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# Appeal Decision

Site visit made on 27 June 2017

**by Andrew Owen BA(Hons) MA MRTPI**

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

**Decision date: 6 July 2017**

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**Appeal Ref: APP/P1805/W/17/3173964**

**The Cottage, Dordale Road, Bournheath DY9 0AX**

- 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 R Linforth against the decision of Bromsgrove District Council.
  - The application Ref 16/1209, dated 22 December 2016, was refused by notice dated 13 March 2017.
  - The development proposed is formation of new vehicular access onto Dordale Road and new driveway leading to residential dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary matter

2. At the time of my site visit a dwelling was under construction.

## Main Issues

3. The main issues 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 character and appearance of the area including on protected trees and the Feckenham Forest Site of Special Scientific Interest (SSSI);
  - 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 the very special circumstances necessary to justify it.

## Reasons

### *Inappropriate development*

4. Policy BDP1 of the Bromsgrove District Plan (BDP) closely follows the guidance in paragraph 14 of the Framework which advises that development should be permitted unless specific policies in the Framework, such as those relating to the Green Belt, indicate development should be restricted.

5. Paragraph 90 of the Framework identifies forms of development which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt. One such form of development is engineering operations. I consider the creation of a new access and driveway would constitute an engineering operation, and therefore it is necessary to consider if it would preserve openness.
6. Policy BDP4 of the BDP makes no reference to engineering operations. Therefore whilst I can give significant weight to Policy BDP1, Policy BDP4 carries little weight in my considerations.
7. The driveway would run parallel to Dordale Road from a hardstanding area to be constructed in front of the proposed house, to an access point onto the highway around 100 metres to the east. A pair of gates and pillars would also be provided. The trees and bushes along the highway verge would allow only limited views of the driveway from Dordale Road. However the gates and pillars would most likely be evident through the vegetation and the point of access would be clearly visible. As a whole, the proposal would represent the expansion of the domestic use at the appeal site into an area which is currently undeveloped. The intrusion of built form into this area would result in the openness of the Green Belt being eroded.
8. Therefore, as this engineering operation would not preserve the openness of the Green Belt, it would be inappropriate development and which would cause significant harm to the Green Belt.
9. Paragraph 88 of the Framework says substantial weight should be given to any harm to the Green Belt, and that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. It is therefore necessary for me to consider whether any other harm is caused by the proposal and then balance the other considerations against the totality of that harm.

*Character and appearance*

10. The site is within a very rural area mostly surrounded by open fields, with the exception of the adjacent woodland which makes a strong contribution to the local character. The woodland is a designated ancient and semi-natural woodland. The front part of it is covered by a Tree Preservation Order<sup>1</sup>, and the rear part is within the SSSI.
11. The driveway would pass through the front part of the woodland along an avenue of overhanging trees before exiting onto Dordale Road. A number of bushes and protected trees on the highway verge would need to be removed to facilitate the access and this would detract from the important contribution they make to the street scene. In addition, some of the other protected trees and shrubs on the roadside would need to be removed or severely pruned in order to provide sufficient visibility. This would detract further from the woodland character of the immediate area.
12. Although there are no trees directly in the way of the driveway, it would pass close to many protected trees along the highway verge and some trees within the SSSI. The SSSI is notable as the last remnants of an oak-dominated royal hunting forest and the loss of any of the trees within the SSSI would severely

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<sup>1</sup> No (6) 2015

compromise its significance. Although the driveway may be permeable and lightweight, no detailed specification of its construction has been provided. Neither has an arboricultural assessment to judge the impact of the driveway on the nearby trees including their roots. Therefore I cannot be satisfied that the driveway would not cause harm to the trees in the SSSI, or the trees covered by the TPO.

13. The removal of some protected trees and the potential threat to others, including within the SSSI, would harm the character and appearance of the area. The development would therefore be contrary to Policy BDP21 of the BDP which seeks to ensure development protects areas of high nature conservation value, and Policy BDP1 which has regard to the quality of the natural environment.

#### *Other considerations*

14. The submitted transport statement states that visibility when exiting the site at present is satisfactory, but that vehicles coming around the bend from the north have a limited view of any vehicles waiting to turn right into the site. The figures in the transport statement suggest Dordale Road is lightly trafficked and I would not expect the house to generate a significant number of vehicle movements. As such I consider the incidences of cars having to wait to enter the site coinciding with a car approaching from the north would be very limited. There is an informal access to a field opposite the site, but it is unlikely that this access is often used and therefore there would be little conflict between users of the existing accesses on site and this one opposite. There are three accesses to the site at present, but I do not consider this necessarily leads to confusion. In summary I give minimal weight to this matter.
15. The development would involve the removal of the three existing access points and their infill with replacement planting. Although this would improve the verdant character of the area by providing a continuous hedge and verge, it would, even cumulatively, be of limited length in its context, and hence I give it only moderate weight.

### **Planning Balance and Overall Conclusion**

16. I consider that the development would cause significant harm to the Green Belt by way of its inappropriateness and so, as advised by the Framework, substantial weight should be given to this harm. I also consider that the loss of trees would be harmful to the character of the area. Balanced against that are the other considerations of highway safety and new planting identified above. I conclude that the weight of the other considerations does not clearly outweigh the harms and therefore there are no very special circumstances to justify the proposal. Consequently, the development conflicts with Policy BDP1 and the Framework which both aim to protect the Green Belt from inappropriate development.
17. Therefore, for the reasons given above, and taking account of all other matters, I conclude that the appeal should be dismissed.

*Andrew Owen*

INSPECTOR