



Appeal Decision

Site Visit made on 17 February 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/P1805/W/20/3254346

Brookfield Nurseries, Quantry Lane, Belbroughton, DY9 9UU

- 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 Paul Hill (Brookfield Garden Centre) against the decision of Bromsgrove District Council.
 - The application Ref 20/00106/FUL, dated 6 November 2019, was refused by notice dated 2 June 2020.
 - The development proposed is described as the change of use from a commercial garden centre to part of the land being used for residential use for four new detached houses facing onto Quantry Lane and the remaining land being used for agricultural land, maintaining the openness of the existing Green Belt. The houses will be built of traditional construction as shown on the attached drawings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is referred to as both Brookfield Nurseries and Brookfield Garden Centre in the submissions. I have used Brookfield Nurseries in the header above as it is the site address provided on the application form.
3. The appellant name above is taken from the appeal form, although the application form states the applicant name as Mr David Howell. It has been confirmed that Mr Howell is the named agent and that Mr Hill is the owner of the appeal property and the appellant.
4. The description of development in the header is taken from the application form. It includes subjective comments on the appearance of the proposal and its effect on the Green Belt. My assessment is based on the first part of the description and so 'the change of use from a commercial garden centre to part of the land being used for residential use for four new detached houses facing onto Quantry Lane and the remaining land being used for agricultural land'.

Main Issues

5. The main issues are:-
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy; and
 - whether the proposal would be in a suitable location having regard to development plan policies and accessibility to services; and

- whether the proposal would include an appropriate mix of house sizes; and
- if the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

6. Policy BDP4 of the Bromsgrove District Plan 2017 (DP) defines new buildings in the Green Belt as inappropriate development except for in a number of defined circumstances. These exceptions include limited infilling in Green Belt settlements and redevelopment of previously developed sites that would not have a greater impact on openness than existing development. This policy is generally in line with the Framework, although this refers to limited infilling in villages rather than settlements.
7. The site is not in the settlement boundaries for Belbroughton and Romsley as defined under DP policy BDP2. It is in a short run of properties that lies on one side of the road with extensive fields opposite and to the rear. There is no significant and distinct built up area and no obvious nearby community building such as a school or church that forms a focal point for a settlement. As such, I consider the site lies in a small cluster of ribbon development rather than a village. Therefore, the proposal would not represent limited infilling in a village and so it would not be an exception as defined under DP policy BDP4 or paragraph 145 e) of the Framework.
8. The main parties disagree as to whether the site includes previously developed land (PDL). The Framework's definition for PDL specifically excludes land that is occupied by agricultural buildings. There is no definition of 'agriculture' in the Framework, however section 336 of the Town and Country Planning Act 1990 states that it includes horticulture and nursery grounds. The appellant contends the site is a garden centre rather than a nursery and so does not include agricultural buildings.
9. Plants are brought each spring onto the property from horticultural suppliers where they are kept in 10 polytunnels for protection. The plants are sold during the spring and summer with the polytunnels left empty during the autumn and winter. To my mind, the annual supply of plants means that it is likely that most would grow and would require attention for a significant time period before being sold. The use of polytunnels which are typically used to care for plants reinforces my view. The fact they are supplied from growers elsewhere fails to demonstrate that further plant development does not take place on the site before sale.
10. The retailing activities do not conclusively demonstrate a garden centre use as case law¹ has held that the sale of plants grown on a nursery is regarded as ancillary to a primary agricultural use. There is no evidence that shows the level of sale of other non-plant items and so I am unconvinced the site has a mixed agricultural and retail use. Also, without any clear explanation as to how it has been classified, the definition of the site as a garden centre for business

¹ *Allen v SSE and Reigate and Banstead BC* [1990] JPL 340

rates purposes does not influence my assessment on whether the property includes PDL.

11. Therefore, the evidence before me tends to indicate the polytunnels are primarily used for agriculture in terms of growing plants and their subsequent sale and for no other purpose. As it accommodates agricultural buildings, the site does not represent PDL as defined under the Framework.
12. In any event, to be not inappropriate development the proposal would need to avoid a greater impact on the openness of the Green Belt than the existing development. Views from Quantry Lane of the polytunnels and buildings on the site are limited due to a roadside hedge, falling land levels and their low height. Proposed vehicular accesses would form gaps in the roadside hedge and so would increase views into the site from the highway. The 2 storey high houses would be taller than any of the existing buildings, would be positioned towards the road and would stretch across most of the plot width. Also, the new accesses would allow greater views of car parking areas to the front of the site than the current situation. As such, the proposal would be more prominent than the existing development and would result in a visual loss of openness when seen from Quantry Lane.
13. The removal of the existing structures and hardstanding would significantly reduce the overall building coverage on the site. This gain in spatial openness would be noticed from nearby private properties and from parts of The Gutter to the rear. However, it would not be readily apparent from the main public vantage point of Quantry Lane due to the screening effect of the houses and the fall in levels. As such, the increase in openness to the rear of the site would not fully overcome the loss of visual openness when viewed from the front. Consequently, I conclude the proposal would cause moderate harm to the openness of the Green Belt.
14. For the above reasons, I find the proposal would not be the redevelopment of PDL and would have a greater impact on the openness of the Green Belt compared to the existing situation. Therefore, it would not represent an exception as defined under DP policy BDP4 and paragraph 145 g) of the Framework. As it would not fall within any of the other exception categories, I conclude the scheme would be inappropriate development in the Green Belt.

Suitability of location

15. The proposal would not be in a settlement boundary and would not be adjacent to any of the larger settlements identified under DP policy BDP2. Furthermore, no nearby rural communities, services or businesses have been brought to my attention that may be supported by future occupiers of the proposal. As such, it is highly probable residents would need to travel a significant distance to access facilities. Also, it is likely occupiers would travel to a broader range of services in larger settlements rather than support services in any rural community.
16. Despite the pavement on Quantry Lane and short distance from the site, the lack of local streetlights and pavement on Farley Lane would discourage occupiers from walking to and from the nearest bus stop, particularly during times of darkness. Also, the appellant has not sought to contest the Council's contention that the frequency of bus services would be unsuitable for daily

commuting. As such, it is unlikely that residents would travel to and from the site by public transport.

17. Cycle storage would be provided as part of the scheme but there is no evidence to indicate that facilities would be reasonably accessible for cyclists. The inclusion of charging points would not address the need to travel a significant distance to access services and would not ensure the use of electric vehicles.
18. The site as it stands attracts visitors and so it is likely that the proposal would reduce car trips. This adds in favour of the scheme but it does not fully address the reliance future occupiers would have upon motor vehicles and the failure of the proposal to support the vitality of rural communities.
19. For these reasons, I conclude the proposal would not be in a suitable location having regard to development plan policies and accessibility to services. In this regard, it would not accord with DP policies BDP1 and BDP2 as well as the Framework. These aim, amongst other things, to direct new development to settlements and locations where it will enhance or maintain the vitality of rural communities and to reduce the need for travel.

House mix

20. The proposal would include only 4 bedroom units, all of a similar size. In this regard, I conclude it would not incorporate an appropriate mix of house sizes and so would be contrary to DP policy BDP7. This policy looks to ensure housing proposals focus on delivering 2 and 3 bedroom units in order to redress the balance between large homes currently available and the need to provide suitable accommodation for the increasing elderly population.

Other considerations

21. The proposal would cause no harm to protected species. Also, in terms of style and appearance it would be in keeping with other properties in the area. Acceptability in these regards is a neutral factor in my assessment. It is suggested that the proposal would improve the appearance of the site but the existing development is well screened and has an agricultural character that reflects its rural location. Therefore, the development would not lead to an enhancement to the character or quality of the area.
22. Comments have been received in respect of the personal circumstances of the appellant and the concern over the long term sustainability of running the existing business. Limited details and no financial viability information has been provided to support such concerns. In any event, the personal circumstances of the owner or the site ownership could change and so I attribute limited weight to such factors.
23. The proposal would remove deliveries and customers coming to the site as well associated noise and demand for roadside parking. However, there is no substantive evidence that demonstrates existing nuisance or highway safety problems and so any benefit in these regards attracts limited weight.
24. The proposal would add to the housing stock and create construction employment. The submissions indicate a 4.02 year supply of housing land can be demonstrated, a shortfall against the 5-year minimum requirement. In light of this factor and having regard to the scale of the development, I attach moderate weight to the benefits in these regards.

Green Belt and planning balance

25. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The Framework dictates that substantial weight should be given to this harm in the balancing exercise.
26. On considering all relevant matters, I conclude that the proposal's benefits and all other factors would not clearly outweigh the harm the development would cause to the Green Belt and other identified harm. As such, very special circumstances necessary to justify the development do not exist and so it would conflict with DP policy BDP4 and the Framework.
27. As there is a shortfall in housing land supply, paragraph 11d of the Framework is engaged. This states that permission should be granted unless the application of Framework policies that protect areas of particular importance provides a clear reason for refusing the proposal. The conflict with Green Belt policies provides such a reason for refusing the scheme. As such, the presumption in favour of sustainable development set out at paragraph 11 of the Framework does not apply.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR