



Appeal Decision

Site visit made on 10 September 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/C3430/W/19/3227909

Glasshouses, Meadow View Cottage, Six Ashes Road, Bobbington, South Staffordshire DY7 5DT

- 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 Robert Richardson against the decision of South Staffordshire Council.
 - The application Ref 18/00755/FUL, dated 5 September 2018, was refused by notice dated 8 November 2018.
 - The development proposed is a detached bungalow and double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt; and
 - If the proposal is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is within the West Midlands Green Belt. As such, the National Planning Policy Framework (the Framework) informs that new buildings in the Green Belt should be regarded as inappropriate. Both paragraphs 145 and 146 confirm that there are exceptions to this and list these types of development.
4. There is reference in the appellant's design and access statement to the site being previously developed land. Whilst such land may be an exception under paragraph 145 g) of the Framework, the definition of previously developed land provided in Annex 2 excludes land that is or was last occupied by agricultural buildings. A greenhouse is an agricultural building and the appellant refers to an agricultural use of the building in the past. Whilst reference is also made to

a period where some of the building was used in association with a jewellery business, there is no further substantiated evidence regarding this use. Indeed, in the appellant's statement of case he confirms that the proposed development would not fall within any of the exceptions listed in paragraphs 145 or 146 of the Framework. I have no reason to disagree with this conclusion and, therefore, find the development to be inappropriate.

5. Paragraph 143 of the Framework informs that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Accordingly, substantial weight is given to the harm the development would cause to the Green Belt, in accordance with paragraph 144 of the Framework.
6. In addition to the above, Policy GB1 (Development in the Green Belt) of the South Staffordshire Core Strategy Development Plan Document Adopted 2012 (SSCS) sets out the circumstances where development within the Green Belt, which is acceptable within the terms of the Framework, will normally be permitted. As the development would not accord with any of the circumstances listed, it would not comply with Policy GB1 of the SSCS.

Effect on Openness

7. Paragraph 133 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that openness is one of the essential characteristics of a Green Belt. Openness can be defined as an absence of development; it has both a spatial and visual aspect.
8. The appeal site is close to the junction of Six Ashes Road with Crab Lane. The land subject to the proposed development is within a wider field parcel that is at the corner of the junction. Two former air raid shelters are within the field parcel, along with a substantial greenhouse, which is in a state of disrepair but still retains a brick plinth and timber frame.
9. Whilst it is acknowledged that the proposal would result in a reduction in the footprint of built development, the footprint of the existing greenhouse would only be occupied by part of the overall scheme. The dwelling house and part of its garden would replace the footprint of the greenhouse, whilst the wider area, to the front of the dwelling, would incorporate the associated driveway and parking area. The scheme would also enclose, as part of the dwelling's curtilage, the former air raid shelters and area surrounding these.
10. At present, neither the greenhouse nor the air raid shelters have an enclosed curtilage, other than the wider field parcel that is particularly open in character. The scheme would carve up the field parcel to provide the enclosed curtilage for the dwelling. It would also result in the domestication of areas of the site that are currently undeveloped and open. These enclosed areas forming the curtilage of the proposed dwelling extend further than the footprint of the existing development on site.
11. It is acknowledged that the proposal would reduce the volume of built development on site, and that the height of the proposed dwelling would be comparable to that of the existing greenhouse structure. Nevertheless, the solid form of the proposed dwelling and its obvious domestic design would contrast with the lightweight structure of the greenhouse, which is clearly a

rural building and not out of place in this location. The proposed dwelling would, therefore, be more visually imposing.

12. Having regard to the findings above, I conclude that the development would, on balance, have a moderately greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

Other Considerations

13. The development would result in the removal of the greenhouse, which is in a state of disrepair, and vegetation that grows within what remains of the building. It would, therefore, improve the appearance of the site.
14. The appellant has suggested that the development would result in a reduction of the developed area of the site and an increase in the openness of the site. In view of my conclusions with regard to the effect of the development on the openness of the Green Belt, I cannot conclude that these matters weigh in favour of the development.
15. Similarly, the development may well have an acceptable impact on both the character and appearance of this part of Six Ashes Road and may well be in close proximity to other residential development. However, such a matter would have a neutral effect in the planning balance.
16. Having regard to the above, and noting the caselaw referred to by the appellant, I conclude that, whilst the development would improve the appearance of the site, this benefit would not clearly outweigh the substantial weight I give to the harm the development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist in this case.

Conclusions

17. The proposal would be inappropriate development in the Green Belt and would result in a moderately greater impact on the openness of the Green Belt than the existing development. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The other matters that have been drawn to my attention do not outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR