



Appeal Decision

Site visit made on 23 April 2019

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/K3415/W/18/3217357

Land adjacent to Derry Farmhouse, 26 Birmingham Road, Shenstone, Lichfield, WS14 0JR

- 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 P Cockle of Bridgford Interiors Limited against the decision of Lichfield District Council.
 - The application Ref: 18/00682/FUL, dated 4 May 2018, was refused by notice dated 13 August 2018.
 - The development proposed is demolition of existing buildings and erection of a detached dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in February 2019. I have assessed the appeal against the provisions of the 2019 Framework. I consider that there is no prejudice to the main parties from basing my decision on the revised version as a material consideration.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - the effect of the proposal on the openness and purposes of the Green Belt and character and appearance of the area;
 - if the development is inappropriate development, 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, and
 - whether or not the site would be a suitable location for the proposed development having particular regard to the accessibility of local services and facilities.

Reasons

Whether inappropriate development in the Green Belt

4. The site is within the West Midlands Green Belt, outside any settlement boundary and within the open countryside. The advice in the Framework has to be read together with the relevant development plan which in this case includes the Lichfield District Local Plan Strategy (LP) and the Shenstone Neighbourhood Plan (NP). LP Core Policy 1: The Spatial Strategy amongst other things, indicates that the important role of the Green Belt will be recognised and protected, with the majority of new development being channelled towards the most sustainable urban areas of Lichfield and Burntwood. LP Policy NR2 requires that all development within the Green Belt must retain its character and openness. These policies and NP policy GB1: Protection of Green Belt boundaries, are generally consistent with the Framework.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, having regard to certain exceptions. The appellant relies upon the following exception:

“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

 - not have a greater impact on the openness of the Green Belt than the existing development;
 - or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.
6. The appeal site is part of a large paddock located to the rear of No.26 Birmingham Road and next to the redeveloped site of Derry Farm. It is relatively flat and open to views from the adjacent railway line and Birmingham Road. There are three buildings on the site originating from equestrian use. The appellant contends that the site constitutes previously developed land.
7. The council does not dispute that the site constitutes previously developed land, being a previously developed site in continuous use. I see no reason to disagree with that assessment. The site includes three structures which would be demolished as part of the proposal. There is a three door stable block with timber clad walls, built parallel with the adjacent rail embankment; a large polytunnel backing on to the boundary with the Derry farm site and relatively small open sided shelter next to the rear garden boundary of No.26.
8. The appellant advises that the three existing buildings on the site have a footprint of around 351m² and a cubic volume of 1,056m³ and that both totals are less than the totals of footprint and volume arising from the proposed dwelling and its detached garage at around 42% less footprint and 4% less cubic volume. However, the effect on openness cannot be judged upon floorspace and volume alone. The existing buildings are relatively low in height, at around 3.5 m, and have no particularly prominent visual impact, with

the polytunnel being a light structure and the field shelter being open sided. The buildings also have a degree of separation within the paddock.

9. The proposed 1½ storey dwelling has been designed to resemble a barn conversion, although the rear elevation would be much more domestic in appearance than the front elevation. The height of the proposed building to its ridgeline would be around 7 metres. This would be approximately double the height of the existing buildings.
10. The overall height, length and massing of the building would make it prominent and imposing in the Green Belt, when compared to the separate stables, polytunnel and field shelter that exist and which maintain the rural character of the area. Consequently, I find that the proposed building would have a greater impact on the openness of the Green Belt than the existing buildings, contrary to Green Belt policy in the Framework. Although the building would be sited near to the tall dwellings in the Derry farm development it would still have a greater impact on the openness of the Green Belt location than the existing paddock buildings. It would also not meet any identified need for affordable housing.
11. Due to the greater impact on openness, the proposed development would not fall within the exception listed at paragraph 145(g) of the Framework and would constitute inappropriate development in the Green Belt. As such it would be contrary to LP Core Policy 1 and Core Policy NR2. As already noted, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on purposes of the Green Belt and character and appearance

12. The appellant contends that the proposed development would not conflict with the five purposes of including the site within Green Belt. However, I consider that there would be some conflict, albeit limited with the purpose of safeguarding the countryside from encroachment. There would also be moderate harm to the character and appearance of the rural area by introducing a dwelling of the height, scale and massing that is proposed. This is because, even though other buildings would be demolished, they are low structures separated from each other and associated with countryside uses. The proposed building would have a greater prominence overall than the existing buildings and would introduce a residential use.

Whether a suitable location for the proposed development

13. The proposed development is outside of a designated settlement boundary and within the open countryside. The Council considers that due to its remote location, the proposed development would lead to the future occupiers being over reliant upon a motor vehicle to access key facilities.
14. However, the appeal site is only around 1 kilometre from Shenstone with its services and facilities. There is also a bus stop near the site allowing access to bus service X12, which operates every 30 minutes between Burton, Lichfield and Sutton Coldfield. Shenstone and Blake Street Railway Stations are located to the north and south of the application site and are within cycling and walking distances. I note the appellant's submissions regarding other developments in the area, including the new dwellings allowed at the adjacent Derry farm site. I find that there would not necessarily be an over reliance on private transport

and that the site would be a suitable location for the proposed development having regard to access to services and facilities. The proposal would therefore not be contrary to LP Core Policies 1,3 and 6 or Strategic Priority 1: Sustainable Communities.

Other considerations

15. The appellant considers that the proposal would not constitute inappropriate development in the Green Belt and has put forward a number of matters for consideration. Some of the claimed benefits relate to the issues of the effect on openness and the purposes of the Green Belt which I have dealt with above.
16. Other considerations include that the proposed dwelling would assist in the Council's requirement to deliver rural dwellings, although the Council advises that it can demonstrate that it has a housing land supply in excess of 5 years and six dwellings are nearing completion at the adjacent Derry farm. The contribution that a single dwelling could make would therefore be limited.
17. The proposal would have the benefit of using previously developed land and it is contended that the design would be of a high order consistent with the adjacent new development. There would be a reduction in traffic compared with the lawful equestrian use. The appellant adds that there would be no loss of hedgerow or trees of significant landscape value and enhancement to biodiversity could be secured by condition.
18. Substantial weight must be given to the harm to the Green Belt by reason of inappropriateness. I find that the harm by reason of inappropriateness, moderate harm to the openness of the Green Belt, limited harm to the purposes of the Green Belt and moderate harm to the character and appearance of the countryside, is not clearly outweighed by these other considerations, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

19. I have taken all other matters raised into account. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR