
Appeal Decision

Site visit made on 8 November 2016

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2016

Appeal Ref: APP/C3430/W/16/3157002

Eden Holme, Pool House Road, Wombourne, South Staffordshire WV5 8AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Barn against the decision of South Staffordshire Council.
 - The application Ref 16/00414/FUL, dated 6 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is a proposed 4bed detached house and ancillary leisure building and office building for welfare facility for taxi drivers.
-

Decision

1. The appeal is allowed and planning permission is granted for a 4bed detached house and ancillary leisure building and office building for welfare facility for taxi drivers at Eden Holme, Pool House Road, Wombourne, South Staffordshire WV5 8AZ in accordance with the terms of the application, Ref 16/00414/FUL, dated 6 May 2016, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. Paragraph 89 of the Framework is clear that the construction of new buildings in the Green Belt is inappropriate. However, it adds that an exception to this is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy GB1 of the South Staffordshire Local Plan (the 'Local Plan') largely repeats the contents of the Framework and therefore I give significant weight to this policy.
-

4. The site currently accommodates a derelict bungalow, a modular building and various wooden sheds. The modular building is used as an office for a taxi business. The proposal involves residential buildings and an office building for the taxi business. As such, the proposal would broadly meet the first of the criteria.
5. In respect of the second, it is agreed by the parties that the existing development on site has a footprint of 126.08 square metres, and that the proposal would have a floor area of 390.5 square metres, although I note the measurements quoted on the drawings indicate a smaller floor area for the proposal. Using either figure, the development would be materially larger than the existing buildings it would replace and so would conflict with Policy GB1 and the Framework in this regard. As such the proposal represents inappropriate development which is, by definition, harmful to the Green Belt.

Openness

6. Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the Framework. Openness would inevitably be reduced by the proposal as a result of the increase in the size of development on the site. This would not only be because of the increase in floor area but by the increase in the height of the dwelling. Also the proposal would result in built development spread out across the width of the site, as opposed to the rather concentrated layout of the existing buildings and structures, and this also affects the feeling of openness at the site. Therefore, the proposal would have a greater impact on openness than the existing development. This weighs against the development, and is in addition to the inappropriateness of the proposal.

Other considerations

7. Planning permission has already been granted for various forms of development on site. Most relevantly, planning permission ref 15/00706/FUL relates to the provision of a 5 bed detached house and an ancillary office building for taxi drivers. The parties agree that that development would have a floor area of 398 square metres which would be greater than the proposal before me. As this permission is extant I give it significant weight.
8. I have also considered the layout of the development in the extant planning permission. The approved development is concentrated in two buildings including one large, elongated dwelling. The comparable floor area in the appeal scheme would be spread over four buildings, but these buildings would generally occupy the same areas of the site as the development in the extant permission. As such it is not considered the layout of the proposal would have any materially more harmful impact on the openness of the Green Belt than the development already consented, and so I give this matter neutral weight.
9. The current proposal would project slightly further west than the scheme in the extant planning permission and indeed, due to topography and boundary treatment, any significant development on the site would be most visible from that direction. However the proposal would not be as deep or have as great a bulk at roof level as the scheme already permitted and so, when seen from the west, the appeal proposal would have a lesser visual impact on the Green Belt than the development in the extant planning permission. Accordingly I give this consideration significant weight.

Planning Balance and Overall Conclusion

10. The Framework advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. I consider that the development would cause harm to the Green Belt by way of inappropriateness and to its openness. However balanced against that are the other considerations including the extant planning permission for the site which permits development which, for the reasons given above, I consider would be more harmful to the Green Belt than the proposal before me. As such the benefit of the proposal when seen in the context of the extant permission clearly outweighs the harm that I have identified. Looking at the case as a whole, I consider very special circumstances do exist which justify the development.
11. As such, although the development would conflict with Policy GB1 of the Local Plan it would accord with the Framework in that very special circumstances have been demonstrated.

Conditions

12. I have considered those conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
13. In accordance with the requirements of the PPG and the Framework I have imposed, the standard condition relating to the commencement of development, a condition specifying the relevant plans in order to provide certainty, and conditions relating to construction materials, boundary treatments, and finished floor levels in the interests of the character and appearance of the area. The conditions relating to the use of the buildings are also necessary to provide certainty.
14. I have also attached a condition to require the provision of the access and vehicle parking areas in the interest of highway safety, and a condition requiring the submission of a drainage details in the interest of the sustainable drainage of the site.
15. The conditions removing permitted development rights, and requiring the demolition of all existing buildings on site are necessary to ensure development at the site does not have an unacceptable effect on the openness of the Green Belt. I have altered the condition relating to permitted development rights to refer solely to the forms of development which may impact on the openness of the Green Belt.
16. Some conditions require compliance prior to the commencement of development so that the effects of the proposal are properly mitigated for in order to make the development acceptable.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, 1018 07, 1018 08 Rev A and 1018 09 Rev B.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) Before the development commences details of all boundary treatment at the site shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be erected prior to the occupation of the buildings and shall thereafter be retained.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within the following Classes shall be carried out unless expressly authorised by this planning permission:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - c. Schedule 2, Part 1, Class C - any other alteration to the roof
 - d. Schedule 2, Part 1, Class D - porches
 - e. Schedule 2, Part 1, Class E – buildings incidental to a dwellinghouse
 - f. Schedule 2, Part 1, Class F – hard surfacing
 - i. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure
- 7) The buildings hereby permitted shall not be occupied until the access, parking, servicing and turning areas shown on drawing 1018 08 Rev A have been provided in accordance with the approved plan and those areas shall thereafter be kept available at all times for those purposes.
- 8) Development shall not commence until foul drainage and surface water drainage works for the development have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 9) Before the dwelling hereby approved is occupied, the existing dwelling and associated structures, and any existing structures used in association

with the taxi business on the site, shall be demolished and all materials shall be removed from the site.

- 10) The garage and leisure building hereby approved shall only be used for purposes incidental to the dwellinghouse.
- 11) The taxi office building hereby approved shall only be used for purposes in association with the existing taxi business and for no other purpose.