

The Planning Inspectorate  
Room 3B  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Our Ref: CCB/5257

11<sup>th</sup> April 2024

**FAO: AMY BOOTH**

Dear Sirs,

**5259: BROOMHALL COTTAGES, HORSEBROOK FARM LANE, BREWOOD,  
STAFFORDSHIRE, ST19 9LD**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**PLANNING APPEAL: APP/C3430/C/24/3336376**  
**APPEAL BY MR STUART MALONEY**  
**GROUND(S) (A), (F) AS SET OUT AT SECTION 174(2) OF THE 1990 ACT.**  
**SITE ADDRESS: 1 BROOMHALL COTTAGES, HORSEBROOK FARM LANE,  
BREWOOD, STAFFORD, ST19 9LD**

## **1.0 Introduction**

- 1.1 This statement has been prepared to support the appeal of Broomhall Cottages, Horsebrook Lane, Brewood, ST19 9LD and the retention of cottage 1.
- 1.2 The site has been subject to a number of planning applications in recent years and this statement relates to South Staffordshire Council Planning Application reference numbers: 22/00360/BOC, 20/00706/VAR and most specifically 18/0038/FUL conditions 2 and 5.

## **2.0 Site History**

- 2.1 No 1 Broomhall Cottages is a semi-detached two storey property situated at the junction of Horsebrook Hall and Horsebrook Farm Lane. Planning permission was granted in 2018 (Ref: 18/00338/FUL) to demolish No 1 and erect a new two storey detached house within the grounds of the property.
- 2.2 Condition 5 of planning permission 18/00338/FUL required that the existing house is demolished concurrently with the development. Although the single storey flat roof extensions to the property has been demolished, the original two storey part of the cottage remains in situ.
- 2.3 A certificate of existing lawful use was also issued in 2019 for a new car port, parking area and access serving the new No 1. These works have been completed and are positioned to the eastern side of the plot.
- 2.4 The adjoining property, No 2 Broomhall Cottages, is a two storey cottage which closely follows the design and form of the old No 1. It benefits from existing extensions which were granted in 2006.

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2.5 Two applications have been submitted (Refs:21/00470/LHSHLD and 21/00451/LUP) to establish if single storey side and rear extensions to No 2 can be constructed under permitted development rights. It was concluded prior approval permission was not required for a single storey extension of 6m as the proposal conforms to all the limitations set out in the GPDO, Schedule 2 Part 1 Class A.

2.6 However, it was deemed a single storey side extension applied for under planning application reference: 21/00451/LUP would fall outside the curtilage of No 2 and was not deemed to be permitted development and was subsequently refused.

2.7 Planning Application 20/00706/VAR was to vary condition 2 (approved plans) and condition 5 of Approval 18/00338/FUL (condition discussed above). This application was to retain cottage no.1. This application was refused with the reasons for refusal being:

1. *The proposed would represent inappropriate development in the Green Belt. Whilst the applicant has advanced certain other considerations in support of the application namely the permitted development fallback position and the benefits to the historic environment from retaining No 1, the Council does not consider that these other considerations amount to the very special circumstances required to outweigh the identified harm to the Green Belt both in terms of inappropriateness and the harm to openness. Consequently, the proposal would conflict with Policy GB1 of the South Staffordshire Core Strategy (CS) and the National Planning Policy Framework (the framework).*

2. *Proactive statement*

*In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner based on seeking solutions to problems in relation to dealing with the planning application, in accordance with paragraph 38 of the National Planning Policy Framework, 2018. However, for the reasons set out in the officer report and reason for refusal, the proposal conflicts with both national and local Green Belt Policy and has therefore been refused.*

2.8 Several issues have been raised as to why condition 5 could not be varied and demolition of cottage 1 should be carried out. We consider the main issues of the case are as follows:

- Whether the proposed development is inappropriate in the Green Belt
- Visual impact and effect on the openness of the Green Belt
- Permitted development rights

These main issues will be reviewed in turn.

### **3.0 Green Belt**

3.1 The site is located in the Green Belt. Planning application 18/00338/FUL sought the demolition of cottage no. 1 to allow for the development of a new detached dwelling in the curtilage of the property. Condition 5 required the existing dwellinghouse on site to be demolished concurrently with the development. All materials resulting from the demolition were to be reused in the proposed development or removed from the site and lawfully disposed of.

3.2 Paragraph 152 of the National Planning Policy Framework (NPPF) states, *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

- 3.3 The NPPF does not set out a definition of what is 'very special circumstances' and therefore, planning judgment and weight is to be given as part of the planning balance.
- 3.4 This statement focuses on an assessment of the site in its current configuration with the new cottage, the original cottage no.1 and original cottage no.2 in situ.
- 3.5 We do not consider the retention of cottage no. 1 for its continued residential use would be considered as new built development as it is the re-use/ retention of an existing structure to form an extension to cottage no. 2, however, in connection to the NPPF, paragraph 154 states, "*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*"
- 3.6 *Policy GB1: Development in the Green Belt of the South Staffordshire Core Strategy, December 2012 follows a similar stance to the NPPF and states, "...development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either:*
- A. A new or extended building, provided it is for:*
- d) limited infilling\* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).*
- B. The re-use of a building provided that:*
- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.*
- 3.7 The proposed use of the building would be to form part of cottage no. 2 so they would become one residential property. This would not result in any external alterations or increases in the overall footprint of built development on the site, from what is the current situation as a result of retaining cottage no.1.
- 3.8 When assessed in the current context, as the building is already present, we do not consider there would be any greater impact on the Green Belt.
- 3.9 Chapter 4. Alterations or extensions to existing buildings of the Green Belt and Open Countryside Supplementary Planning Document (SPD) April 2014 states "*4.2 In relation to dwellings, the Council has historically applied a 30% limit on extensions to dwellings in the Green Belt; this related to an increase in 30% of footprint over the original footprint. [NB. Original footprint is that which existed on 01 July 1948 or as originally built if building constructed after that date.*
- 4.3 For this SPD a percentage range is considered to be the most appropriate approach; this range is between 20-40%. A range is proposed to recognise that a 'one size fits all' approach is not always suitable.*

- 3.10 With the above being taken into consideration, we do not consider classifying cottage no.1 as an extension to cottage no. 2 would result in an increase of more than 40%. Therefore, it is in accordance with policy.
- 3.11 When considered accumulatively, the new cottage in addition to the original dwellings, we understand this has arguably created greater impact, however, it should be noted that the proposed new dwelling as part of permission 18/00338/FUL is materially larger than the building it was due to replace.
- 3.12 The above also needs to be considered in connection to the overall increase in built development allowed under permitted development which is discussed in paragraphs 6.1-6.7 of this statement.
- 3.13 With the above taken into consideration, I take the view the proposed development/ retention of cottage no. 1 would be inappropriate development in the Green Belt.

#### **4.0 Visual Impact**

- 4.1 There is no speculation as to the potential visual impacts of retaining cottage no. 1 and its impacts on the new detached cottage, cottage no. 2 or the surrounding environment as all properties are in situ and can be viewed as part of a site visit.
- 4.2 Cottage no.1 does not look out of place in its setting adjacent to cottage no. 2 or new cottage. It is a well-established structure and does not create any greater impact on the Green Belt than other developments allowed via permitted development.
- 4.3 Policy EQ11: Wider Design Considerations of the Core Strategy states, *“Development proposals must seek to achieve creative and sustainable designs take into account local character and distinctiveness*

##### *C. Form*

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;*
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;*
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;*
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;”*

We consider the retention of the existing property does meet all of the above criteria.

- 4.4 As stated above, the existing cottage provides accommodation over two floors with a footprint of approximately 23.7m<sup>2</sup>. When compared to the proposed development allowed under permitted development rights, the single storey development would create approximately 24m<sup>2</sup> in additional living space. This therefore indicates that the existing cottage provides no greater built development than what permitted development has already allow in regards to footprint.
- 4.5 It is undeniable that the single storey extension has a different visual influence than a two-storey structure, however, as indicated within this statement, the property is a well-established structure and is not creating a new visual impact.

4.6 With the above taken into consideration, we do not consider the proposed development/ retention of cottage no. 1 would have a negative visual impact and adverse effect on the openness of the Green Belt.

## **5.0 Heritage and Design**

5.1 Cottage no. 1 was built in the design of cottage no.2 and has a seamless appearance, where it could be thought of as one property. It shows evidence of its age in an attractive, visually pleasing manner.

5.2 Cottage no. 1 is in keeping with its surrounding in design, appearance and character. We consider the retention of cottage no. 1 would provide a much better appearance and impact on the surroundings from a design and aesthetics perspective than new developments allowed under permitted development rights.

5.3 It is also important to note in the officer's report for planning application 20/00706/VAR, the consultee response from the Conservation Officer (01.12.2020) states, *"The cottages are pre-1882 in date (appearing on the first edition ordnance survey mapping) and are typical of the vernacular cottages of the district. I would conclude that the cottages would constitute non-designated heritage assets. Whilst not formally on the South Staffordshire local list, they are the kind of property that adds a distinctive character to the area. I would argue in favour of their retention."*

5.4 This should be attributed considerable weight in favour of the retention of cottage no. 1.

5.5 The retention and use of an existing structure should be considered positive. Paragraph 209 of the NPPF states, *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

5.6 South Staffordshire Council also state they aim to support and encourage measures which secure the improved maintenance, management and sustainable reuse of heritage assets in policy EQ3: Conservation, Preservation and Protection of Heritage Assets of the Core Strategy.

## **6.0 Permitted Development Fallback position**

6.1 It is noted that permitted development rights remain attached to cottage no. 2. This is evident in permission 21/00470/LHSHLD that allowed for a single storey extension of 6m to the rear of the property.

6.2 The proposed extension would be 6m x 4m with a height of 4m. This would create a volume of 96m<sup>3</sup>. This is compared to the volume of the existing cottage which is approximately 135m<sup>3</sup>.

6.3 This extension would create an increased footprint of approximately 24m<sup>2</sup> in additional living space. This is larger footprint than that of existing cottage no.1, which has a footprint of 23.7m<sup>2</sup>.

6.4 In regards to mass and the amount of built development, as part the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part

1 of Schedule 2 Class AA - enlargement of a dwellinghouse by construction of additional storeys allows for:

*Permitted development*

*AA. The enlargement of a dwellinghouse consisting of the construction of—*

*(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or*

*(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.*

6.5 This would therefore suggest there could be the possibility to extend the existing property by more than one storey to some degree. This therefore further questions the argument of over development of the Green Belt, visual impact, and the overall impact on the openness of the Green Belt.

6.6 As part of future plans, the appellant wishes to advise the inspector that they would demolish the existing single storey rear extension to cottage no. 2 (granted in 2006) which currently provides 8.1m<sup>2</sup> of floor space as a condition, should the appeal be allowed, thus reducing the overall amount of built development on site.

6.7 The above is intended to provide additional information in support of the retention of cottage 1 at Broomhall Cottages, Horsebrook Farm Lane, Brewood, ST19 9LD.

**7.0 Structural considerations**

7.1 Condition 5 of permission 18/00338/FUL requires the demolition of the original cottage no.1 which is a semi-detached dwelling attached to original cottage no. 2. These cottages were built at the same time, and it is difficult to ascertain where the divide in the properties is located when viewing the properties from the front elevation.

7.2 As stated above in paragraph 5.3, these properties are of a significant age, dating pre-1882, and therefore the level of demolition required in order to conform with condition 5, gives rise to considerable concern regarding the structural integrity of cottage no.2 being significantly compromised and concerns whether it can withstand that level of destruction without being at risk of becoming unsafe and compromising the safety of the residents of the property (the appellant) should the demolition of original cottage no.1 be required.

Should you require any further information please do not hesitate to contact me.

Yours faithfully



**CHONTELL BUCHANAN** MTCP (Hons) MRTPI  
PLANNING CONSULTANT



- Enc.
- Site Plan
  - Photos of properties on site.

rev

date | drawn | ch'k'd

HORSEBROOK FARM LANE

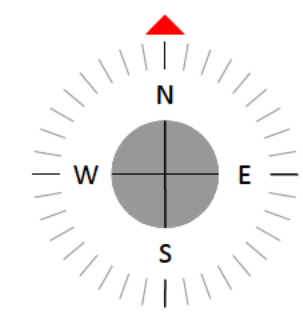
Original cottage no.1

Broom Hall Cottages

New detached cottage

Solid orange hatch denotes proposed demolition.

Solid red hatch denotes proposed extension granted via permitted development.



Bellview Farm



project title  
Broomhall Cottages, Horsebrook Farm Lane

drawing title  
Proposed Block Plan (PA)

job no.	work stage	drawing no.	rev
0186	WS3.1	006	

scale	date
1:500 @ A3	March 2021

purpose  
Planning

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Photos of the site



Side elevation of original Cottage no.1 and the new detached cottage.



Side elevation of original cottage no.1





Original cottages no1,2 and the new detached cottage



Front elevation of original cottages no.1 and 2