



Appeal Decision

Site visit made on 20 May 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/P1805/W/20/3244456

1 & 2 Astwood Close, Stoke Prior, Bromsgrove, Worcestershire B60 4ER

- 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 James Thompson against the decision of Bromsgrove District Council.
 - The application Ref 19/00663/FUL, dated 15 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is the change of use from landscaped area to domestic curtilage and the creation of a driveway to serve numbers 1 and 2 Astwood Close, utilising existing highways access serving adjacent car park.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies
 - (ii) The effect of the proposal on the character and appearance of the area
 - (iii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

Reasons

Whether inappropriate development

3. Policy BDP4 of the Bromsgrove District Plan 2017 (BDP) defines inappropriate development in the Green Belt, but it predates the latest revision of The National Planning Policy Framework (The Framework) and it does not refer to material change of uses of land. Paragraph 146 of The Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The parties have drawn my attention to Paragraph 146e) which refers specifically to material changes in the use of land. In light of the conflict between Policy BDP4 and the more recent Framework, I will determine this issue with regard to the revised Framework.

4. At the present time the appeal site comprises of the frontages of the two dwellings, an area of grassed open space adjoining these frontages and an adjacent hard surfaced car park, through which access would be taken. The area between the dwellings and the public highway is currently devoid of any significant built development which gives it an open feel and it is clearly visible from the public domain, by both pedestrians and those passing the site in vehicles.
5. The proposal would not result in built development taking place on the land, but the change of use would permit vehicles to pass over it and to park on it. Given that the properties are in residential use, it is likely that vehicles would be present on the appeal site for much of the time. Their presence, and therefore the proposed use of the land, would cause moderate harm to the visual openness of the Green Belt and as a result would fail to preserve its openness.
6. For these reasons, I conclude that the proposed development would fail to preserve the openness of the Green Belt. Accordingly, it would not fall into any of the exceptions listed in Paragraph 146 of The Framework and it would comprise inappropriate development in the Green Belt.

Character and appearance

7. The majority of the appeal site forms part of a small development of dwellings and flats which are located at the entrance to the settlement. Here the character of the area transitions from being open and rural to that of the more built up character of Stoke Prior. The extensive grassed open space to the front of these properties, and their set back from Shaw Lane, aids this transition by softening the visual impact of the built development. The grassed open space therefore plays an important role in giving the surrounding area its pleasant semi-rural, lower density character and appearance. The change of use of this land to allow access over it, and car parking on it, would erode the open aspect of the land and result in significant harm to the character and appearance of the area.
8. The appellant points to the proposed use of grasscrete to mitigate the impact of the surfacing. Whilst such a surface may have some visual benefit when compared to a more traditional hard surface or gravel, it would nonetheless appear as an engineered and non-natural surface. The frequent movements of cars associated with two dwellings would put great pressure on the growth of grass, to the extent that it is unlikely that the current character and appearance of the grassed open space area would be retained. The physical presence of the grasscrete structure itself would also be noticeable on the ground, in particular if grass growth were impeded, further adding to the visual impact of the proposal. The proposed use of grasscrete would not therefore overcome the harm to the character and appearance of the area that would arise.
9. The appellant refers to the gravel area that has been laid to the frontage of, and within the curtilage of 1 Astwood Close, and they state that this could be replicated to the frontage of 2 Astwood Close without planning permission. However, by the appellants own admission the proposal would increase the extent of any gravelled area beyond the curtilages of the existing dwellings and onto the area of grassed open space. This would have a greater visual impact than what the appellant could potentially implement without planning

permission and it too does not justify the harm that would arise from the appeal development.

10. The appellant has also raised the possibility that the frontage areas within the existing curtilages of the dwellings could be used for domestic storage, and I noted during my site visit that a boat was present to the front of one of the dwellings. However, the areas to the front of the dwellings are relatively limited in size and they do not benefit from an access which would allow motor vehicles to reach them. The impact of any domestic storage that does take place is therefore not comparable to the harm that would arise as a result of the appeal proposal.
11. The appellant has suggested that a planning condition could be imposed restricting parking to the gravelled area only, with no parking permitted on the grasscrete. I have concerns that such a condition would not be enforceable but, in any event, it would not address the visual harm caused by the change of the surfaces, the fact that the gravel area would be extended beyond the existing curtilages of the dwellings or that vehicles would be parked upon it.
12. The appellant considers that views of the site would be limited due to the presence of parked cars in the layby. However, the pavement runs between the layby and the appeal site, and therefore the presence of cars in this area would have no impact upon views taken by pedestrians. Furthermore, for the duration of my site visit there were a maximum of two vehicles parked in the layby and therefore, at certain times of the day, any such screening impact from the road is limited and does not mitigate against the harm I have identified.
13. For these reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. Accordingly, the proposal would fail to accord with Policy BDP19 of the BDP, which seeks to safeguard character and appearance. The proposed development would also not accord with The Framework, where it seeks to achieve well-designed places.

Other considerations

14. The appellant considers that Stoke Prior is less accessible now by means other than private cars than at the time the appeal dwellings were built. Circumstances have also changed with respect to the availability of the garages which are located on the wider development of which the appeal site forms part. Furthermore, they state that demand for parking in the layby to the front of the properties is high and although there are roads nearby which offer unrestricted parking and are used by the residents of Astwood Close, there would be a benefit arising from the appeal proposal in that it would provide additional parking and therefore reduce demand elsewhere. The appellant has also referred to highway safety concerns arising from the use of the existing highway layby to Shaw Lane.
15. Whilst the use of this layby and adjacent roads for parking is not likely to be as convenient to the occupiers of the appeal dwellings as the parking arrangements that the appeal proposal would provide, it is an existing situation. I have not been provided with any substantive evidence that the use of the layby is harmful to the safety of pedestrians or drivers using the public highway or when used by the occupiers of the appeal dwellings themselves. Whilst circumstances may have changed with regard to the availability of the

garages, I am not persuaded by the evidence before me that this has led to harm to highway safety. Although the proposal would provide some additional car parking, this does not justify a development which would cause the degree of harm to the character and appearance of the area that I have found. Taken together, I therefore give these considerations only minimal weight.

16. The appellant draws attention to permitted development rights which they consider would allow for the erection of a fence of 1 metre in height around the frontage of the site. The impact of this would however not be comparable to that of the appeal development, as any enclosure that could be erected would not be of a considerable height and would accordingly have only a limited impact upon openness and views across the site. The existing surfacing of the appeal site would also be unaffected by such an enclosure. I too give this matter only minimal weight.
17. I note that representations have been submitted which offer support to the proposed development and in particular they reference matters relating to character and appearance and highway safety. However, I have addressed the impacts of the proposal in both of these respects and found harm to character and appearance. That there is public support for the proposal does not justify a harmful development, and therefore I can give these representations only limited weight.

Conclusion

18. The Framework at Paragraphs 143 and 144 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
20. For the reasons given above, I conclude that the proposal conflicts with the objectives of The Framework which seek to protect the Green Belt, and that the appeal should be dismissed.

Graham Wraight

INSPECTOR