
Appeal Decision

Site visit made on 16 January 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 14th March 2017

Appeal Ref: APP/P1805/W/16/3160213
55 Brook Road, Fairfield B61 9JZ

- 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 Jennings against the decision of Bromsgrove District Council.
 - The application Ref 16/0550, dated 2 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is outline permission for a dwelling to sit to the east of the existing dwelling at 55 Brook Road.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is for outline planning permission with matters relating to scale, appearance and landscaping reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with matters of access and layout.
3. Since the planning application was decided, the Council has formally adopted its Local Plan¹. The Council and the appellant have had an opportunity to respond to the relevant policies in this newly adopted plan and I have had regard to their responses in my reasons below.

Main Issues

4. These are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect of the proposal on the openness of the Green Belt; and,
 - (iii) if the development is inappropriate, 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 Bromsgrove District Plan (2011-2030) (adopted January 2017)

Reasons

5. The appeal site is within the Green Belt and lies adjacent to No 55 Brook Road, a residential property.

Whether the proposal would be inappropriate development in the Green Belt

6. Paragraph 89 of the National Planning Policy Framework (the Framework) indicates that, other than in connection with a small number of exceptions, the construction of new buildings within the Green Belt should be regarded as inappropriate development. One such exception is the limited infilling in villages.
7. Policy BDP2.3 of the Local Plan together with the policies map identifies the village boundary of Fairfield. The appeal site is outside this boundary and therefore in policy terms, is outside the village.
8. The appeal site is within a row of properties that adjoin Brook Road. The properties are a distance from the village boundary, separated from the village by an area of open land on both sides of Brook Road. This open land marks a transition between the built form of the village and the row of properties within which the appeal site sits. The row of properties is more generously spaced than those within the village which creates an open character to the area. Together with the land north and south of the appeal site being undeveloped and rural in character, the appeal site and its surroundings has a character different to the village which further separates the two.
9. In all, therefore, for policy reasons and because of the character of the area, I find that the site is outside the village of Fairfield and is therefore within the open countryside. As the development would be outside the village of Fairfield it would not fall within the exception of limited infilling in villages, as set out in paragraph 89 of the Framework.
10. Paragraph 90 of the Framework lists other forms of development which are not inappropriate within the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. None of these exceptions apply to the development proposed and therefore in accordance with the Framework, the development would be inappropriate development in the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on openness of the Green Belt

11. Paragraph 79 of the Framework indicates that openness and permanence are essential characteristics of the Green Belt. Openness derives from an absence of built form. The appeal site is an open area of land, enclosed by a fence. The proposed development would introduce a dwelling on the site. Whilst, due to the outline nature of the application, I do not have full details of the scale of the development, the appellant's Supporting Statement suggests a dwelling of 1.5 storeys high. A dwelling of this scale in a position where there is currently no development on the site would have a notable presence and in turn would reduce the openness of the Green Belt.
12. The appellant suggests that the footprint of the development, together with the existing footprint of No 55 Brook Road, would not be over and above the development which was on site in the 1970's but has since been removed. The

removal of buildings is not part of the development proposed; the existing character of the site is an open area of land and it is this site context which I am required to assess the proposal against. The historical presence of buildings on the site, therefore, carries no weight in favour of allowing the development within the Green Belt.

13. Being an outline application I do not have details of design and appearance. Nevertheless, when accounting for the appellant's intentions to design a property that would respect the character and appearance of the area and be partially visible from the main road, I find that this would not diminish the effect of the proposal on the openness of the Green Belt as a result of the form and scale of the proposal. In accordance with the Framework, substantial weight must be given to the harm to the Green Belt identified.

Other considerations

14. The proposal would provide a dwelling to help meet the local need for housing, within a location that is a short distance of the village. Whilst these benefits are welcome, they carry limited weight given that the proposal is for one dwelling.
15. I have no reason to doubt the appellant's intentions to design a dwelling that is appropriate in character and appearance and causes no harm to the living conditions of residents living close by. However, when assessed against the potential harm of the proposal on the Green Belt, this matter carries little weight.
16. The matter of whether a review of the Green Belt boundary is needed is for on-going discussion and is not for consideration as part of this appeal. It has no bearing, therefore, on my findings.
17. My attention is drawn to the presumption in favour of sustainable development promoted by the Framework. Within this context the policies within the Framework restrict development within the Green Belt and therefore this point carries no weight in favour of the appeal.

Very special circumstances

18. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the new dwelling would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the openness of the Green Belt. Substantial weight must be given to these harms.
20. On the other hand I conclude that limited weight can be given in favour of the proposal. That limited weight does not outweigh the substantial weight which I give to the harm identified. As such the proposal cannot be justified on the basis of very special circumstances.

Conclusion

21. For the reasons given above, the overall conclusion is that the appeal is dismissed.

R Walmsley

INSPECTOR