

Appeal Decision

Site visit made on 31 January 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 06 March 2017

Appeal Ref: APP/P1805/W/16/3161101
Wood Lane, Fairfield, Bromsgrove B61 9NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nokes against the decision of Bromsgrove District Council.
 - The application Ref 16/0585, dated 10 June 2016, was refused by notice dated 2 August 2016.
 - The development proposed is described as 'Construction of residential development to incorporate the existing access'.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the submission of the appellant's appeal the Bromsgrove District Plan 2011-2030 Development Plan Document (BDP) was adopted by the Council on the 25 January 2017. Both parties have had the opportunity to address any implications arising from the adoption of this document. In response the Council have confirmed that the BPD replaces all previously saved Bromsgrove District Local Plan policies. I have therefore considered the appeal on this basis.
3. The planning application to which the appeal relates was submitted in outline form with all matters reserved except for access and layout.

Main issues

4. The proposal would result in new open market housing in the Green Belt and there is no dispute that it would amount to inappropriate development in the Green Belt as set out in the National Planning Policy Framework (the Framework)¹.
5. Therefore the main issues are:
 - whether the proposal would preserve the significance of the setting of the Grade II Listed Fairfield House; and
 - whether the harm 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 the development.

¹ Paragraph 2.10 Next Phase Statement of Case October 2016

Reasons

6. The appeal site is an agricultural field and is bound by mature hedgerows on three sides and a fence on the northern boundary within the Green Belt. The proposed access would be utilising the existing field gate off Wood Lane. There are residential properties to the west and east of the site and pasture land to the north. The appeal site adjoins and contributes to the rural setting of the Grade II Listed Fairfield House, it therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Setting of a heritage asset

7. I have carefully considered the appellant's representations with regard to the relationship between the site and Fairfield House and the development within the grounds of Fairfield House. However, the proposed urban/tandem layout would appear incongruous in this site specific location and would result in a material change in the rural character of the immediate area adjoining the boundary with Fairfield House. Moreover, based on the evidence before me and my observations, it has not been demonstrated that the existing development within the grounds of Fairfield House would provide an adequate physical buffer between the site and the Listed Building. Consequently, the proposal would introduce residential development that would change the character of the site from rural to urban in close proximity to Fairfield House, which would result in harm to the setting of the Grade II listed building.
8. Having come to the conclusions above, it follows that the proposal would result in harm to the significance of the setting of the Grade II listed Fairfield House, albeit such harm would be less than substantial. The proposal would therefore be in conflict with Policy BDP20 of the BDP. This seeks amongst other things to ensure that development does not have a detrimental effect on the setting of heritage assets. This objective is consistent with the Framework.

Other considerations

9. I have carefully considered the appellant's representations in relation to housing land supply in the district. However, with no substantive detailed evidence presented to lead me to a different conclusion, I am satisfied that the adoption of the BDP in January 2017 provides a robust evidential basis that a 5 year supply of deliverable housing land for this area has been demonstrated. Further, given that it is common ground that the proposed development would be inappropriate development in the Green Belt, the presumption in favour of granting planning permission would not apply in this case².
10. Local residents have raised a number of additional issues in relation to this appeal including but not exclusively traffic/highway safety, access to services and the effect on landscape character. However as I am dismissing the appeal for other reasons, the decision does not turn on these matters.

Conclusion

11. I have found that the proposal would result in harm to the setting of the Grade II Listed Building, albeit such harm would be less than substantial.

² Paragraph 14 and associated footnote 9 of the National Planning Policy Framework

Furthermore, the proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt.

12. Moreover, none of the aforementioned considerations, or any of the other matters mentioned by the appellant in support of his appeal, either individually or collectively, clearly outweighs the harm caused by reason of inappropriateness. Very special circumstances do not therefore exist in this case and the appeal must be dismissed.

Jameson Bridgwater

INSPECTOR