The Planning Inspectorate

Appeal Decision

Site visit made on 3 January 2018

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 25 January 2018

Appeal Ref: APP/H1840/W/17/3186355
Broadfield Farm, Broad Alley, Hampton Lovett, Cutnall Green WR9 0LZ

- 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 & Mrs D Thomas against the decision of Wychavon District Council.
- The application Ref 17/00844/FUL, dated 24 April 2017, was refused by notice dated 29 June 2017.
- The development proposed is demolition and replacement of former agricultural buildings with workshop building for commercial use B1/ B8.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;

   - whether the proposal is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework ('the Framework');
   - the effect of the proposal on the openness of the Green Belt; and,
   - 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 very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. Broadfield Farm is located within the open countryside and West Midlands Green Belt. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) requires that proposed development within the Green Belt is considered in accordance with the Framework. Paragraph 89 of the Framework advises that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is not inappropriate development.

4. The proposal seeks to replace two buildings built for the purposes of agriculture with a workshop building for commercial use (Class B1/ B8). Both of the existing buildings have permission for a change of use to Class B1 and B8[1]. Having regard to paragraph 89 of the Framework, the first question which

[1] Refs 16/01909/GPDR, W/16/02659/PN

therefore arises is whether the two buildings are in the same use as the proposed replacement building would be?

5. The appellants state that as the larger building is in use for car storage the permission for its commercial use has been implemented. Within the large building a few vehicles and an assortment of building materials that occupy only part of the available space indicate that some ad hoc storage is taking place. However, the Council states that according to its Business Rates service the building is not in commercial use and no evidence has been presented by the appellants to counter this specific point. On the basis of what I saw in the building, and the submitted evidence, I therefore find that the larger building is not in commercial B1 / B8 use. In relation to the smaller building, the appellants have not disputed that it is not in commercial use. As a result, I therefore conclude that, contrary to paragraph 89, the proposed building would not be in the same use as the buildings it would replace.

6. Based upon the Council's figures, which have not been refuted by the appellants, the existing buildings have a combined footprint of approximately 405 square metres (sqm, with the larger building having a 5.2m ridge height and the smaller building a 3m ridge height. The proposed building, with a footprint of approximately 531 sqm, would cover an area over 25% larger. Although its 5m ridge height would be slightly lower than the larger of the two buildings, it would be significantly taller than the smaller building and its eaves height would be higher than both of the existing buildings. Having considered the dimensions of the proposed building and the submitted plans that overlay its outline over the two existing buildings, it is clear to me that its scale and mass would be significantly larger than the combined size of the existing buildings.

7. Taking all these matters into account, I therefore conclude that the proposed building would not be in the same use as the buildings it would replace and that it would be materially larger. It would therefore be contrary to paragraph 89 of the Framework and policy SWDP 2 and constitute inappropriate development. Such development, by definition, would be harmful to the Green Belt as described in paragraph 87 of the Framework.

Openness

8. Paragraph 79 of the Framework advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristic of Green Belts is their openness and their permanence.

9. The replacement building would be significantly larger and more intrusive than the buildings it would replace. Despite a tall evergreen hedge along most of its rear elevation and a converted barn enclosing part of its northern side, the large scale of the proposed building would be readily apparent in medium distance views from the public footpath in the field to the north. This footpath passes Broadfield Farm in an east – west direction. Its larger scale would also be apparent in private views from within Broadfield Farm. The proposal would therefore also result in notable harm to openness.

Other matters

10. The appeal site is located close to Broadhouse Farmhouse which is a Grade II listed building dating from the early nineteenth century. Its significance is architectural and historical. The statutory test in relation to a listed building is

that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The elements of Broadhouse Farmhouse's setting that contributes to its significance is its relationship to Broad Alley and its immediate plot.

11. A substantial mature hedge separates Broadhouse Farmhouse from the appeal site and associated buildings. In public views the replacement building would not form part of the setting of the listed building and in private views from within Broadhouse Farmhouse the proposed building would not be readily apparent. As a result, I find that the appeal site does not materially contribute to the significance of this listed building or its setting. The proposed development therefore would not harm the setting, special interest or significance of Broadhouse Farmhouse.

Other considerations

12. I have found that the proposal would be inappropriate development in the Green Belt and thus should not be approved except in very special circumstances. It is therefore necessary to consider the grounds put forward by the appellants, to determine whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness, and the harm that I have identified to openness.

Fallback position

13. If the appeal is dismissed, it is likely that the extant permissions for a change of use of both buildings to a commercial B1 / B8 use would be implemented. However, this would not result in inappropriate development and the change of use would not involve the buildings increasing in size. As a result, unlike the appeal proposal, such changes of use would not have a harmful effect on the Green Belt.

14. Permitted development rights would allow the buildings in commercial B1 / B8 use to be extended and external storage could occur. However, the sides of the buildings towards the front are enclosed by adjacent buildings and space is required to the front of the buildings to allow vehicles to pass. Given these constraints, on the basis of the submitted evidence, I am not persuaded that such development is likely to occur to the extent that the existing buildings would become as large as the proposed replacement building and with outside storage have the same or worse effect on openness. As a consequence, the fallback position, including associated permitted development rights and potential for external storage, are considerations of little weight in favour of the appeal.

Quality of the proposed building and economic growth

15. The replacement building would provide two attractive fully enclosed and insulated workshops built to modern standards with an office, toilet and kitchen. In the interests of economic growth, policy SWDP 8 supports the provision of employment land on non-allocated sites subject to such provision supporting an existing business or new enterprise of a scale appropriate to its location. These are considerations of some weight in favour of the appeal.

Character and appearance

16. The building in appearance and form would complement other modern looking buildings in commercial use on Broadfield Farm. However, the absence of

harm in this regard is a matter of neutral rather than positive weight weighing in favour of the appeal.

Conclusions

17. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt. I have also found that there would be material harm to openness. Paragraph 88 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Clearly, therefore the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused. The policy support for the provision of employment land on unallocated sites provided by policy SWDP8 of the South Worcestershire Development Plan needs to be viewed in this context.

18. I therefore find that the other considerations put forward by the appellants fall well short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to the Framework, policy SWDP2 and the development plan when considered as a whole.

Ian Radcliffe

Inspector