



Appeal Decision

Site Visit made on 2 December 2020

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/H1840/W/20/3248656

The Manor, Manor House Nursery, Rectory Lane, Upton Warren B61 7EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Jean Tranter against the decision of Wychavon District Council.
 - The application Ref 19/02725/OUT, dated 18 December 2019, was refused by notice dated 25 February 2020.
 - The development proposed is the erection of a single storey eco dwelling all matters save access and scale reserved.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved except for the means of access and the scale of the development and I have determined the appeal on that basis. In addition to the site plan showing the proposed detail of the point of access from Rectory Lane, I have had regard to the submitted block, layout and design plans showing illustrative proposals. Aside from the scale of development shown on these plans, they have been considered on an indicative basis only.
3. Since the time of the Council's decision, part of the appeal site has been subject to the grant of a certificate of lawfulness for the use of a mobile home as a permanent residence. I have taken account of this in my reasoning.

Main Issue

4. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt and, if so, the effect on the openness of the Green Belt;
 - whether or not the site would provide a suitable location for market housing; and,
 - 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 development.

Reasons

Whether inappropriate development in the Green Belt

5. The Government attaches great importance to Green Belts. 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 their permanence. Section 13 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy SWDP2 of the South Worcestershire Development Plan (2016) (DP) states that the West Midlands Green Belt will be maintained and development proposed within the Green Belt will be considered in accordance with national policy as set out in the Framework.
6. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions. Of those exceptions the appellant draws my attention to Paragraph 145 g) in relation to the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The site is described as a former horticultural holding on the planning application form. In addition, the appellant confirms that it formed part of the wider horticultural site associated with the former Manor House Nursery. 'Horticulture' falls within the definition of 'agriculture' as defined under s336 of the Town and Country Planning Act 1990. The definition of previously developed land provided within Annex 2 of the Framework excludes land that is or was last occupied by agricultural or forestry buildings.
8. In this regard I am directed to a certificate of lawfulness (ref. 20/01480/CLE) which has been issued since the Council's decision in relation to the use of a caravan close to the site. Although the accompanying plan identifying the caravan includes other land, some of which lies within the appeal site, the certificate is explicit and limited in its scope to the use of the caravan. It does not qualify any use in relation to the other buildings or land that are situated within the appeal site. Moreover, there is little evidence to demonstrate that any other use of those buildings or land has lawfully taken place since the horticultural use of the wider site ceased. Accordingly, there is no basis on which to conclude that they qualify as previously developed or brownfield land.
9. In those circumstances, a proposal for a market dwelling which lies outside any of the stated exceptions in Paragraphs 145 or 146 of the Framework would constitute inappropriate development in the Green Belt. Furthermore, pursuant to the finding in *Europa Oil and Gas Limited v SSCLG* [2013] EWHC 2643 (Admin), the replacement of horticultural buildings that cause no harm to the openness of the Green Belt with an inappropriate form of built development would cause a loss of openness.
10. This would be limited to an effect on spatial openness as opposed to any impact on the visual interpretation of openness. This is on account of the high level of screening to the site boundaries and limited clear views of the site's interior from the surrounding landscape. Nevertheless, some harm to the openness of the Green Belt would accrue.

11. For the reasons set out above, I conclude that the development would constitute inappropriate development within the Green Belt that would erode its openness. As such it would be contrary to Policy SWDP2 of the DP which seeks the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

Locations for housing

12. Policy SWDP2 of the DP also seeks to strategically manage locations for new housing. In countryside areas housing development is strictly controlled to permit only specified types of dwellings. Market housing is not within the Council's list of development appropriate to countryside areas.
13. Although the appellant highlights that the locality is within a reasonable distance of employment opportunities and local services compared to other Green Belt areas, this does not alter its position in an open countryside location.
14. The proposal is therefore contrary to Policies SWDP1, SWDP2 and SWDP4 of the DP as it fails to adhere to the Council's spatial strategy for sustainable housing delivery.

Other Considerations

15. The proposal would contribute in a limited way to the supply of housing in the area and to the range of dwelling size and choice. It could also be delivered within a short term. These are matters to which I attach moderate weight.
16. The proposal would replace several characteristic rural buildings with domestic development such that the character of the site and development upon it would change. Although the site may subsequently appear more actively managed in a way to improve visual, aural and environmental amenity, and the dwelling would relate closely to other residential development close by such that it could retain the landscape character, this would be barely discernible from outside the site on account of its visual and physical containment by established high boundary vegetation. This is therefore a matter of neutral weight.
17. Although the re-use of redundant land would be a benefit of the scheme, there is little evidence to indicate that it could not be used for a type of development that would align with Policy SWDP2 in order to make best use of the land in a manner consistent with the local development plan. I therefore find that this attracts limited weight.
18. The development is described as an 'eco-dwelling'. A proposal could be designed to achieve a high level of ecological sustainability, utilise energy efficient materials, renewable sources of energy and recycle water. However, the nature of any eco design is substantially unqualified and there is no mechanism proposed to achieve a standard above that required by the current Building Regulations within the submissions. It is therefore also a matter of limited weight.
19. The absence of objections from third parties, consultees, including the Highway Authority and Parish Council, or the ability to provide the development without adverse impact to neighbouring living conditions, are not benefits in favour of the development and therefore attract neutral weight.

Conclusion

20. The erection of the dwelling on the site would be inappropriate development in the Green Belt that would harm its openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. In addition to the harm arising from inappropriateness and a loss of openness, the development would conflict with the Council's spatial strategy for the delivery of sustainable housing that restricts market housing in the countryside, a matter that attracts significant weight.
21. The considerations presented by the appellant do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist. Furthermore, the development would be contrary to the adopted development plan and there are no other material considerations to indicate a decision otherwise than in accordance with it.
22. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR