
Appeal Decision

Site visit made on 17 December 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2021

Appeal Ref: APP/R1845/W/20/3258281

Land at Stone meadow, Butts Lane, Stone, Kidderminster DY10 4BH

- 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 M Daneshfar against the decision of Wyre Forest District Council.
 - The application Ref 20/0070/FUL, dated 30 January 2020, was refused by notice dated 3 July 2020.
 - The development proposed is a bungalow, with new vehicular access and associated works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The above description of development is taken from the appeal form as it is more comprehensive.

Main issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the West Midlands Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy and the effect of the proposal on the openness of the Green Belt;
 - whether any harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances to justify the development;
 - the effects of the proposal on the character and appearance of the area;
 - whether a dwelling would be accessible to facilities and services and;
 - whether the proposal has the potential to improve biodiversity

Reasons

Whether the development would be inappropriate and the effect on openness

4. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Criterion (g) makes an exception for limited infilling or the partial or complete redevelopment of previously developed land.
5. The appeal site is distinct from the nearest village and appears part of the countryside. It was part of a complex for workers during World War II and some concrete hardstanding suggest there was previously a building here. However, the appeal site today is open rough grassland with an informal scattering of trees.
6. The submitted historic building assessment and statement of significance report shows that the appeal site did not contain any buildings in circa 2000. The report indicates that some buildings on the complex were demolished in the 1980s. I also note this report states the complex was only in use for four years.
7. The appeal site today has the appearance and character of vegetated grass scrubland. Indeed, the remaining hardstandings occupy a relatively small proportion of the appeal site and are only on the surface. The historic use has long ceased, and I have not been presented with any documentary evidence to indicate a more recent use.
8. Annex 2, Glossary, of the Framework provides a definition of previously developed land: it precludes land where the remains of a permanent or fixed surface structure have blended into the landscape. I therefore conclude that the site is not previously developed land.
9. Criterion (g) of paragraph 145 of the Framework only permits limited infilling or redevelopment when there is no greater impact on the openness of the Green Belt. The site currently has no structure above ground and the sheer presence of the proposed building, even single storey, would visibly curtail the openness of the site.
10. Policy SAL.UPI of the Adopted Wyre Forest Site Allocations and Policies Local Plan (LP) reflects paragraph 145 of the Framework. Development is only permitted in very special circumstances, unless previously developed land and must not be detrimental to the visual amenity. The proposal would be in conflict.
11. I therefore conclude that the proposal would be inappropriate development and would spoil the openness of the Green Belt.

Character and appearance

12. The site is just off Butts Lane which is the main through road and is clearly seen, becoming particularly prominent when the lane becomes elevated. There is also a view from the footpath to the east, where the site appears as part of a broad swath of rough sloping grassland. Whilst there are several trees on the site, these would not obscure the dwelling.
13. I note that the proposed bungalow would be low height and in sensitive materials, but any building would look intrusive and would spoil the continuity

of the grassland. Whilst there are some dwellings nearby, they are seen beyond the site, on a plateau, and consequently are not prominent.

14. The proposal would lead to the domestic use of a naturalised piece of countryside. In particular the proposal shows car parking/turning on the conspicuous side and other domestic paraphernalia would be inevitable.
15. The proposal includes new landscaping along the eastern boundary; however, this would take time to establish. Whilst native species are proposed, the planting would be in a formal line which would not empathise with the informality of the landscape. Consequently, the planting would not mitigate the impact of the bungalow.
16. I therefore conclude that the proposal would harm the character and appearance of the area.
17. Policy CP12 of the Adopted Wyre Forest Core Strategy seeks to protect and where possible enhance the landscape, whilst Policy SAL.UP1 of the LP protects the Green Belt character with reference to siting, materials and design of development. The proposal would conflict with these policies.

The accessibility to services

18. The site is outside a settlement and the nearest facilities would be a significant distance away. The submitted table shows the distances to facilities, including 1.9 miles to a primary school and similarly to a shop, which would be unrealistic walking distances for a return trip on an everyday basis. Moreover, the linking roads lack continuous pavements, are unlit and are hilly.
19. The occupants of the dwelling would be very unlikely to be able to walk to facilities. Whilst I note that there is a bus stop 0.3 miles away, I have not been provided with timetables, but such a rural area is likely to have very limited frequency.
20. I note the case officer's report on the 2018 'subterranean house', a replacement building, did not conclude that the site was remote. However, I find that report for that proposal does not explain why this dwelling's occupants would be anything other than car dependent due to the distances to facilities.
21. As the occupants of the dwelling would be reliant upon private transport, I therefore conclude that the site would not be an accessible location.
22. Policies SAL.DPL1 and SAL.DPL2 of the LP resist dwellings in the countryside and the proposal would not be one of the exceptions. The proposal would be in conflict.

Biodiversity

23. The site's vegetation is limited to grass and a few trees, which offer little value for habitat and foraging. I have not been presented with any evidence suggesting that designated sites are either nearby or likely to be associated with this site.
24. The dwelling and parking/access would leave a significant part of the site undeveloped. There would be scope for tree and shrub planting within the garden. The site boundaries could also be planted with various native species of trees and shrubs which would offer more extensive and purposeful habitat

and foraging. There is also the potential to retain the existing trees and provide improvements such as bat/bird boxes.

25. I therefore conclude that for this proposal, on this particular site, biodiversity works could be conditioned. In this respect the proposal would not be harmful.
26. Policies Core 14 of the CS and SAL.UP5 of the LP seek that all development should take steps to enhance biodiversity. I find no conflict with these policies.

Planning Balance

27. The additional dwelling would contribute to the housing land supply. It would also have social and economic benefits, but these would be very limited from only one dwelling. Biodiversity would potentially be improved but this would be limited on such a small site.
28. There are several contemporary dwellings nearby, but these have replaced buildings and were justifiable on that basis. Indeed, the committee report for the 'subterranean house' notes that site contained a building of utilitarian design which was not unsubstantial. These other cases do not lead me to a different decision on this proposal on this site.
29. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. Thus, when considering any planning application, substantial weight should be given to any harm to the Green Belt. That is a high hurdle to overcome. In this appeal I have found harm to the Green Belt by way of inappropriateness and to its openness and the above paragraph confirms that the essential characteristics of Green Belts are their openness and permeance. Balanced against that are the other benefits referred to above. The benefits of the proposal, for the reasons given, do not clearly outweigh the harm to the Green Belt.
30. The very special circumstances necessary to justify the development have not been demonstrated. Consequently, the proposed development conflicts with the Green Belt protection aims of Policy SAL.UPI and the Framework.

Conclusion

31. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR