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## Appeal Decision

Site visit made on 28 May 2019

**by E Griffin LLB Hons**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 July 2019**

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**Appeal Ref: APP/P1805/W/19/3224489**

**10 Dale Hill, Blackwell, Bromsgrove B60 1QJ**

- 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 G Vale against the decision of Bromsgrove District Council.
  - The application Ref 18/00954/FUL dated 27 July 2018 was refused by notice dated 19 September 2018.
  - The development proposed is new dwellinghouse, replacement of dwelling previously approved as conversion from garage, stables and workshop under reference number 13/252.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision would not be materially different to the relevant guidance of the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
3. At my site visit, I observed the footings of a new building; however, building work appears to have ceased. As the previous permission for the appeal site related to the conversion from stables, in determining the appeal, I have considered the submitted plans rather than what has been built on site.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development within the Green Belt;
  - the effect of the development on openness of the Green Belt and the purposes of including land within it;
  - the effect on the living conditions of future occupiers of the appeal proposal and
  - If it 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.

5. The appeal site is located on Dale Hill and slopes upwards to the north and has mature hedges and trees particularly on the north and east boundaries. The site is made up largely of grass other than the footings of a new building and a short wall to the front of that building. Dwellings at 10 Dale Hill and the Coach House are to the east but the dwellings to the west are obscured by existing boundary treatment.

## **Reasons**

### *Whether Inappropriate Development in the Green Belt*

6. The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful and should not be approved except in very special circumstances.
7. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The appellant seeks to rely upon two exceptions. The first exception relied upon is contained in Paragraph 145 d) which relates to the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
8. Policy BDP4.4 of the Bromsgrove District Plan 2011-2030 Adopted January 2017 (the District Plan) states that the development of new buildings in the Green Belt is inappropriate except in certain circumstances including the replacement of a building provided the new building is in the same use and should not be materially larger than the building it replaces. Policy BDP15 of the District Plan also refers to similar wording as Policy BDP4.4 of the District Plan with regard to not being materially larger. Policy BDP1 of the District Plan refers to the presumption in favour of sustainable development but states that Green Belt policies override that presumption. As these policies are broadly consistent with the Framework, I can attach substantial weight to them.
9. The appellant considers that the appeal proposal will replace a stable building which previously benefited from planning permission granted on appeal for conversion to a dwelling house<sup>1</sup>. However, the stable building has been demolished. In order to qualify under the exception, it appears to me that there has to be a replacement building in existence to replace. As there is no replacement building, the exception referred to in Paragraph 145 d) does not apply.
10. The appellant then seeks to rely upon a second exception contained in Paragraph 145 g) of the Framework which refers to the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of Green Belt than the existing development. Whilst the land has been previously developed, there is still a requirement to not have a greater impact on openness than the existing development. My conclusions on the next issue, the effect on the Green Belt openness and purposes, will therefore determine whether or not the development is inappropriate.

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<sup>1</sup> APP/P1805/W/15/3003991

### *Green Belt Openness and Purposes*

11. The new footprint would add volume as well as new permanent domestic features and would therefore have a greater impact on the openness of the Green Belt than the existing appeal site without a building.
12. The previous Inspector's reasoning with regard to appropriateness has been referred to by the appellant in support of this appeal proposal. However, the appeal proposal before me is for a new dwelling, the previous permission granted on appeal was for the addition of a simple front gable element to an existing building.
13. The development does not therefore fall within the exceptions that the appellant has sought to rely upon. I therefore conclude that the appeal proposal would be inappropriate development in the Green Belt, as it does not preserve Green Belt openness and does not accord with the Green Belt purpose of safeguarding the countryside from encroachment. Accordingly, it would not comply with Policies BDP1, BDP4.4 and BDP15 of the District Plan and the Framework. Policy BDP9 of the District Plan is of less relevance as it refers to affordable housing in the Green Belt where there is a proven local need.

### *Living conditions*

14. The M42 motorway is on a lower gradient than Dale Hill but runs parallel to it beyond the rear of the appeal site. Background motorway noise could be heard on the appeal site at the time of my site visit. Although a noise report has now been commissioned by the appellant, predicted day time noise levels and appropriate noise mitigation details for outside areas have not been provided.
15. The appellant has queried why noise has not been raised as an issue on previous applications and states that there are properties located nearer to the motorway than the appeal site. However, each case needs to be assessed on its own merits and I have limited information about the mitigation provided in connection with other sites or the policies in place at the time of those decisions.
16. I therefore find that there is insufficient information to be satisfied that the appeal proposal would not have a harmful impact upon the living conditions of future occupiers. It would therefore be contrary to Policies BDP1 and BDP19 of the District Plan which, amongst other things, refer to compatibility with adjoining uses and development incorporating measures to reduce the potential impact of pollution including noise to occupants. It would also be contrary to Paragraph 127 of the Framework which refers to promoting a high standard of amenity for future users and Paragraph 180 which refers to mitigating potential adverse impacts resulting from noise from new developments.

### *Other Considerations*

17. Reference is made to the costs incurred by the appellant to date in connection with previous work carried out on site. However, as I am assessing this appeal proposal, I consider this to be immaterial in terms of the main issues to this appeal.
18. The appellant is of the view that as a section of original boundary wall remains, the previous permission has not been forfeited. Whilst, I note the

circumstances that led to the demolition of the stables, I have limited evidence that the previous permission can be implemented and therefore attribute limited weight to it.

### **Other Matters**

19. The appellant is concerned about the gas pipe location being referred to in the Council's decision notice. However, this was an informative issue and not a reason for refusal.
20. The Council has stated that it does not have a five year housing land supply. In these circumstances, paragraph 11(d) of the Framework states that permission should be granted unless the application of policies in the Framework such as Green Belt provides clear reason for refusal. I do find that the Green Belt policies do provide clear reasons for refusal in this instance. The Planning Practice Guidance also states that unmet housing is unlikely to outweigh the harm to Green Belt and the contribution towards the housing supply would be very modest.

### **Conclusion**

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be loss of openness and substantial weight should be given to any harm to the Green Belt. The other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist. I have also found there is insufficient information with regard to noise to be satisfied that the appeal proposal would not have a significant impact on the living conditions of future occupiers.
22. For all the reasons given, I conclude that the appeal is dismissed.

*E Griffin*

INSPECTOR