

Appeal Decision

Site visit made on 21 August 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2020

Appeal Ref: APP/V4630/W/20/3253374

Land West of, Back Lane, Aldridge WS9 0LR

- 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 P Hoskison against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 19/1251, dated 19 September 2019, was refused by notice dated 28 February 2020.
 - The development proposed is the redevelopment of existing stables by erection of 1no. detached dwelling and associated works (Re-submission 18/0391).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on the character and appearance of the area; and
 - If it is inappropriate development 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

Inappropriate development

3. Although Policy 3.3 of the Council's Unitary Development Plan (adopted 2005) (UDP) refers to inappropriate development in the Green Belt, it does not seek to define it. However, Policy GB1 of the Walsall Site Allocation Document (adopted 2019) (SAD) stipulates that inappropriate development is, as defined in the Framework.
 4. The appeal site is a predominantly grassed parcel of land containing a reasonably large stable building. It is common ground between the main parties that the appeal site comprises of previously developed land (PDL).
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Paragraph 145 of the Framework is therefore relevant which states (criterion g) that development is not inappropriate if it results in the redevelopment of previously developed land, provided it would not have a greater impact on the openness of the Green Belt than the existing development.

5. The appeal site is largely open and grassed with small areas of hardstanding and some incidental storage. The domestication of this land and its use as garden curtilage, would result in potentially increased hardstanding, parked cars, garden furniture, formal planting and means of enclosure, garden ornaments and play equipment. These elements tend to have a permanency within the landscape.
6. There are limited details provided regarding the proposed landscaping of the site. However, even the removal of permitted development rights would not overcome all of the reduction in openness that would likely ensue visually from the domestication of the site. As such, even though the proposed dwelling would see a small reduction in built form in comparison to the existing building, the overall domestication of the site would result in a greater impact on the openness of the Green Belt than the existing development.
7. I therefore conclude that for the purposes of the Framework, and subsequently Policy GB1 of the SAD and Policy 3.3 of the UDP, the proposal would constitute inappropriate development in the Green Belt. The Council have also referred to several other local planning policies in its second reason for refusal. However, I do not consider them to be determinative on this matter.

Openness and Green Belt purposes

8. The Framework (paragraph 133) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Openness has both a visual and spatial dimension.
9. For the reasons outlined above, although there would be a reduction in built form spatially, the overall domestication of the site would result in a visual loss of openness within the Green Belt. In this respect, the proposal would impact on the related Green Belt purposes of checking unrestricted sprawl and safeguarding the countryside from encroachment.
10. I therefore conclude that the proposal would lead to a loss of Green Belt openness and would impact on the purposes of including the land within it. Therefore, the proposal would be contrary to the relevant Green Belt guidance within the Framework.

Character and appearance

11. The appeal site is located along Back Lane (the Lane) an informal and in parts narrow track. Although the presence of built form along the A452 is apparent, the Lane is characterised by fields either side, with buildings and structures associated with predominantly equestrian or agricultural uses. The combination of these land uses and planting along the fields results in a peaceful, verdant rural character. This contrasts positively with the character along the nearby A452. In this context, the existing building and its use are not features that appear as out of character within this rural setting.

12. The physical separation of the site from the confines of any settlement or group of houses would render the proposed dwelling as a visually isolated house along the Lane. Although the building design has sought to be sympathetic to its surroundings, it would still have a clearly domestic appearance.
13. The combination of the dwelling and its domestic accoutrements, light from the building and the activity from its occupation would be at odds with, and harmful to, the distinctly peaceful, verdant rural character of this part of the Lane.
14. As such, the proposal would result in significant harm to the character and appearance of the surrounding area. It would therefore conflict with the requirements of Policies ENV2 and ENV3 of the Black Country Core Strategy (adopted 2011) and Policies 3.3, GP2, ENV7, and ENV32 of the Council's Unitary Development Plan (adopted 2005). The proposal would also conflict with Policy DW3 of the Designing Walsall Supplementary Planning Document for Urban Design (2013). These stipulate, amongst other things, that development proposals will be required to preserve and, where appropriate, enhance local character.
15. The Council has also referred to various other local planning policies, however these do not appear to be concerned with the character and appearance of the countryside, but amongst other things, to matters relating to nature conservation and green belt. As such, whilst I have had regard to them, I do not consider them to be determinative on this particular main issue.
16. The proposal would also conflict with the requirements of paragraphs 127 and 170 of the Framework. These seek, amongst other things, that decisions contribute to, and enhance, the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other considerations

17. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm. In this regard, despite their differences Policy 3.3 of the UDP and Policy GB1 of the SAD are broadly consistent with the Framework.
18. The absence of harm in relation to trees, hedgerows, heritage assets, highway safety or drainage matters weigh neither for nor against the proposal. There would be environmental benefits to the reuse of PDL, in contrast with greenfield sites. Moreover, enhancements to biodiversity are suggested. However, there is no firm evidence that the building is no longer required for its equestrian use and I have already concluded that the resulting development would significantly harm the character of this part of the Lane.
19. I recognise that there are bus connections and the settlement of Aldridge is relatively close to the appeal site meaning there would be options for alternative modes of travel. However, in my view, there would still be a general reliance on private vehicular trips given the location of the appeal site, nature of the roads and walking routes to services and facilities in the area. Moreover, there is no substantive evidence before me that the proposal would result in a reduction in vehicular trips to the appeal site from its current use.

20. Overall, and drawing the above together, the proposal would deliver a dwelling on PDL and therefore, this windfall scheme would have economic and social benefits in line with the sustainability aims of the Framework. However, a net gain of a single dwelling would only have a limited impact in the context of the overall housing supply. As such, I attach limited weight to these benefits.

Conclusion

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness, the Green Belt purpose and harm to the character and appearance of the area.
22. Substantial weight should be given to the harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. As explained above, I give only limited weight to the benefits of this single dwelling and I find that 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. As such, the proposal would conflict with the development plan when read as a whole.
24. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
25. For the reasons above, and having regard to all matters before me, the appeal is dismissed.

Robert Walker

INSPECTOR