

## Planning Statement

**Description:** Construction of dwelling to replace existing barn approved for residential conversion (approved under application ref. 23/00484/CUPRIO)

**Location:** Barn At Lilac Cottage, The Gutter, Belbroughton, Worcestershire, DY9 9XB

**Applicants:** Lisa and Richard Strain



**October 2023**



## 1.0 Introduction

- 1.1 This is a full application for demolition of the existing barn and construction of a single residential dwelling at Lilac Cottage, The Gutter, Belbroughton, Worcestershire, DY9 9XB.
- 1.2 Prior approval was granted for the conversion of the existing barn to 1no. dwellinghouse under application 23/00484/CUPRIO. The proposed new build dwelling would replace this approved residential conversion.
- 1.3 The location and proposed development can be seen in the submitted plans.

## 2.0 Drawings and Plans/Technical Documents Submitted

- 2.1 The following has been provided for this application:
  - Location and Site Plans
  - Existing Plans and Elevations
  - Approved Conversion Plans under application ref. 23/00484/CUPRIO
  - Proposed Plans and Elevations
  - Planning Statement (including Water Management Statement)
  - Preliminary Ecological Assessment

## 3.0 Overview of Site and Planning History

- 3.1 The site consists of the existing detached dual-pitched roof barn, set within the holding. Access to the barn is via an existing private hardstanding access off The Gutter which links to Madeley Road highway to the west of the site.
- 3.2 Prior approval was recently granted for the conversion of the existing barn to a dwellinghouse under application 23/00484/CUPRIO. The proposals would see the creation of 1no. single-storey residential unit.
- 3.3 The site is not located in the near proximity of any listed buildings; within a conservation area; the AONB; but is washed over by the Green Belt.
- 3.4 The existing agricultural building consists of a simple rectangular barn which is a single span frame with a dual pitched roof. The building consists of a single storey timber framed building with a corrugated asbestos cement cladded roof and walls which are a combination of cavity masonry construction with timber stud and vertical boarding over.
- 3.5 The proposals seek to provide an overall better development than that already granted dwelling, through the replacement of the approved residential conversion of the existing barn, with a comprehensive development of the site for a single two-bed single storey dwelling to



replace the existing barn, to create a more usable and flexible home. The proposals are considered to have significant benefits over and above the approved development, which will be discussed in greater detail in the section below. The proposed dwelling would utilise the existing main vehicular access off The Gutter, with off-road parking and turning areas provided within the site.

- 3.6 The proposed redevelopment can be seen in the submitted plans. The proposed amended scheme

#### 4.0 Policy Background

- 4.1 The Development Plan for the area comprises the Bromsgrove District Plan 2011-2030 (adopted 25 January 2017). The Bromsgrove District Plan Review has been much delayed, and no further progress has been made since August 2022.
- 4.2 The site lies outside of any defined development boundary. The site is therefore defined as the open countryside as per the provisions of Policy BDP2. The construction of new build open market residential dwellings does not fall within the list of permitted developments within the open countryside.
- 4.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Section 70 of the Town and Country Planning Act 1990 requires that regard should be had to the provisions of the development plan so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application, and local finance considerations so far as material to the application, and to any other material considerations. Paragraph 12 of the Framework confirms that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed.
- 4.4 In this case, there are clear material considerations why planning permission should be granted.
- 4.5 As set out above, prior approval was granted for the conversion of the existing barn on the site to 1no. dwellinghouse under application reference 23/00484/CUPRIO. This permission represents a clear fall-back position in support of the proposed development. The creation of 1no. residential dwelling on the site has been established. The applicant would be able to implement this existing permission, to create a residential property on the site. These proposals so not seek to increase the number of residential units on the site over and above that already granted.
- 4.6 In *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, the Court of Appeal has clarified the position with regard to the floor area of buildings with Class Q permitted development rights and the approach taken by planning officers of considering a 'realistic fallback provision'.



- 4.7 In that case, the appeal was made by an objector to a planning application that sought permission for the demolition of an existing apple store and bungalow and the construction of four detached dwellings on a site in Kent.
- 4.8 The planning application was approved by the local authority on the recommendation of the planning officer, who considered that there was a realistic fallback position that the landowner could seek to develop the site by converting the 600 sq.m apple store into three dwellings occupying up to 450 sq.m and replacing the bungalow with a modern dwelling in accordance with the Council's local plan. The officer considered that the outcome of a scheme under Class Q would be a contrived development whereas the submitted planning application offered a "more comprehensive and coherent redevelopment of the site".
- 4.9 As such, the officer recommended approval even though the site was outside any village development boundary and deemed as being in "open countryside". The appellant argued that the officer's view in considering this application was not realistic because there was evidence that the site owner would not have sought to convert the apple store as it would have been uneconomic to do so hence the fallback position was only a theoretical scenario that the planning committee should not have taken into account as a material consideration.
- 4.10 The Court of Appeal found that the site owner had clear and firm intentions to redevelop the site and that it was appropriate and necessary for the council to take this into consideration when assessing the application.
- 4.11 It is accepted that the weight to be attributed to the fallback position will depend on the likelihood of it being implemented. The applicant has firm intentions of converting the existing barn to a residential dwelling, as permitted under application 23/00484/CUPRIO, should this application fail. Whilst that approved scheme would not be ideal and not meet all the accommodation needs of the applicant. Furthermore, the applicant will no longer have a use for the existing building and would not want the building to become unused and deteriorate. The applicants believe that a better, high-quality development overall can be achieved, hence this application, but should this fail then the previous approved Class Q prior would be fully implemented. This fall-back position should therefore be offered significant weight in the determination of this application.
- 4.12 The benefits of the proposed new-build dwelling over and above that of the permitted residential change of use of the barn are set out below:
- The proposals would create a flexible family home. The property would provide accommodation at a single level making it suitable for occupation by the elderly and persons with mobility concerns.
  - The proposals would provide a more comprehensive development than was permitted under the previous application. As part of these proposals, significant enhancements in landscaping, site drainage and biodiversity would be realised, over and above that of the existing permission.



- The proposed dwelling would provide a high-quality design finish, that positively contributes to the surrounding built and natural environment and harmonises with the agricultural setting.
  - As part of these proposals, new native planting is proposed that would offer significant benefits to both landscape character and biodiversity habitat on the site.
  - The proposed new property would be much more energy efficient than the conversion of the existing barn. The dwelling can be properly insulated with a 'fabric first' approach, rather than the current approval which would require retro-fitting of insulation to the existing barn structure.
  - The proposed dwelling would incorporate suitable renewable energy features, such as the inclusion of solar panels as shown on the submitted plans, to reduce the reliance on fossil fuels for heating and lighting.
  - The proposals would secure specific biodiversity habitat enhancement in the form of both native planting and a bat box as shown on the submitted plans.
  - The proposals would secure an off-site financial Affordable Housing contribution, to help provide needed affordable housing in the local area.
- 4.13 As such, the proposed development would provide an overall higher quality development than that previously permitted, through the provision of a better designed, energy efficient and comprehensive new dwelling.
- 4.14 The proposals would not result in any reasonable increase in vehicular traffic to and from the site over and above the permitted residential conversion of the existing barn. The proposals would include the provision of an electric vehicle charging point at the property and space for secure cycle parking.

### **Design**

- 4.15 Policy BDP19 requires developments to be of high design quality and outlines a number of design criteria in which this proposal accords with. The approved conversion of the existing barn was restricted in terms of its design capabilities by the nature and appearance of the existing barn, as well as the Class Q regulations. Nonetheless the overall appearance of the building was sympathetic to the surrounding built development and semi-rural locality. This proposal would create a building that is similar in appearance and scale to the fall-back scheme whilst providing enhancements to the existing setting in terms of additional landscape and biodiversity habitat and a much better built fabric and environmental impacts as a result.
- 4.16 The proposed dwelling would sit on the same position as the existing barn, and indeed would have the same building footprint as the existing barn. The existing barn would be demolished and removed from the site. The proposed dwelling would take the appearance of a converted barn, finished in timber cladding above a brick plinth and slate roof, in order to have minimal visual impact, and harmonise in character with the locality. The property would be served by its own parking and turning area, capable of accommodating at least two vehicles, and a



private rear garden – the garden for the dwelling is shown as being larger than that permitted under the prior approval. However, this small increase in garden is not considered to have any adverse impacts.

- 4.17 As set out above, the applicant is fully intending on moving into the proposed dwelling. The proposals would represent a genuine self-build project.
- 4.18 As confirmed in Development Plan, and the supporting Worcestershire Strategic Housing Market Assessment has an aging population and significant growth is expected in older householders. The proposed dwelling would offer accommodation suitable for elderly occupiers, being single storey accommodation. There is a significant identified need for the provision of flexible accommodation suitable for occupation by older residents, which is clearly not currently being met. This need is only going to increase year on year given the population age profile and projections.
- 4.19 In addition to the above, the ‘reasoned justification’ of Policy BDP7 states that *“8.65 In line with national trends Bromsgrove has an ageing population. The 2012 Worcestershire Strategic Housing Market Assessment (SHMA) identifies that the proportion of older person households (those over the current working age) is forecast to grow from 21.4% to around 33% of the total population. This analysis suggests that there will be high demand for smaller properties suitable for meeting the needs of older person households.”* Again, there is a clear and unmet need for small properties within the district. The proposed small two-bed flexible dwelling would specifically help meet this need.
- 4.20 The building will meet the high standards of thermal insulation and airtightness. Solar photovoltaic panels are provided to the west facing roof slope to the dwelling, to reduce reliance on fossil fuels for heating and lighting. An electric vehicle charging point is also provided to encourage the uptake of electric cars.
- 4.21 The proposals would constitute high-quality design and would fully comply with Policy BDP19.
- 4.22 The proposed dwelling would provide suitable flexible and adaptable accommodation, with bedrooms and bathrooms at ground floor level, that would be suitable for occupation by the elderly, or persons with restricted mobility. The future occupiers would benefit from suitable private gardens and off-road parking facilities. The proposals would have no discernible impact on the amenities of any neighbouring property and would benefit from suitable amenity levels themselves. The proposed development would fully comply with Policy BDP19 and would represent a high-quality design.
- 4.23 Turning to the question of amenity space, whilst there are no direct guidelines within the Development Plan, the adopted High-Quality Design Guide – Supplementary Planning Document (2019), when discussing extensions to properties, gives a guideline figure of 70sq.m and a minimum of 10.55m in length for a two storey property. As shown on the proposed plans, the proposed property would incorporate 2no. bedrooms, and would be served by a usable private amenity area. The proposed amenity areas would be commensurate in size to neighbouring properties, and consistent with the semi-rural surroundings of the locality.



- 4.24 Paragraph 8 of the NPPF sets out the three dimensions to sustainable development – economic, social and environmental objectives. The proposed development’s contribution to each of these three objectives is discussed below.
- 4.25 **Economic role** – the provision of the new dwelling would help support existing local facilities through additional custom. The initial construction works would provide local jobs in associated trades necessary to ensure the efficient and sustainable development of the scheme, in particular supporting a local small housebuilder and associated local supply chains. In addition to this, the proposals would provide a New Homes Bonus contribution to the council, together with on-going Council Tax revenues. The proposals would positively contribute to this objective.
- 4.26 **Social role** – the proposed development would provide residential accommodation which would help meet the housing needs of the present and future generations, in particular the provision of a small flexible family home with significant ground floor accommodation, as well as a small two-bed bungalow. As confirmed in the Development Plan, the district has an aging population and significant growth is expected in older householders. The proposals would provide suitable accommodation for elderly occupiers or persons with mobility issues. The proposals would also provide an affordable housing contribution. The properties would be well situated to help support the various services and facilities within the local area. Furthermore, the proposals would provide a high-quality built environment. The proposals would positively contribute to this objective.
- 4.27 **Environmental role** – the proposed development would preserve and enhance the surrounding built and natural environment and can lead to an enhancement in biodiversity habitat. Furthermore, the proposed new dwelling would be highly energy efficient and utilise renewable energy, which would help to adapt to climate change by moving to a low carbon economy. The proposals would positively contribute to this objective.
- 4.28 Section 12 of the NPPF discusses the need to achieve well-designed places, with good design being a key aspect of sustainable development. Paragraph 127 of the NPPF sets out a number of criteria that developments should meet, which includes adding to the overall quality of an area; being visually attractive as a result of good architecture; are sympathetic to the surrounding built environment and landscape setting; and creating safe places with a high standard of amenity. The proposed development would provide all of the above.

#### **Green Belt**

- 4.29 Paragraph 138 of the NPPF confirms the five purposes the Green Belt serves: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.30 Notably the proposals do not conflict with any of the five purposes. The most relevant purpose to these proposals – safeguarding the countryside from encroachment – is adhered



to. The proposals do not seek to increase the size of the existing building footprint or built form on the site.

- 4.31 Paragraph 149 of the NPPF confirms that the construction of new buildings would constitute inappropriate development in the Green Belt, unless one of the stated exceptions apply, which includes: d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; g) limited infilling or the partial or complete redevelopment of previous developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
- 4.32 The proposals seek to replace the existing barn which has permission for residential use. The proposed dwelling would incorporate the same building footprint and eaves and ridge height. The fall-back position of the Class Q residential approval on the site is a material consideration to which significant weight must be given.
- 4.33 The test of whether a replacement building is materially larger requires a quantitative assessment, factors can include the floorspace uplift and three dimensional factors such as footprint, increases in height, width, depth and building shape.
- 4.34 As shown on the submitted plans, the footprint and built form of the proposed dwelling is the same as that of the existing barn. As such the proposal would not result in a materially larger building to the one it replaces. Furthermore, the replacement building is located in the same position to the existing barn, and would be viewed, if at all, against the backdrop of the existing built form and properties and supplemented with additional landscaping. Therefore, it is not considered that the replacement building has a harmful material impact on the openness of the Green Belt in this instance and would constitute an appropriate form of development in the Green Belt.
- 4.35 Paragraph: 001 Reference ID: 64-001-20190722 of the Planning Practice Guidance has been updated to reflect relevant judgements and confirms that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
  - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - the degree of activity likely to be generated, such as traffic generation.
- 4.36 With regards to the above matters, the visual impact of the proposals would be minimal, given that the site cannot not be readily seen from any public vantage point, and the proposed development would be set between, and viewed in association with, the existing built form on





the site and neighbouring residential properties to the west. Furthermore, the proposals would be of a much high quality design and finish than the existing building and approved residential conversion it was to replace and would harmonise with the semi-rural landscape. The proposals would not generate any increase in vehicle activity to and from the site, over and above the approved Class Q residential conversion of the barn.

- 4.37 In light of the above, it is not considered that the proposals have a harmful material impact on the openness of the Green Belt in this instance and would constitute an appropriate form of development in the Green Belt.

## 5.0 Access and Highways

- 5.1 The site is accessed via the existing vehicular entrance off The Gutter which links onto Madeley Road. No alterations to this existing access are proposed under this application.
- 5.2 As shown on the submitted plans, the proposed dwelling would be served by an individual off-road parking and turning area adjacent to the property, with sufficient room on site to accommodate at least 2no. cars per dwelling. Sufficient parking and turning areas, to enable vehicles to turn and leave the site in a forward gear, in accordance with the latest Highway requirements, is provided.
- 5.3 The proposed development would not have an adverse impact upon the surrounding highway network; generate significant levels of vehicular movement; or result in any harm to highway safety. The proposals would not result in any discernible increase in vehicular traffic to and from the site over and above the permitted change of use of the existing building.
- 5.4 The proposals can incorporate specific provision for a charging point for an electric vehicle on the site, as well as secure covered storage area for bicycles with the garden area for the dwelling – details of which can be secured by conditions. This will generally encourage more sustainable and less polluting modes of transport to and from the site by future occupiers of the dwelling.

## 6.0 Landscape and Biodiversity

- 6.1 The proposed development would not require the removal of any existing significant landscape feature. The proposals would not have any detrimental impact on the landscape character for the area and would provide additional new native planting to the benefit of both landscape character and biodiversity, in accordance with Policies BDP19 and BDP21.
- 6.2 It was accepted as part of the Class Q approval that the site currently offers no suitable ecological habitat. The proposed development offers the opportunity for significant improvements and enhancement of the site's biodiversity habitat. As shown on the submitted plans, this would include new native tree planting on the site, as well as a bat box on the rear elevation of the building. Further specific ecological enhancements, if deemed reasonably necessary, can be secured by condition. As such the proposals accord with Policy BDP21.

## 7.0 Water Management Statement



- 7.1 The site is not located in any designated high or medium flood risk zone as shown on the EA mapping system. The proposed development would not result in any increase in impermeable surfaces on the site. It is proposed that roof surface water from the dwelling would discharge to water butts for re-use on the site. Water butts can intercept water from downpipes for watering the garden/plugging in pressure washers that connect direct to water butts. Overflow from the water butts would soakaway to the respective garden area. The parking and turning spaces and associated hardstanding would be finished in a permeable material. All new toilets to be dual flush 4l/2.6l, with all new taps to be low flow water efficient type and all new shower heads to be water efficient aerating spray shower heads. New white goods to be water/energy efficient type.
- 7.2 In accordance with the hierarchy as set out in the Planning Practice Guidance, the proposed dwellings would utilise a suitable package treatment plant for the disposal of foul water, given that mains sewer is not a viable or feasible option given the distance to such.
- 8.0 **Other**
- 8.1 Renewable technologies - In accordance with Policy BDP22 the development will incorporate energy efficient measures and renewable technologies, as shown on the submitted plans.
- 8.2 Affordable Housing - It is understood that the proposals may require an off-site financial Affordable Housing contribution, as the site is located in a Designated Rural Area. The applicant has confirmed that they are happy to enter into a suitable Section 106 Agreement to secure this, if required.
- 8.3 Ecology - A Phase 1 Ecology Report submitted with the application, dated identifies that the entire site, the building/hard standing with improved grassland, is of 'negligible ecological value'. The building is of negligible potential for bat roost formation and there is no evidence of bats or breeding birds. There are no Statutory or Non-Statutory Designated Nature Conservation Sites within the site or that will be impacted by this development. From the Biological Data Search no protected species were recorded within the site. As such the development would be acceptable from an ecological perspective.
- 9.0 **Conclusion**
- 9.1 The application site lies outside of a defined development boundary, thus the proposed construction of 1no. new dwelling would technically fail to accord with Policy BDP2. However, there are a number of significant material considerations which ensures that departing from the provisions of policy BDP2 is justified in this case. Prior approval was granted for the conversion of the existing barn on the site to 1no. dwellinghouse under application reference 23/00484/CUPRIO. This represents a genuine fall-back position, to which significant material weight must be given. The proposed dwelling would replace this permitted residential change of use and provide an energy efficient and higher quality design than the permission conversion.
- 9.2 The scheme will deliver a high-quality designed property, which would incorporate flexible accommodation inclusive for all future occupiers and preserve the character of the



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surrounding built and natural environment. The proposals would provide high-quality, more energy efficient property, that has a positive contribution to the visual character of the local area, than would be provided through the permitted conversion. The scheme would not have an adverse impact upon the surrounding highway; drainage / flooding or ecology.

- 9.3 The application therefore accords with policies contained in the development plan. The proposals would represent an appropriate form of development in the Green Belt.
- 9.4 The proposed development is considered to represent sustainable development as defined in the Framework.