

Appeal Decision

Site visit made on 29 November 2016

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/R1845/W/16/3158052

**Land adjoining The Woodlands, Worcester Road, Clent, Hagley,
Worcestershire DY9 0HS**

- 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 and Mrs Ivan Shaw against the decision of Wyre Forest District Council.
 - The application Ref 16/0257/FULL, dated 26 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is a dwelling with garage / garden store and studio over.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are *firstly*, whether the proposed dwelling with garage, garden store and studio would be inappropriate development in the West Midlands Green Belt; *secondly*, the effect of the proposal on the openness of the Green Belt; *thirdly*, whether the proposal would provide a suitable site for a dwelling having regard to the aims of national and local planning policies for new residential development in the countryside; *fourthly*, whether the loss of Grade Two agricultural land has been justified; and *fifthly*, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Green Belt

3. The appeal site lies within the West Midlands Green Belt, and comprises part of a paddock that is currently laid to rough grass. The National Planning Policy Framework (the Framework) considers the construction of new buildings as inappropriate development in the Green Belt, unless it would be one of a number of identified exceptions. These exceptions include limited infilling in villages. Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan (2013) (LP) states that development will not be permitted in the Green Belt except in very special circumstances, unless it meets one of the listed criteria.
-

4. The appellants consider the proposed dwelling would be the limited infilling in villages that is exempted by the Framework. However, the appeal site is part of a larger paddock, and is separated from The Woodlands by a high evergreen hedge. Neither the site or the paddock as a whole is part of the garden of this property, nor are any residential uses present, being covered at it is with rough grass and bounded by fencing and an overgrown hedgerow along the roadside. Surrounding the paddock of which the site forms part are agricultural fields and woodlands, amongst which there is a loose scatter of mostly detached houses.
5. There are existing dwellings nearby, but the character of the area is one of mostly large dwellings positioned in generous plots, separated by agricultural land, paddocks and small woodlands. This is not a village, but disparate and scattered residential development in the open countryside. Consequently the provision of a dwelling would not be the limited infilling of villages exempted by the Framework. Whilst noting LP Policy SAL.UP1 remains silent as regards infilling, on the basis of the evidence before me the proposal would not comply with any of the other exceptions listed within this policy. As such the proposal would be inappropriate development in the Green Belt.
6. The proposed dwelling and garage would therefore cause an unacceptable loss of openness to the Green Belt. Even though there are hedges that partly screen the site from the road, the dwelling and its garage, studio, gardens and associated residential paraphernalia would erode the open, undeveloped appearance of the site. Openness has a spatial and visual aspect, and just because a development cannot be seen from certain points, does not mean that there would be no loss of openness.
7. I have had regard to the court cases referred to by the appellants. However, there are a number of differences between these cases and that before me, including the location of the site. For the reasons given above I do not consider the appeal proposal would be limited infilling as exempted in the Framework. Thus the proposal would be inappropriate development within the Green Belt, with a harmful loss of openness.

Countryside

8. The proposed house would be residential development in the countryside. Policies DS01 and DS04 of the Wyre Forest District Council Core Strategy (2010) (CS), seek amongst other things to concentrate new development on brownfield sites and within settlements in rural areas. LP Policies SAL.DPL1 and SAL.DPL2 expand on this hierarchical approach of directing development, with the latter specifying the exceptional circumstances where residential development could be provided in rural areas.
9. The site is considered by the appellants to be previously developed land. However, this was not apparent from my visit or from the evidence before me. The Framework defines previously developed land as land which is or was previously occupied by a permanent structure, and exempts agricultural buildings from this definition as well as private residential gardens. Whilst noting that the appellants consider the proposed dwelling would assimilate into its surroundings by the retention of the existing hedge and provision of further planting, the proposed dwelling would intensify and consolidate the existing sporadic development found within the area. The scheme would not satisfy any of the special circumstances cited in the Framework as regard the provision

of a dwelling in the countryside, nor would it accord with the requirements of the CS and LP policies referred to above.

Agricultural Land

10. The appeal site is of Grade Two quality as defined under the Agricultural Land Classification. LP Policy SAL.UP14 seeks the protection of the best and most versatile agricultural land. The appellants do not consider the site to be agricultural land but a large residential paddock.
11. Be that as it may, the site is distinctly separate from the garden of The Woodlands. Although not actively managed for agricultural or similar uses, it is laid to rough grass, and as pointed out by the appellants, has been heavily grazed in the past. In the absence of any evidence to justify the residential development of the site, the loss of Grade Two agricultural land would conflict with the requirements of LP Policy SAL.UP14 and those of the Framework, that expect a Council to take into account the economic and other benefits of the best and most versatile agricultural land.

Any Other Considerations

12. I have also considered the proposal in the context of the presumption in favour of sustainable development, as set out in the Framework. In paragraph 7 it is made clear that sustainable development has economic, environmental and social dimensions, none of which should be undertaken in isolation.
13. There would be a limited economic benefit arising from future occupiers of the dwelling in terms of investment in the local community. The dwelling would be constructed to be energy and resource efficient, and this would be a limited environmental benefit of the scheme.
14. However, I am not convinced that the dwelling would be in a sustainable location. Neither party has provided details as regards whether public transport facilities exist to provide a regular and frequent alternative for day-to-day living and working requirements. Walking to the nearest services and facilities that are over a kilometre away would be along an unlit footpath beside a busy road and this would not be a pleasant or convenient alternative to the private car. There may well be a need for large dwellings in rural areas, but the evidence of the essential need for a dwelling in this particular location has not been provided. For the reasons given above the proposal would have a significant adverse environmental impact. Taken as a whole, the proposal would not thus be the sustainable development required by the Framework. Even having regard to the very limited benefits of the scheme, they would not outweigh the harm I have found, and as such there are no very special circumstances to justify a new dwelling in the Green Belt.

Conclusion

15. The new dwelling would be inappropriate development in the Green Belt, contrary to development plan policy and the Framework. There would also be a loss of openness of the Green Belt. The site would not be suitable for a dwelling having regard to the aims of national and development plan policies for new residential development in the countryside, and it would result in the loss of Grade Two agricultural land. These harms and that to the Green Belt would not be outweighed by any other considerations that would amount to

very special circumstances. Consequently, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR