



Appeal Decision

Site visit made on 4 November 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/C3430/W/19/3235771

**8 Round Hill Farm Cottages, Whittington Hall Lane, Kinver, Stourbridge
DY7 6PH**

- 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 Steven Ponton against the decision of South Staffordshire Council.
 - The application Ref 18/01044/COU, dated 13 December 2018, was refused by notice dated 25 February 2019.
 - The development proposed is change of use of agricultural land to residential garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's description of development as set out on the Decision Notice in the banner heading above. This is more concise than that used by the appellant, and I note that the revised description has been used on the appeal form.
3. However, the Council's description also utilised the word "retrospective" at the end of the text. Section 55 of the Town & Country Planning Act 1990 (as amended) defines "development" as including "the making of any material change in the use of any building or other land". I have therefore not used the term "retrospective" in the banner heading above as it is not an act of development.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; 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

5. The appeal site is a triangular shaped parcel of land, located to the rear of the existing gardens of Nos 7 and 8 Round Hill Cottages. It is surrounded to three sides by existing agricultural land.

Inappropriate Development

6. The Framework seeks to protect land within the Green Belt and it sets out a general presumption against inappropriate development. It states that inappropriate development is, by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. The Framework provides further guidance in Paragraphs 145 and 146 as to the types of development that constitute exceptions.
7. The proposal involves the change of use of land to residential purposes and this does not fall within the exceptions listed in Paragraph 145 of the Framework, but the material change in the use of land is listed in the other forms of not inappropriate development in Paragraph 146, provided it preserves the openness and does not conflict with the purposes of including land within it.
8. A fundamental purpose of Green Belt policy, as set out in Paragraph 134 of the Framework, is to assist in safeguarding the countryside from encroachment.
9. The appeal proposal represents a fundamental change in the character of the use of the site, from agricultural land to a residential garden. The introduction of domestic paraphernalia associated with the use of the garden harms the openness of the Green Belt. The closely mown appearance of grass and the nature of domestic vegetation planting would give the site a more domestic character which would emphasise the encroachment of a residential use into the countryside. The extent of the site adds weight to my concerns about the resulting encroachment and the subsequent harm to the Green Belt.
10. I therefore find that the proposal represents encroachment into the Green Belt and I conclude that this causes substantial harm to the openness of the Green Belt and the purposes of including land within it, as set out in the Framework.
11. As a result, I consider that the harm to the openness of the Green Belt and the purposes of including land within it, means that the appeal proposal cannot be considered to be an exception as set out in Paragraph 146 of the Framework and as such, is inappropriate development in the Green Belt and is by definition, harmful to the Green Belt.

Other Considerations

12. I have noted the comments in the appellant's Statement of Case with regard to extensions to other properties in the locality and their impact on the Green Belt. However, I have limited details in front of me, and this appeal relates to the change of use of land, rather than building extension. As a result, I can attribute little weight to this argument.
13. I understand the desire of the appellant to be able to provide additional amenity space for the benefit of the wider family. However, I find that the specific harm that I have identified in this proposal outweighs the appellant's particular circumstances and all other considerations.

14. Therefore, in summary, these considerations do not clearly outweigh the identified harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the appeal proposal do not exist.

Conclusion

15. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For the reasons stated above I consider that the proposal is inappropriate development. The proposal represents the encroachment of residential land into the countryside. It does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. Very special circumstances to justify the development do not exist. The proposal therefore conflicts with Policy GB1 of the South Staffordshire Council Core Strategy Development Plan Document (2012) which states that, amongst other matters, proposals should have no material effect on the openness of the Green Belt. The proposal is also be contrary to the provisions of the Framework in relation to the protection of the Green Belt.
16. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR