The Planning Inspectorate

Appeal Decision

Site visit made on 2 July 2019

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/C3430/W/19/3225664
Six Ashes Road, Six Ashes, Bridgnorth WV15 6EL

- 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 Thompson on behalf of Four Ashes Estate against the decision of South Staffordshire District Council.
- The application Ref 17/01095/COU, dated 8 December 2017, was refused by notice dated 2 October 2018.
- The development proposed is creation of natural burial ground with parking and pavilion on agricultural land.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A Great Crested Newt Survey[1], a Highways Report[2] and revised plans[3] have been submitted as part of the appeal. The revised plans contain details of proposed vegetation planting (taken from a previous submitted ecological survey) and have resulted in the pavilion building being omitted from the proposal. The Survey and Report comprise additional information.

3. As the proposal has not materially altered, I do not believe that any party would be unfairly prejudiced by determining the appeal with regard to the cited documentation.

Main Issues

4. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect on the openness of the Green Belt and the purposes for including land within it;
- Whether future users would be unduly reliant on private vehicle to access the site;
- The effect of the proposal on highway safety;

[1] Entitled 'Great Crested Newt Survey, Impacts and Mitigation' dated March 2019.
[2] Prepared by Woodsyde Developments Ltd.
[3] Drawing reference numbers PL 03D and SAA-AA-100: Rev B.

- Whether sufficient information has been submitted in respect of protected species; 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 the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The appeal site comprises fields within the West Midlands Green Belt in an open countryside location. The site slopes gently downhill in a northernly direction and is vegetated along its boundaries, including a hedgerow alongside Six Ashes Road. An associated 'grasscrete' vehicular access and parking area would be to the front of the site.

6. A building no longer forms part the proposal. As such and of relevance, Core Strategy (CS) Policy GB1 sets out that development acceptable within the terms of the Framework will normally be permitted where the development is for changes of use of land and the carrying out of engineering or other operations where the proposal would have no material effect on Green Belt openness or the fulfilment of its purposes. Paragraph 146 of the Framework sets out that certain other forms of development, including material changes in use of land such as for burial grounds, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

7. Existing site levels would remain unaltered, which alongside the removal of the pavilion building and the absence of grave memorials, would reduce the effect of the proposal on Green Belt openness. However, despite the use of grasscrete, the retention of existing trees and hedgerows and the additional landscaping proposed, the openness of the Green Belt would be materially affected and reduced by vehicular activity and parking associated with the proposed use during ceremonies.

8. Although vehicular activity would occur for as long as the burial grounds has capacity, the appellants indicate the use could operate for decades. In addition, the area intended for the laying of ashes could be used indefinitely. Two appeal decisions from 2010 and 2012[4] have been cited by the appellants regarding the principle of burial use in the Green Belt. However based on the limited information provided, I am unable to compare them with the appeal proposal. Moreover, owing to the passage of time, the cited decisions pre-date the 2018 Framework.

9. Furthermore, accounting for the countryside location and appearance of the site, the proposal would conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

10. Therefore the proposal would be inappropriate development in the Green Belt having regard to the Framework and CS Policy GB1.

Green Belt openness and purposes

[4] Referenced as '2113244 and 2161984'.

11. The loss of openness associated with vehicular parking and use at the site would be extensive in contrast to the existing open appearance and inactive use of the site. Whilst the effect on Green Belt openness would be reduced to a large degree by existing vegetation and proposed landscaping, the use would be partly visible from the vehicular site access and the public right of way (if cleared) that travels through the site. Overall the proposal would have a moderate effect on Green Belt openness. The failure of the proposal (including its vehicular access) to safeguard the countryside from encroachment would also be visually evident. Therefore, I conclude that the proposal would have a harmful effect on Green Belt openness and the purposes for including land within it.

Access

12. CS Policy CP 1 sets out that growth will be at the most accessible and sustainable location in accordance with the Settlement Hierarchy. In this context, it is put to me that the site's location between two local planning areas is why the site is not identified as 'Other Villages and Hamlets'. However the site falls within the CS plan area and has not been identified within a 'Other Villages and Hamlets' area. Moreover, the proposal does not fall within the exceptional circumstances of development permitted within Other Villages and Hamlets by CS Policy CP1. Nor would the proposal fall within any of the exceptions listed in CS Policy CP9 relating to Rural Diversification or comprise development related to agriculture or complementary farm diversification.

13. Whilst Six Ashes Road is unlit and has no pavements, it leads towards a nearby public house and restaurant. In addition, although overgrown, a public footpath runs through the site. The Council identify that the site is approximately 1.5 miles from Bobbington and about 6 miles away from the nearest main service villages. Overall, owing to the site's remote location and the conditions of the local highway, future users would be heavily dependent on private vehicles to travel to and from the site. As such, vehicular journeys associated with the proposal would result in an increase in greenhouse gas emissions and thus clear harm when considering the environmental dimension of sustainable development.

14. Therefore future users would be unduly reliant on private vehicle to access the site. Consequently the proposal would be contrary to CS policies CP1 and CP11 which seek to ensure that development is located at the most accessible and sustainable locations and reduces the impact of travel upon the environment by reducing carbon emissions that contribute to climate change.

Highway safety

15. Following the submission of the Highway Report, the Highway Authority raise no concerns in respect of the visibility splays proposed. The Highway Report assessed vehicular activity and speeds along Six Ashes Road. During my visit, I saw that this section of highway was subject to relatively low levels of traffic travelling at moderate speed.

16. To implement the visibility splays, hedgerows along the site roadside boundary would require trimming. However, once implemented, the vehicular access would offer adequate levels of visibility, which in the context of the uncontested evidence that underpins the Highway Report and my site visit observations, would ensure a safe vehicular access for future users.

17. Based on my previous conclusion, future site users would be dependent on private vehicular means of travel. However, the appellants' evidence indicates that the car parking proposed would meet levels advised by The Natural Death Centre. Furthermore, considering the scope for additional on-site car parking spaces, the proposal would provide adequate parking for the intended use, including average attendances associated with Muslim burials. Nor would the absence of cycling provision be determinative in relation to highway safety and the use proposed. The Highway Report identifies two accidents within the last 5 years, comprising a 'slight' incident nearby on Six Ashes Road and a 'serious' incident at its junction with the A458. However limited details are before me to fully establish the causes of these incidents.

18. This aside, based on the highway width and the levels of inter-visibility between highway users at the nearby section of the highway, and the uncontested vehicular activity and speed counts set out in the Highway Report, the proposal would not have an unacceptable effect on highway safety. Moreover, no compelling reasons are before me to challenge the findings of the Highway Report. In addition, as Four Ashes Hall is not within the appeal site, any associated use of it is not a matter before me.

19. Therefore the proposal would not have a harmful effect on highway safety and would accord with paragraph 108c of the Framework which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Protected species

20. Five ponds are within 250 metres of the appeal site and the submitted surveys indicates three of them are breeding ponds for great crested newts, with one of the breeding ponds within 5 metres of the site. The surveys conclude that the loss of terrestrial habitat to the proposal is likely to comprise a low adverse impact in the short term, with the creation of a high value great crested newt terrestrial habitat resulting in a modest positive impact in the medium and long term.

21. At the planning application stage, the Council considered that the submitted surveys and mitigation measures proposed were adequate but considered clear drainage and landscaping provisions needed to be submitted to take account of great crested newts. In addition, the County Ecologist stated at the application stage that it is likely that a licence for work can be obtained from Natural England.

22. The Phase 2 Survey[5] and revised masterplan set out the plant species that would form part of the landscape measures. The plans also indicate the extent of hedgerow lost to the vehicular access, and as set out above, the hedgerow would require trimming to implement the visibility splays. Following the omission of the pavilion, the development depends on natural drainage, and permeable surfaces are to be used for access and parking areas. The survey also details a method statement for the ongoing use of the area as a burial ground and the Council raise no concern in this respect. In addition, ploughing and ground disturbances would have been associated with the agricultural use of the site.

[5] Phase 1 Environmental Appraisal & Phase 2 Surveys for Newts, dated June 2017.

23. Overall, no compelling evidence is before me to demonstrate that a landscape and management scheme and a further detailed mitigation strategy obtained by planning conditions would fail to provide sufficient protection of the protected species.

24. Therefore sufficient information has been submitted in respect of protected species and consequently the proposal would accord with CS Policy EQ1 and paragraph 170d of the Framework which seek to protect, enhance and minimise impacts on biodiversity, and ensure there is no significant harm to species that are protected or under threat.

Other Considerations

25. The appellants state that there is local and national need for a natural burial ground and growing demand, with a substantial population within 25 miles of the site. They also set out that local churchyards are nearly full and expensive, that the local area is underserved by natural burial grounds and that a local cemetery and funeral directors support the site. In addition, they set out that a rural location is essential for a natural burial ground, and that the proposal would increase burial choice in the area; particularly in the context of the reducing use of cremation.

26. Overall, the underpinning evidence submitted to substantiate the local and national need contended for the proposed use is limited and not up to date. In addition, whilst travel times are included, the information provided indicates that the burial ground in Perton would be able to meet some of the need contended by the appellants. Moreover, the exploration of alternative sites for the proposal has been restricted to just two other sites that are both within the appellants existing estate. As such, it has not been demonstrated that there are no other suitable sites for the proposal that could meet the need set out by the appellants. Consequently I afford moderate weight to the need set out for the proposal.

27. The proposal would provide an attractive setting, additional landscaping, support biodiversity and the method of burial proposed would be comparatively environmentally friendly. The proposal would also increase burial land supply in the area at no public cost and generate employment. Benefits could also arise for businesses in the area. These factors attract favourable moderate weight.

28. However, in the context of the site's Green Belt location, as no evidence is before me to demonstrate that there is a strong likelihood that the site would be developed for residential purposes, this consideration attracts limited weight. Nor can the absence of harm in respect of highway safety attract any weight in favour of the proposal.

29. The proposal would be inappropriate development, which by definition is harmful to the Green Belt. In addition, there are adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Furthermore harm would arise from greenhouse gas emissions associated with the number of vehicular journeys to and from the site. The Framework is clear that substantial weight should be given to Green Belt harm.

30. Combined, the proposal's benefits do not clearly outweigh the totality of Green Belt harm and other harm identified. Consequently, the very special

circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and CS Policy GB1.

Conclusion

31. The proposal would conflict with the development plan taken as a whole and the Framework, and as there are no other material considerations that indicate permission should be granted, the appeal is dismissed.

B Bowker
INSPECTOR