

Appeal Decision

Site visit made on 2 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal Ref: APP/P1805/W/19/3242796

119 Barnt Green Road, Cofton Hackett B45 8PP

- 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 MADE Architecture Ltd against the decision of Bromsgrove District Council.
 - The application Ref 19/01087/FUL, dated 5 August 2019, was refused by notice dated 10 October 2019.
 - The development proposed is demolition of existing dwelling, all garages and outbuildings to be replaced with three new dwelling and associated parking
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Lickey and Blackwell and Cofton Hackett Neighbourhood Plan (NP) has been 'made' since the appeal was submitted. The appellant and Council have commented on the NP and I have borne this in mind in coming to my decision. I am satisfied that no interested party has been prejudiced by my approach.
3. Following the determination of the application by the Council, the appellant has submitted additional plans showing the height and cross sections of the dwellings proposed. In the interests of fairness, I have determined the appeal on the basis of the plans before the Council when it made its decision and on which all parties were consulted.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development policies;
 - The effect on openness of the Green Belt;
 - The effect of the proposed development upon the character and appearance of the area; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development and the effect on openness

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. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number of exceptions.
6. The appellant contends that the proposed development falls within the provisions of two such exceptions. One being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The second being the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt than the existing development.
7. Policy 4 of the Bromsgrove District Plan (2017) (BDP) echoes paragraph 145 of the Framework, in respect of the approach towards development in the Green Belt.
8. In terms of a fallback position, I note that planning permission has been granted for an extension to the dwelling and that a Certificate of Lawful Development has been granted for extensions and an outbuilding which, if implemented, would significantly increase the size of the dwelling and result in a greater site coverage.
9. I acknowledge that a large proportion of the proposed development would be subterranean and that the individual floor area of each dwelling would be similar to the existing house. However, the cumulative floor area of the dwellings would be substantially larger than the house as existing and if it were to be extended. The proposed development would be materially larger.
10. Turning to the second exception, the Glossary of the Framework sets out the definition of 'previously developed land'. I acknowledge that the site, although garden land, lies beyond the built-up area of Cofton Hackett and therefore the site constitutes previously developed land.
11. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both visual and spatial aspects.
12. I acknowledge that views of the proposed development would be limited to views from the nearby Right of Way. However, the site is clearly visible from the path close to the site. I am not satisfied that the existing and proposed landscaping would filter views of the development or disguise the fencing or domestic paraphernalia, nor that the green roofs would offset the impact on openness. There is also no certainty that domestic paraphernalia would be contained to the below ground courtyards.
13. Notwithstanding the reduction in the visible site coverage and removal of outbuildings, the proposed development would still introduce considerable built form with three houses and an extensive amount of hardstanding in the form of the parking and turning area. The proposed development would encroach into a

largely undeveloped garden area. The dwellings, associated infrastructure and domestic paraphernalia would be dispersed over a greater area of the site resulting in a significant impact on openness in both visual and spatial terms.

14. As such, I find that there would be a loss of openness of the Green Belt and this harm would be substantial contrary to the aims and objectives of the Framework.
15. Consequently, the proposal constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework and BDP Policy 4.

Character and appearance

16. The appeal site comprises a large detached bungalow set within a large plot located on the edge of Cofton Hackett. The site is significantly lower than Barnt Green Road but is set in a wider undulating landscape. The driveway, house and detached garage are confined to a corner of the site with a large garden wrapping around it.
17. The site and two neighbouring properties due to their large plots provide a sense of spaciousness to the edge of the village and contrast to the more planned pattern of development along Reservoir Road and Cofton Lake Road.
18. I note that the proposed development would have a low density commensurate with the surrounding area. It would also have a pleasant contemporary appearance with a scale sympathetic to the local area and would not impact on the living conditions of nearby occupiers. However, the extensive hard surfacing and tight arrangement of the dwellings gives the impression of a far less spacious and unduly cramped development. As such, it would not successfully integrate into the area and would undermine its spacious character and appearance.
19. I acknowledge that the proposed development would make a more efficient use of land. However, I find that this would be at the expense of a garden which positively contributes to the overall character and appearance of the area.
20. As such, the proposed development would be contrary to Policies BDP7 and BDP 19 which, amongst other things, requires new development to integrate into the residential area and maintain character and local distinctiveness. It would also be contrary to paragraph 122 of the Framework which, amongst other things, requires new development to take into account the desirability to maintain an area's prevailing character and setting.

Other considerations and overall balance

21. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by paragraph 73 of the Framework. The Housing Delivery Test 2019 Measurement is further evidence of housing under delivery. In such instances Paragraph 11 d) sets out that the most important development policies for determining the application are out-of-date unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
22. However, footnote 6 states that the Green Belt is one such protected area and as set out above there is a clear reason for refusing the development in respect

- of Green Belt impact. Therefore paragraph 11 d) and the presumption in favour of sustainable development is not engaged.
23. I acknowledge that there is a need for housing across the Greater Birmingham Housing Market Area. I also acknowledge that the construction of 3 dwellings would make a small contribution towards the District's housing supply. The site is a location that is in a reasonable distance of a range of day to day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over reliance on a car. These are all factors in the schemes favour.
24. I note that the appeal property is one of the largest dwellings in the immediate area and that it could be extended further. However, this is not justification for a scheme that I have found harmful.
25. The appellant has referred to two appeal decisions and a planning application which they consider are relevant to the appeal. In the case of the Lower Sydenham appeal¹ it is clearly of a materially different scale compared to the appeal proposal, in a different urban landscape and was considered against different development plan policies. The Broad Street appeal² relates to a site not located within the Green Belt and not subject to such policy considerations. The Foxlydiate Lane³ planning application again is of a materially greater scale to the appeal proposal and on an allocated site. The examples provided do not lead me to reach a different conclusion. In any event every application and appeal must be considered on its own merits, which is what I have done.
26. The appellant contends that the site and the surrounding area has been identified as suitable for Green Belt release following the Green Belt Purposes Part 1 Assessment forming part of a review of the BDP. However, the Framework is clear that Green Belt boundaries should only be altered through the Local Plan process. It is not within the scope of a Section 78 appeal to consider such matters. I therefore afford this matter negligible weight in the overall planning balance.

Conclusion

27. The proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness. I attach substantial weight to this harm, as required by paragraph 144 of the Framework. I have also found harm with regard to the character and appearance of the area.
28. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
29. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR

¹ APP/G5180/W/18/3206569

² APP/P1805/W/18/3197878

³ 16/0263