



Appeal Decision

Site visit made on 9 June 2020 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/P4605/W/20/3246879

Land at Worcester Lane, Sutton Coldfield B75 5QR

- 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 Massey Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/09072/PA, dated 31 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is the erection of two dwellings, and associated works.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. I note that the name of the appellant is different between the planning application and appeal forms. However, it has been separately confirmed, by email, that the appellant is Massey Ltd, as on the planning application form. As such I have used this name within the header, and not that appearing on the appeal form.
4. The appellant has requested that I consider revised drawings as part of this appeal. I have considered this matter under the principles established by the Courts in *Wheatcroft*¹. The Council has not commented on the revised drawings and to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings considered by the Council.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Main Issues

5. The appeal site is located within the West Midlands Green Belt. Accordingly, the main issues in this case are:
- Whether the proposal would be inappropriate development in the Green Belt, having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the local area; and,
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether Inappropriate Development

6. Policy TP10 of the Birmingham Plan 2031: Birmingham Development Plan (BDP) requires development within the Green Belt to be assessed against the relevant policies set out in the Framework. It also sets out a general presumption against inappropriate development unless very special circumstances exist.
7. Paragraph 143 of the Framework establishes that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
8. Subject to a number of exceptions, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions are set out in Paragraph 145 of the Framework and include "limited infilling in villages".
9. The appeal site forms the front part of an agricultural field off Worcester Lane. The field forms a space between a row of dwellings to the north and south of the site. In this regard, the size of the site and the quantum of development proposed amounts to 'limited infilling'.
10. However, the appeal site and the dwellings within this small stretch of ribbon development are separated from the built development of Sutton Coldfield to the south by agricultural fields. The fields form a hard edge to Sutton Coldfield with only very sporadic development outside of the urban area. The ribbon development does not form part of that urban area, either physically or visually, despite them being connected by a pavement and street lighting. Moreover, the small cluster of development of which the appeal site forms part does not comprise a village.

11. Accordingly, and mindful of the caselaw² referred to in the appellant's case, I find that both visually and physically the appeal site is not within a 'village' for the purpose of Framework paragraph 145 (e). Paragraph 145(g) of the Framework sets out that "Limited infilling or the partial or complete redevelopment of previously developed land..." is a further exception to new buildings within the Green Belt. However, I have no evidence before me to show that the appeal site comprises previously developed land.
12. In light of the foregoing I find that the development of the appeal site as proposed would not fall within any of the exceptions for new buildings in the Green Belt as set out in the Framework. Accordingly, the proposal would comprise inappropriate development in the Green Belt to which I attach substantial weight.

Openness

13. In this instance the effect of the two sizeable dwellings, along with the proliferation of residential paraphernalia associated with them, would clearly be experienced both visually and spatially. Although I note that due to the size of the proposal before me, relative to the Green Belt, this impact would be moderate, a loss of openness would result. Nevertheless, even a moderate adverse impact on openness would contribute to the overall harm to the Green Belt and therefore this matter carries substantial weight.

Character and Appearance

14. The dwellings to the north and south of the appeal site while sharing some common features are a mix of detached and semi-detached dwellings, along with two bungalows. It appears that there have been extensions and other alterations to a number of properties. The dwellings are set back from the road by gardens and driveways, and the six to the south have regular spacings between them.
15. The appeal site has a mature hedge along its frontage and this and the undeveloped nature of the site contributes to the rural qualities of the area and the transition from the built-up parts of Sutton Coldfield to the countryside beyond.
16. The development of the appeal site as proposed and the removal of the hedgerow would significantly erode the pleasant rural appearance of the appeal site and the positive contribution that it makes to the character and appearance of the area. Moreover, whilst acknowledging that the layout and form of the new dwellings would reflect nearby development, their design with integral garages and overall bulk and massing would not. They would appear as prominent, incongruous additions along this stretch of road and would cause harm to the appearance of the locality.
17. In light of the above, I find that the proposed dwellings, by way of their design and siting would fail to respond positively to the character and appearance of the local area. As such the proposal would conflict with Policy PG3 of the BDP, which supports high quality development. Although the *Places for Living* Supplementary Planning Guidance was also referred to by the Council the

² Julian Wood -V- The Secretary of State for Communities and Local Government, and Gravesham Borough Council [2015] EWCA Civ 195

relevant sections of this lengthy document were not made clear, and I have not taken this into consideration in this case.

Other Matters

18. Examples of appeals³ have been brought to my attention by the appellant. I note that both are around the Solihull area which is some considerable distance from the appeal site. I also note that both are in much more developed settings compared to the appeal before me. I find that the circumstances of each are not so similar as to be relevant to the proposal before me, and nevertheless, all proposals must be considered on their own merit.

Other Considerations

19. It has been put forward that the appeal site would be in a sustainable location close to public transport, shops and community facilities. Given the location of the site close to the edge of Sutton Coldfield and that there is an illuminated footpath which leads to it, I find that it would be likely for future occupiers to at least travel by sustainable transport some of the time. However, given the distances stated by the appellant, from each of these services, I find that the use of private motor vehicles would be more likely. As such I give this matter only moderate weight.
20. It has also been raised that the proposal would include a new landscaped area with wildflowers in the interests of local biodiversity. However, the information available to me is not sufficient that I can conclude with certainty that the planting scheme would provide any meaningful benefit. I therefore give this matter little weight.
21. I find that although the appellant intends to use traditional materials which would be sympathetic to the local area, the scheme would still harm its character and appearance. I also find that a lack of harm to the living conditions of neighbouring occupiers is not a benefit resulting from the development. As such I attach these matters neutral weighting.
22. The appellant has raised that the proposal would make a contribution to both the Government's aim of significantly boosting housing land supply, and to the local economy. However, the small scale of the development, the provision of two dwellings, would make only a limited contribution to both these issues. Nevertheless, as this would still be a benefit compliant with the Framework, I find a moderate weighting would be appropriate.

Green Belt Conclusion

23. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of the loss of openness. These matters carry substantial weight. Further harm would also be caused to the character and appearance of the area. As moderate weight has been given to the considerations cited in support of the proposal, this would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with Policies TP10 and TP28 of the BDP which set out the location of the Green Belt and seeks to divert

³ APP/Q4625/W/17/3191758 and APP/Q4625/W/17/318046

development away from it. The proposal would also conflict with the Framework in terms of protecting Green Belt land.

Recommendation

24. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR