' of the property must properly be considered to be Elevation A



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being the first part of the property that is seen both when entering the curtilage and also directly from the highway itself as can be seen in the photographs to the right. The property in question extends up to the boundary planting separating it from the linked property (Castiello Barn) as seen on the bottom right photograph. Indeed, the sales particulars provided in Appendix 2 also highlight Elevation A (the front elevation) as the main focus of the property, which would also be apparent if a visit to the site is undertaken.

70. This elevation is the longest and most impressive of the property in relation to its architectural features, this notwithstanding that it does not currently incorporate the main entrance into the property which is located to the rear on Elevation B. As noted in the definition from the Technical Guidance, the lack of a main entrance in the 'principal elevation' is not the determining factor.
71. Therefore, on the basis of the middle and lower right photographs alone, and having regard to the definition in the Technical Guidance, it should be self-evident that the 'principal elevation' of the property must be considered to be Elevation A being the front elevation of the property.
72. In summary, therefore, this application supports the contention that Elevation A constitutes the 'principal elevation' of the existing dwelling.

## Consideration of Permitted Development for Outbuildings within the Residential Curtilage

73. Having arrived at the conclusion in the previous sections regarding the lawful residential curtilage and the 'principal elevation' of the property, this now enables a consideration of where it may be possible to locate outbuildings within the defined residential curtilage of the property.
74. In the first instance, it should also be noted that the original planning permission (B/13719/1986) for the conversion of the three barns to three dwellings, only withdrew permitted development for further extensions and external alterations to the barns themselves, and not for any outbuildings or other works that could be undertaken within the curtilage of each dwelling that may be allowed under the appropriate Order.
75. This was confirmed in a series of emails between the applicants and the Planning Department (Emily Farmer) on 3rd July and 20th November 2020 in relation to proposals for additional outbuildings and changes to the elevations of the





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property.

76. During those email exchanges, at no time did the officer make any reference to the consideration of which was the principal elevation of the dwelling. The officer reviewed the planning history proposed plans for the outbuildings and proposed dwelling plans thoroughly and at no point did she make any reference to a 'principal elevation'. From that, we have presumed that she must have deemed elevation B to be the rear elevation and elevation A to be the principal elevation, a view with which we concur and consider to be the logical and appropriate conclusion to reach.
77. Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) has regard to the provision of buildings etc. incidental to the enjoyment of a dwellinghouse. Class E.1 (c) states that these buildings would not permitted '*where any part of the building...would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.*'
78. As has been determined in the preceding section, it is our contention, and borne out in this current application, that Elevation A forms the 'principal elevation' of the dwellinghouse. Therefore, and as we have already determined that the areas where Buildings A and B are located fall within the lawful, defined residential curtilage of the property, and are also located behind the 'principal elevation', they would in our opinion be lawful as permitted development in the light of the provisions of paragraph E.1(c).
79. Paragraphs E.1(d) to (f) inclusive require that any outbuildings should meet certain size requirements, and details of the positions and dimensions of the two buildings in question can be seen in the sketches and photographs provided by the applicants and attached at Appendix 3 of this Statement. For clarity, please note that the applicants have identified Building A as Building 1, and Building B as Building 2.
80. With regard to Building 1 (A), the applicants advise that this particular structure replaced an earlier one that had become damaged due to a tree falling on it and was beyond repair. The earlier building was confirmed as not constituting development by letter on 4th January 1990, a copy of which can also be seen in Appendix 3.
81. As will be apparent from the sketch of Building 1 (A), whilst the height of the building is stated as 2.52 metres and would, of course, be marginally higher than the maximum height of 2.5

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metres that is permitted under paragraph E.1(e)(ii) of the Order, once the hardstanding around the the building has been laid, this will reduce the overall height of the building to less than 2.5 metres and would then satisfy the provision.

82. With regard to Building 2 (B), this building is sited more than 2 metres away from the adjoining boundaries, and is 2.92/3.36 metres in height and would, therefore, meet the provisions of paragraph E.1(e).
83. On balance, therefore, it is considered that the two outbuildings comply with the provisions of Class E of Part 2 and would be permitted development under the 2015 GPDO (as amended).

## Summary

84. Therefore, in light of the information presented in this Statement and the supporting evidence in the two affidavits, when taken as a whole, it would constitute a precise and unambiguous chronology of events which demonstrate beyond the balance of probability the extent of the residential curtilage associated with Arrowfields Barn, and the two outbuildings that have been erected within the acknowledged residential curtilage of the property, would be lawful.
85. The applicant, therefore, respectfully requests that, in the light of the evidence provided in support of this application, the Local Planning Authority grants a Certificate of Lawfulness of Existing Use or Development for the development that is described by this planning application.

**Cerda Planning**

**April 2022**

# Appendix 1

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Historic Aerial Imagery

# Appendix 1 :

## Historic Aerial Photographs (Source : Google ©)















April 2016



April 2018





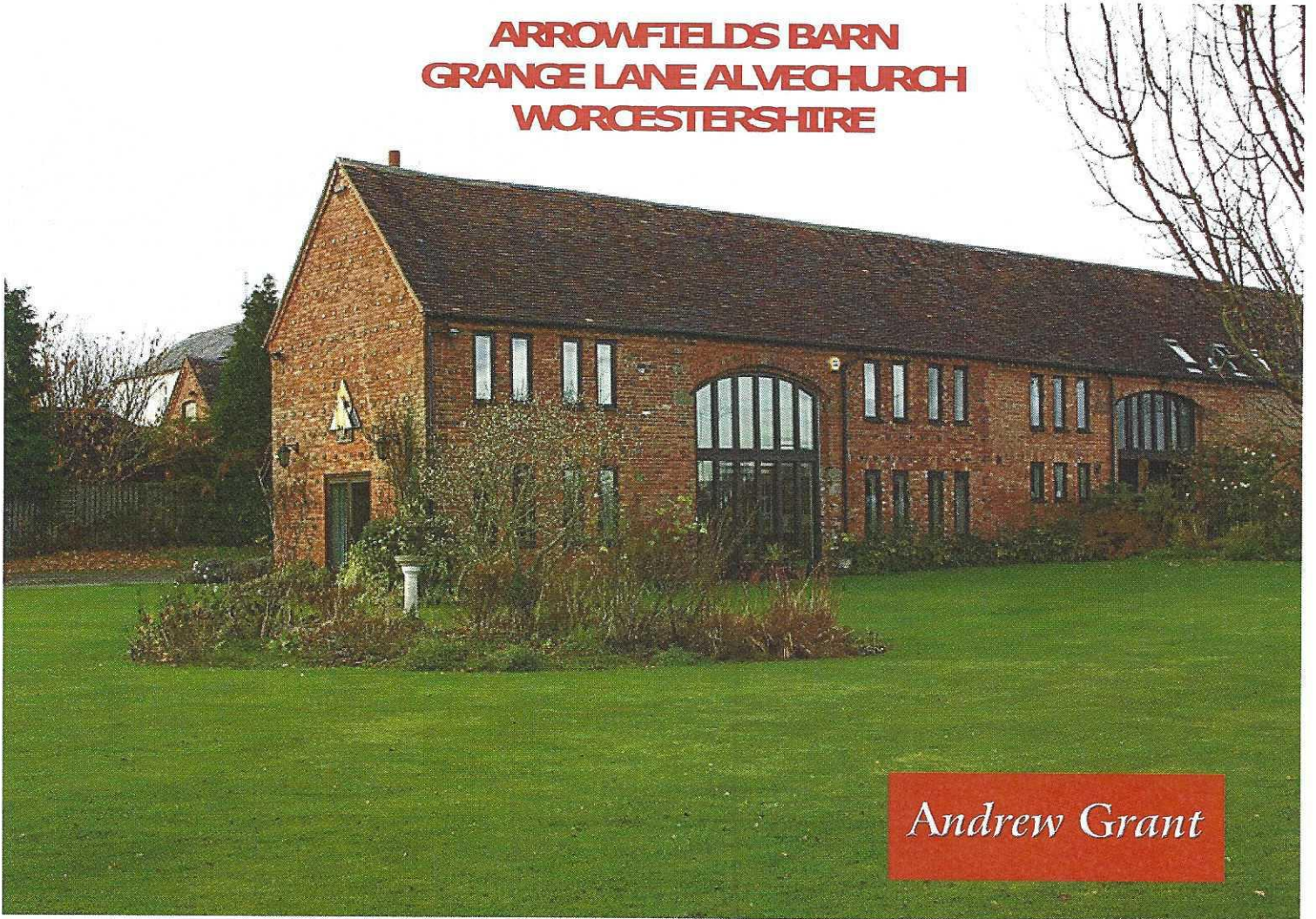


# Appendix 2

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Sales Particulars

**ARROWFIELDS BARN  
GRANGE LANE ALVECHURCH  
WORCESTERSHIRE**



*Andrew Grant*



**ARROWFIELDS BARN GRANGE LANE ALVECHURCH WORCESTERSHIRE B48 7DJ**

## **AN IMPRESSIVE BARN CONVERSION SITUATED IN A SEMI-RURAL LOCATION WITH WONDERFUL COUNTRYSIDE VIEWS.**

**Reception Hall, Sitting Room, Dining Room, Sun Room, Breakfast Kitchen, Utility, Guest Cloaks, Galleried Landing, Four Bedrooms Two With En-Suite, Further Bathroom, Double Garages, Beautifully Tended Formal Gardens & Separate Paddock Extending In All To Approx. 2.5 Acres. Approx. GIA 2320sq.ft.**

### **PRICE GUIDE £550,000**

**Directions** From Redditch Town Centre take the Alvechurch Highway towards Birmingham. At the Sainsburys island continue straight over on the A441. At the traffic lights again continue straight over on the A441. At the island take the first exit onto Redditch Road and then first on the left into Grange Lane. Proceed along Grange Lane for a short distance and the entrance to the property will be found on the left hand side as indicated by the agents 'for sale' sign.

**Situation** The property is well situated in the village of Alvechurch which provides local shops, schooling, recreational facilities and access to both rail and motorway networks for onward travel. Redditch town centre is a short car ride away providing multiple shopping facilities, schooling for children of all ages, recreational amenities and further bus and rail transport.

**Description** Arrowfields Barn occupies an idyllic position surrounded by countryside views in one of the local areas most prestigious locations. Having been converted to an exceptionally high standard in the early 1990's this particular barn offers immense character and charm and boasts light and airy accommodation throughout. A long sweeping drive provides a charming approach passing landscaped formal gardens and paddock. A block paved courtyard provides parking for several vehicles, access to a **Double Garage** with swing down ladder to loft storage area and further access to the internal accommodation which in brief comprises **Galleried Reception Hall** with an expanse of glass offering views of the gardens. Hardwood flooring continues throughout and inner glazed French doors provide access to a delightful **Sitting Room** a central positioned inglenook fireplace draws the eye and further complements a number of picture windows and French doors to garden. The **Formal Dining Room** is accessed via the central hall and also overlooks the gardens to side. From the inner hall steps then rise to a generous **Breakfast Kitchen** which is fitted throughout with a

*The Agent has not formally verified the property's structural integrity, ownership, tenure, acreage, estimated square footage, planning/building regulations' status or the availability/operation of services and/or appliances.*

*Therefore prospective purchasers are advised to seek validation of all the above matters prior to expressing any formal intent to purchase.*

*The particulars are partially transcribed from architectural plans and specifications relating to the proposed property and as such variations may occur for which additional planning/building permission may also be required. Any prospective purchasers should validate all such information prior to expressing a formal intent to purchase.*

**In order to view this property or if you are considering selling your home and would like a market appraisal then please telephone Heather Wiseman Redditch Office on 01527 66161.**



comprehensive range of units complete with contrasting tiled work surface over, and integrated oven, hob, extractor, fridge and dishwasher. Antico flooring from this area then continues to the separate **Utility** and **Sun/Morning Rooms**. To the **First Floor** an open **Galleried Landing** with imposing vaulted ceiling and picture windows to side provides access to each of the **Four Generously Proportioned Bedrooms**. There are exposed beams and wattle and daub features throughout and both the **Master** and **Guest Bedroom** benefit from **En-Suite** facilities. There is also a further **House Bathroom** complete with roll top bath. **Externally** the grounds surrounding Arrowfields extend in all to approximately 2.5 acres, this includes formal gardens, garden shed, vegetable patch and separate paddock with vehicular gated access off the approaching drive offering an ideal opportunity for a buyer with equestrian interests. Viewing is strongly recommended to fully appreciate the scale of accommodation on offer together with this property's idyllic setting.

*These particulars are not to form part of a Sale Contract owing to the possibility of errors and/or omissions. Prospective purchasers should therefore satisfy themselves by inspection or otherwise as to their correctness.*

*All fixtures, fittings, chattels and other items not mentioned are specifically excluded unless otherwise agreed within the Sale Contract documentation or left in situ and gratis upon completion.*

*The property is also sold subject to rights of way, public footpaths, easements, wayleaves, covenants and any other matters which may affect the legal title.*

FOR IDENTIFICATION PURPOSES ONLY.  
NOT TO SCALE.  
NOT PREPARED BY ANDREW GRANT.







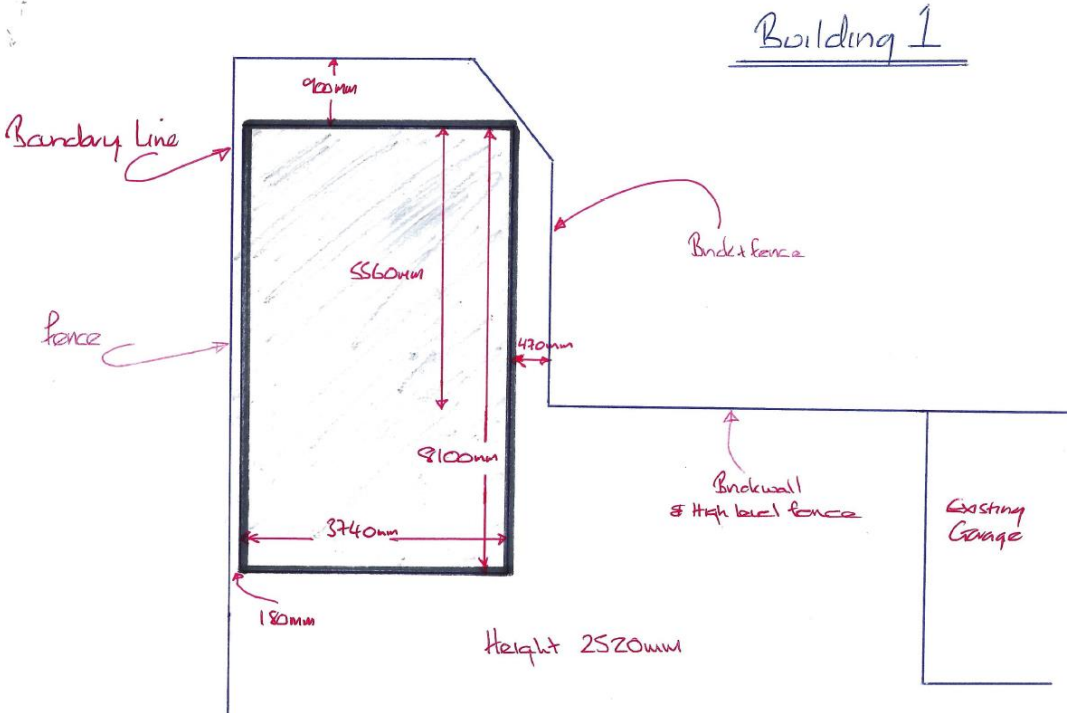
# Appendix 3

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## Details of Outbuildings

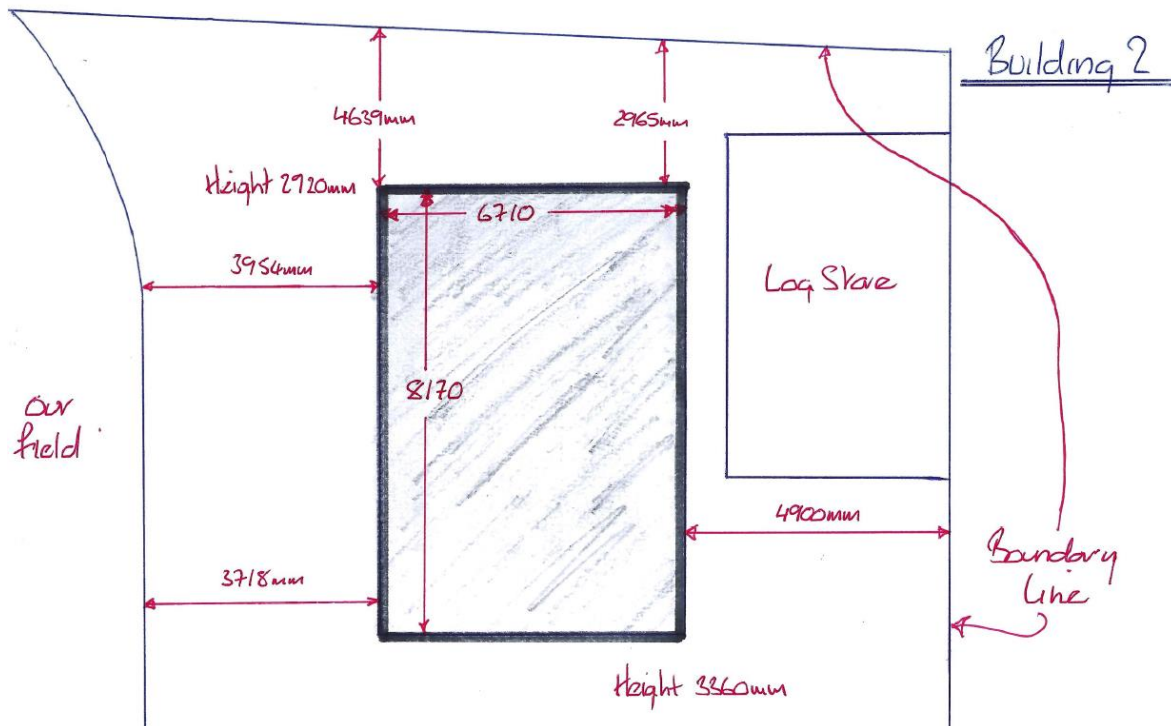


Appendix 3 : Outbuildings 1 and 2





Building 1







Front elevation of building 2 (facing east).



Side elevation facing field (facing south).





Rear elevation of building 2 (facing west).



Side elevation of building and wood store (facing north).

# Appendix 4

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Bromsgrove District Council letter





Mrs R McGarry  
Arrowfields Barn  
Grange Lane  
Alvechurch  
Birmingham  
Worcestershire  
B48 7DJ

Case Officer: Paul Murphy  
Telephone number: 01527 881201  
e-mail: p.murphy@bromsgroveandredditch.gov.uk

Please reply to:  
Town Hall, Walter Stranz Square, Redditch,  
Worcestershire, B98 8AH

1st December 2021

Dear Mrs McGarry,

Enforcement Reference	21/00113/INV
Alleged breach:	Outbuildings erected without planning permission
Location:	Arrowfields Barn, Grange Lane, Alvechurch, Birmingham, Worcestershire, B48 7DJ

Thankyou for your response to the Planning Contravention Notice issued by the Council and subsequent emails showing the conversation trail with Emily Farmer. Whilst you consider the existing principal elevation of your dwelling to be that marked 'A' the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ( the "GDPO") specifically states the principal elevation of the original dwelling is the critical factor. An extract of schedule 2, Part 1, Class E is provided below. The definition of 'original' is contained within the interpretation section of the GPDO. On this basis, in the case of a barn conversion the original is taken to be the point at which the building was converted to a dwelling. It is clear from the proposed floor plans in the application for the barn conversion to a dwelling in1986 (ref B/13719/1986) that the original principal elevation was that facing west.

For the reasons stated above the outbuildings erected fail to comply with the restriction at point E.1 (C) of the GDPO. As a consequence, the outbuildings require planning permission. As you will be aware the dwelling is located within the designated West Midlands Green Belt.

Both Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) and Policy BDP4 of the Bromsgrove District Local Plan 2011-2030 accord in stating new buildings within the Green Belt are considered 'inappropriate development', subject to a number of exceptions. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is not considered that any of the exceptions are applicable in this case.

For the reasons stated above the Council **w**ould not support a retrospective planning application and were such an application to be submitted it is likely to be refused permission. As a consequence, in view of the identified harm to the openness of the Green Belt resulting from the development, it is considered expedient to take enforcement action to secure demolition and

removal of the outbuildings and any resultant materials from the land by issuing a planning enforcement notice.

I will therefore be drafting an enforcement notice for service without further recourse and suggest you may wish to seek your own independent suitably qualified planning advice at this time. The enforcement notice, once served contains a date on which the notice comes into effect. Any appeal against the notice must be made before the date on which the notice comes into effect. The appendix contained within the notice explains the grounds of appeal.

Alternatively should you wish to avoid the service of an enforcement notice by voluntarily agreeing to remove the outbuildings from the land I will require your written agreement to do so by a date agreed with the Council.



### **Permitted development**

**E. The provision within the curtilage of the dwellinghouse of—**

**(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**

**(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

### **Development not permitted**

**E.1** Development is not permitted by Class E if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming **the principal elevation of the original dwellinghouse;**

Yours sincerely

Paul Murphy

Enforcement Officer-Planning

*I should emphasise that this represents an informal officer view only, and is given based on the information to hand at the time of writing and is made without prejudice to any formal decision that the Council as Local Planning Authority may wish to take in the future.*

*You should also be aware that permission may be required under the Building Regulations separately to any matters relating to planning permission. Prior to commencing any building works, you should consult our Building Control Department for advice.*

*Should you wish a formal determination as to the status of the development, you can submit an application for a Certificate of Lawful Development to the Council*