
Appeal Decision

Site visit made on 19 October 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/P1805/W/20/3245667

St Kenelms Woodyard, Uffmoor Lane, Halesowen B62 0NW

- 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 Richard Marchant against the decision of Bromsgrove District Council.
 - The application Ref 19/00932/FUL, dated 9 July 2019, was refused by notice dated 21 November 2019.
 - The development proposed is described as: 'to site a caravan on forestry land for forestry use to provide accommodation for the applicant as a forestry worker and landowner. The caravan is required for a temporary period of 4 years to allow rotational forestry work, coppicing and felling plan of the forest plantation planted on the land by the applicant 15 years ago'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development as set out upon the Council's Decision Notice and the appeal form, rather than the elongated version that is given on the application form where reference is made to a temporary period of four years. This is because, the appellant has confirmed his agreement to the proposal being considered on the basis of the proposed caravan being permanently sited.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect upon the character and appearance of the rural area;
 - Whether or not an essential need for a forestry worker to be accommodated on the appeal site has been demonstrated; and
 - If the proposal is inappropriate development in the Green Belt, whether any 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 it.

Reasons

Whether inappropriate development

4. The proposal is centred upon the intended siting of a caravan, rather than the construction of any new buildings. Even had a building been proposed and paragraph 145 of the National Planning Policy Framework (February 2019) (the Framework) engaged, the proposal is primarily geared towards the provision of residential accommodation and would thus not provide a building for agriculture or forestry purposes.
5. Paragraph 146 of the Framework sets out certain other forms of development that are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land.
6. The proposal, through the siting of a caravan, would lead to a material change in the use of land. Therefore, to determine whether or not the proposal would be inappropriate development, I must assess its effect upon Green Belt openness and whether it would conflict with the purposes of including land within the Green Belt. The purpose of pertinence here (as listed in the Framework) is to assist in safeguarding the countryside from encroachment.
7. The caravan would be placed upon an area of the appeal site that I witnessed to be open and clear of any substantive development. The proposal would also be anticipated to lead to the parking of vehicles and the introduction of lighting, domestic paraphernalia and general activity associated with the caravan's residential occupation. Whilst I observed a buffer of planting to exist to the site's Uffmoor Lane boundary, this did not provide a solid screen to views into the site and could not be depended upon to provide permanent screening even if replanted or replenished. This is not least because planting is ever evolving, is reliant on regular maintenance to retain a consistent form and could be reduced in scale or extent in the future. The scheme would lead to a loss of Green Belt openness in both a visual and spatial context and would not safeguard the countryside from encroachment.
8. The caravan, being intended to be placed upon a plinth foundation system, would not be affixed to the ground and could potentially be removed from the site at some point in the future. However, the appeal is being considered based on a stated intention to permanently site the caravan. Indeed, the caravan would have a permanent character and there would be no reason to suppose that it would be removed within any short-term timeframe. These would have been my observations even had a temporary four-year permission been sought.
9. For the above reasons, on the basis that the scheme would not preserve the Green Belt's openness and would conflict with the purposes of including land within it, the proposal would be inappropriate development in the Green Belt. The proposal conflicts with the Framework in so far as it affirms that inappropriate development is, by definition, harmful to the Green Belt and that the essential characteristics of Green Belts are their openness and permanence.
10. Policy BDP4 of the Bromsgrove District Plan (January 2017) (the BDP) is of limited relevance to my considerations here, as its list of exceptions to proposals being considered inappropriate in the Green Belt are limited to

circumstances related to the development of new buildings. Indeed, the siting of a caravan rather than the development of a building is proposed.

Character and appearance

11. The site's surroundings are, for the most part, rural in their character and appearance and are predominated by extensive areas of woodland. Indeed, the Uffmoor Wood is located to the east and a plantation covers the northern portion of the appeal site itself. The caravan would be sited towards the site's southern end, cover a rectangular footprint and be finished with timber cladding to its external facing elevations and grey-coloured sheeting to its roof. It would be of relatively simple design and would resemble a forest lodge.
12. Notwithstanding its simplistic timber design, the caravan would be of not insignificant height and size. Rather than harmlessly blending into its local environment, the caravan would instead appear as residential development in an inherently rural location. Whilst a residential curtilage of small extent would realistically be envisaged and the caravan would be positioned relatively near to on-site structures and in proximity to commercial operations and associated paraphernalia, its introduction would have an encroaching influence. This is notwithstanding the sporadic presence of other rural dwellings in the locality.
13. The gap and buffer of landscaping that is in place between Uffmoor Lane (the Lane) and where the caravan would be positioned is limited in depth and could not be relied upon to provide a solid and continuous buffer to views of the caravan from the Lane. As also set out above, this is even should the planting in question be replenished or replanted in the future. Whilst the appellant has referenced a willingness to discuss alternative locations for the caravan upon the site, the appeal process cannot be used to evolve a scheme. Indeed, it is my duty to determine the appeal based primarily on the suite of plans submitted to the Council at planning application stage.
14. For the above reasons, the proposal would cause harm to the character and appearance of the rural area. The proposal conflicts with Policy BDP19 of the BDP in so far as it seeks to deliver high quality people focused space through ensuring development enhances the character and distinctiveness of the local area.

Essential need

15. The site is comprised of approximately 1.5 acres of land. Around half of the site is comprised of a plantation made up of various tree species. This plantation was planted in excess of 15 years ago and the specimens are now sufficiently mature to be thinned/coppiced and processed into various timber products on a phased basis. The remaining half of the site, whilst incorporative of grassed/open areas, is used as a woodyard including for the storage and processing of timber materials. The appellant's on-site harvesting and subsequent processing of timber materials makes up only a part of his wider forestry business.
16. Paragraph 79 of the Framework sets out that the development of isolated homes in the countryside should be avoided unless one or more of several set-out circumstances apply. These include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. For the avoidance of doubt, notwithstanding the existence of

Kenelms Cottage to the northern side of the site's plantation, the proposal would result in the formation of an isolated home under the terms of the Framework. Indeed, the site is served by a rural lane with no footpath connections and sits separate and distant from its nearest settlements.

17. The Planning Practice Guidance (the Guidance) indicates factors that may be relevant to consider when determining whether an essential need exists. These include evidence of necessity to ensure the effective operation of a forestry enterprise because of, for example, a risk to human health, a risk from crime or to deal quickly with emergencies. The Guidance also sets out that the degree to which there is confidence that the enterprise will remain viable for the foreseeable future can also be a relevant consideration.
18. The Council has indicated that forward budgeting provided by the appellant illustrates that the on-site enterprise (as opposed to the wider forestry business) can be financially viable and I have no reason to disagree. Nevertheless, for an essential need to be demonstrated, clear evidence of necessity must support any case successfully made from a viability perspective.
19. Related to risks of crime at the site, an email from a Police Constable (the PC) formerly positioned on the Halesowen Neighbourhood team appears in the evidence before me. He has referred to anti-social behaviour in the Uffmoor Wood area and to a specific incident of trespass/theft witnessed at the appeal site itself. I have also noted references within the evidence before me to selected instances of theft, vandalism and fly tipping either at or in immediate proximity to the site in recent years.
20. The PC has indicated that if persons were sited permanently at the appeal site it would prevent further crimes from occurring at the site. I note that the PC has not gone as far as to clearly assert that permanent residential occupation would be the only way to prevent crime. In any event, I do not disagree that, from a crime perspective, there would be security benefits to be had from permanent residential occupation. However, I am unconvinced that alternative potential options that do not require on-site residency have been either adequately considered or discounted with adequate justification to do so.
21. Indeed, it was evident from my own inspection that notable stretches of the site's boundaries were not served by a strong fence line. There would appear to exist the potential to install a robust yet visually considerate scheme of boundary treatment. For the avoidance of doubt, I have noted that an intention to fence the land is referenced within the appellant's evidence. It is also the case that forestry barns¹ are in the process of being constructed. Whilst I acknowledge that security was not the sole reason for the barns' construction, it remains the case that they could be fitted out to incorporate a raft of security measures related to, for instance, the specification of their openings and locking mechanisms. Furthermore, notwithstanding the appellant's belief otherwise, a CCTV system, if installed in conjunction with other measures, could play an important role as both a crime deterrent and potential detection device.
22. I do not dispute that the forestry equipment owned/used by the appellant in the running of both his on-site enterprise and wider business would be

¹ the subject of planning approval 19/00386/FUL, which permits the barns to be used in connection with the appellant's forestry and arboriculture business

considerable in both its extent and cumulative value. I also note the appellant's references to apparent difficulties associated with attaining insurance. However, if a robust schedule of crime prevention measures was to be put in place, as alluded to in non-exhaustive terms above, I am unconvinced that the security risk would be so high that it could not be effectively managed. This is a view shared by the Council's agricultural consultant who, whilst not locally based nor specifically qualified in the field of security/crime prevention, has extensive experience with respect to rural planning matters.

23. Furthermore, notwithstanding the associated efficiency implications (related to the transportation of equipment) and whilst it would of course be the appellant's choice as to how he operates his business, there would be ways to limit the extent and value of equipment that would be left at the site overnight. To my mind, it has not been clearly demonstrated that a proportionate schedule of crime prevention measures (alternative to permanent residential occupancy) could not be implemented to provide suitable assurances in a security/crime context.
24. I accept that the operation of forestry machinery poses a health and safety risk. It would be inadvisable, yet sometimes unavoidable, to operate such equipment alone, which is broadly consistent with what I understand the Health and Safety Executive's relevant guidelines to indicate. The proposed caravan's presence would offer an increased likelihood of multiple persons being present upon the site at any one time but would by no means guarantee this.
25. I also note that the operation of potentially dangerous equipment would be expected to take place in response to business needs rather than on an entirely unplanned or impromptu basis. Therefore, notwithstanding likely associated implications for the business, the presence of multiple persons could be planned. Whilst I acknowledge that organising someone else's presence would likely be unrealistic on a routine basis, it remains the case that an essential need for permanent residential occupation (based purely on health and safety grounds) has not been demonstrated.
26. A residential presence would offer some assistance in effectively monitoring and protecting the health and growth of on-site trees and coppice growth as well as of on-site beehives and any other future food producing initiative (or similar). However, particularly when noting the moderate size of the plantation under consideration, I am not persuaded that a suitable and proportionate level of monitoring and protection could not be carried out without an on-site residential presence.
27. An opportunity to live on site would provide efficiency improvements for the appellant's business, not least via reducing/removing daily setting up procedures and would offer additional time for the appellant to develop and improve his business and the site in other ways. Such improvements would undoubtedly be valuable. Indeed, the Framework sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and Policy BDP15 of the BDP indicates that development that contributes to diverse and sustainable rural enterprises will be encouraged.
28. However, such business/efficiency improvements, even when considered alongside the scheme's security, health and safety and crop monitoring

benefits, do not demonstrate or amount to an essential need for permanent on-site residential occupation.

29. For the above reasons, an essential need for a forestry worker to be accommodated on the appeal site has not been demonstrated. The proposal conflicts with Policy BDP1 of the BDP, the Framework and Supplementary Planning Guidance Note 6 (January 2004) in so far as these policies and guidance set out sustainable development principles and that isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Other matters

30. It was apparent at the point in time of my inspection that a caravan/mobile home was stationed at the appeal site. It was positioned in a different location to where the caravan that is the subject of this appeal is intended to be located, on the opposite side of the site's access track. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) contains specific provisions with respect to caravans. Indeed, reference is made to circumstances as specified under the Caravan Sites and Control of Development Act 1960 (the CSCDA) where it is set out that a site license shall not be required to use land as a caravan site to accommodate a forestry worker during a particular season of the land in question being used for the purposes of forestry.
31. As set out under Schedule 2, Part 5, Class A, paragraph A.1 of the GPDO, development (to use land as a caravan site) is only permitted subject to the condition that the use is discontinued when the relevant circumstances (as set out under Schedule 1, paragraph 8 of the CSCDA) cease to exist and all caravans on the site are removed as soon as reasonably practicable. The permitted development rights that are available to the appellant do not set a precedent for a caravan to be sited upon the site under the terms now intended, which is to provide continuous rather than seasonal residential accommodation.
32. Any suggestion that a caravan, if used for storage or welfare purposes or similar, could be sited permanently at the site under permitted development rights has not been clearly substantiated. In any event, even if it could, the proposed caravan would evidently contain all the residential facilities realistically required to accommodate a forestry worker and, to my mind, would fall subject to the relevant provisions of the GPDO and CSCDA set out above.
33. I have noted references to planning permission² granted by the Council in reasonably recent times at Hagley Hall for development including the provision of single storey ranger accommodation. It was found that there was an essential need for on-site security to protect various historic assets across an expansive Grade I Registered Park, described as a nationally important asset and an exceptional tourist attraction. The proposal that is before me is not readily comparable to that case. Indeed, a much smaller site is under consideration here and there are no substantive heritage issues nor tourism benefits to take account of. The Hagley Hall permission is thus of limited relevance. In any event, each case must be considered upon its own individual merits.

² 14/0501

Very special circumstances

34. 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 Framework also indicates that substantial weight should be given to any harm identified to the Green Belt.
35. As set out above, the siting of a caravan for permanent occupation would provide on-site security and health and safety benefits, some assistance in the effective monitoring of on-site crops and, in general terms, would support the efficient running and future growth of a rural business that provides work for a core group of contractors and that I have no reason to doubt is locally valuable (including to the National Trust). These benefits command considerable weight in cumulative terms.
36. The proposal would promote the effective use of land. But would do so in the Green Belt and in an isolated countryside location where new development (not least residential accommodation) would not normally be supported. I thus afford limited weight to this benefit.
37. It has been suggested by the PC that a permanent residential presence at the site would help deter anti-social behaviour from occurring at the Uffmoor Wood car park. However, being positioned a short walk along the Lane, the appeal site does not have an immediate relationship with the car park. I afford limited weight to the scheme's benefit of assisting to deter anti-social behaviour within the site's immediate locality.
38. I also acknowledge that a caravan of low-carbon specification that would incorporate sustainability and energy efficiency measures is proposed and that daily commuting trips for the appellant would no longer be required. However, conversely, he and any other future inhabitant of the caravan would occupy an isolated location in the sense of the site's relationship to local facilities and services. I thus afford limited weight to any potential benefit of the scheme in a carbon reduction context.
39. Ecological/biodiversity benefits, through the implementation of measures including coppicing, the planting of native hedgerows and legacy oak trees, the installation of nesting/roosting boxes and wildlife monitoring/recording could be carried out without occupying the site on a permanent basis. Whilst the efficiency improvements offered by the proposal would promote some opportunities for such measures to be undertaken more expediently and effectively, I afford limited weight to the scheme's ecological/biodiversity benefits.
40. It is also the case that the proposal would support and promote wellbeing for the intended future occupiers of the caravan, offering them the opportunity to live in a quiet rural location and providing the appellant with the option to potentially work shorter days when compared to current circumstances. These benefits attract some weight, albeit relatively modest in extent.
41. I do not doubt the appellant's dedication and clear passion for his profession and his business. However, the contributions set out above would not, even when considered in cumulative terms, outweigh the substantial harm identified to the Green Belt (including harm derived from loss of openness) and the additional moderate degree of harm identified to the character and appearance

of the rural area so as to amount to the very special circumstances necessary to justify the proposal. This is my finding even when noting the potential to impose a planning condition restricting future occupation of the caravan to a forestry worker and any residential dependents.

42. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

43. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR