



Appeal Decision

Site visit made on 12 August 2020 by Ben Phillips BSc MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/P1805/D/20/3254374

Shepley Knoll, Pumphouse Lane, Barnt Green, Bromsgrove B45 8DA

- 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 & Mrs Sanghera against the decision of Bromsgrove District Council.
- The application Ref 20/00390/FUL, dated 26 March 2020, was refused by notice dated 21 May 2020.
- The development proposed is described as alteration of existing entrance gates and walls to include the installation of metal railings and soft landscaping.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 20th October 2020.

Decision

1. The appeal is dismissed.

Appeal Procedure

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

Procedural Matters

3. During the course of the appeal both parties were provided with the opportunity to provide their views on whether or not the appeal proposal was a building for the purpose of Section 336 of the Act¹, as opposed to an engineering operation as cited in the Council's decision notice. I have taken the comments received into account in my assessment of the proposal, but for the avoidance of doubt have assessed the proposal as a new building in the Green Belt.

Main Issues

4. The appeal site is located within the Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and

¹ Town and Country Planning Act 1990

- If the development is inappropriate, 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 proposal.

Reasons for Recommendation

Whether Inappropriate Development

5. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (2017) (DP) indicates that the development of new buildings in the Green Belt is inappropriate, except in a number of circumstances. The Framework at paragraphs 145 and 146 sets out a number of exceptions for development that is not considered to be inappropriate in the Green Belt.
6. Both parties acknowledge that the proposal does not fall within any of the exceptions set out in either the development plan or the Framework, and on the basis of the evidence before me I have no reason to find differently in this regard.
7. Accordingly, I conclude that the proposal would result in inappropriate development in the Green Belt, in conflict with DP Policy BDP4 and the Framework as set out above. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstance. In accordance with Paragraph 144 of the Framework, this harm to the Green Belt is given substantial weight.

Openness

8. Openness is an essential characteristic of Green Belts. The proposed railings, wall and gates would provide a strong defining boundary along the side of the access which would be prominent from the roadside and junction opposite. Although it would be possible to see the backdrop of landscaping through the gaps between the railings, the overall effect of such clear and emphatic delineation would be a loss of openness to the Green Belt. Whilst the loss of openness would be localised and limited given the nature of the proposal, it would result in harm to the Green Belt.

Other Considerations

9. The Framework advises that inappropriate development in the Green Belt 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.
10. I acknowledge that the erection of the gates and walls would improve security in this location for the appellant and would prevent livestock from escaping onto the highway. I find that this has moderate weight in favour of the proposal. In addition, I also acknowledge that the set back of the gates from the highway may provide a useful passing place along Pumphouse Lane. Whilst no substantive evidence of highway safety issues in this area have been provided, I find this also has moderate weight in favour of the proposal.
11. Finally, it is also acknowledged that permitted development rights would enable some boundary walls, access gates and hardstanding to be constructed, which

would inevitably have some impact upon openness. However, whilst options were submitted to illustrate the permitted development fall-back position, the Council dispute the compliance of these plans with the regulations. It is not a matter for this appeal to determine the lawfulness or otherwise of these potential options. A certificate of lawful development is not before me and as such the extent of permitted development rights and subsequent comparative impact has not been formally established. This limits the weight that I can attach to this matter as a fallback position.

12. Given the amount of planting and inclusion of some railings now proposed, the proposal would be an improvement visually over the existing imposing and stark solid walls and gates, however planning permission for their retention was refused, with a subsequent slightly amended scheme also refused and dismissed at appeal.² Unlike these refused applications, the Council have found no harm other than that to the Green Belt. Whilst again I have no reason to disagree in this respect, the lack of harm to the character and appearance of the street scene, highway safety or to the setting of the nearby Barnt Green Conservation Area is to be expected of any well-designed development, and does not weigh in favour of the proposal, being a neutral factor.
13. Finally, the appellant points to an appeal decision over 20 years ago in respect of a site in Essex.³ Given its age and location this has little bearing on the matters before me, which was likely to have assessed under different development planning policies to those before me. Notwithstanding this, the granting of planning permission elsewhere for a similar type of development does not justify harmful development. Each planning application and appeal is determined on its individual merits.

Green Belt Conclusion

14. 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. At most, moderate weight has been given to the considerations cited in support of the proposal. I conclude that taken together, they do 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 the Green Belt aims of DP Policy BDP4 and the Framework.

Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

² Application reference 18/01094/FUL, appeal APP/P1805/D/18/3219000

³ Appeal Ref: APP/B1550/A/00/1046232 dated 25 October 2000

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR