



Appeal Decision

Hearing Held on 9 June 2021

Site visit made on 11 June 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/R1845/W/20/3263504

Land adjacent to A448, Mustow Green, Kidderminster, Worcestershire

- 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 Mr Rana against the decision of Wyre Forest District Council.
 - The application Ref 19/0519/OUTL, dated 5 August 2019, was refused by notice dated 1 June 2020.
 - The development proposed is a new 70 bed care home.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with all detailed matters reserved apart from access. Access to and from the site would be from the A448. Illustrative site layout and elevation plans accompany the outline application and I have taken these into account in so far as considering the principle of erecting a 70 bed care home on the site.
3. The Wyre Forest District Local Plan 2016-2036 (Local Plan Review) (Emerging Plan) was submitted to the Secretary of State for examination on 30 April 2020 and has undergone public consultation and an examination which ran between 11 January and 25 January 2021. The agreed statement of common ground confirms that there has been no substantial objection to draft policies 5A, 6A, 6B, 6F, 8C, 8E, 13, 14, 25 and 27A and that these policies are consistent with the National Planning Policy Framework (The Framework): I do not disagree. Given the advanced stage in the preparation of these policies, I afford them significant weight as material planning considerations for the purposes of determining this appeal. The main parties agreed with this weighting at the hearing.
4. Prior to the determination of the outline application, and to address visibility concerns raised by the Highway Authority, amended plans were submitted to the Council which increased the red edged planning application site (i.e. Drawing No 855-15 and Drawing No 855-14 Rev B). I am satisfied that these plans were considered by the Council when it made its decision to refuse planning permission and I have therefore determined the appeal on the basis of such plans. Subject to these plans, there is no dispute between the main parties that the required visibility splays at the site entrance could be achieved

within land in the ownership/control of the appellant. I have no reason to disagree with the main parties about this matter.

5. At the hearing, there was some discussion about whether the Council took into account drawings prepared by Mode Transport Planning including Nos J32-4140-PS-004 Rev B and J32-4140-P5-005 Rev A, dated 1 November 2019, which show a 2 metre wide footway link on the A448 from the proposed access and to a flag pole bus stop. The plans also show a dropped kerb tactile crossing point with a flag pole bus stop on the other side of the road. Taking into account the various email correspondence, I am satisfied that this proposal was before the Council when it made its decision to refuse planning permission. I have therefore also determined the appeal on the basis of the drawings submitted by Mode Transport Planning. The main parties agreed at the hearing that the appeal should be determined on this basis.

Main Issues

6. The appeal site is in the Green Belt and so the main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt including its effect on openness and the purposes of the Green Belt;
 - whether the proposal would accord with the strategic aims of the development plan in respect of its location;
 - the effect of the development on the character and appearance of the area, including landscape character;
 - whether access to and from the site from nearby settlements would be safely and conveniently provided by means other than the private motor vehicle; 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 development.

Reasons

Whether inappropriate development in the Green Belt

7. The proposal is for the erection of a care home which according to the appellant would be between two and a half and three storeys in height depending on the final design. Illustrative site layout, floor and elevation plans accompany the appeal along with areas of on-site car parking. To this extent, I have been able to consider the likely effect that the development would have on the openness of the Green Belt, albeit in the knowledge that apart from access all other detailed matters are reserved for a subsequent reserved matters application.
8. The appeal site is essentially an open field enclosed by palisade fencing. The illustrative plan shows a proposed building located alongside the western boundary of the appeal site and according to the appellant's Landscape and Visual Matters Statement of Case, it would likely be 11.3 metres high, rising up to 13.2 metres high to the top of the lantern feature, and with a floor area of approximately 1250 square metres. There would also be an area for the

parking of cars and an internal access covering about 1450 square metres. The remainder of the site is shown as partly 'wildflower meadow' with groups of 'parkland trees' and 'hedgerows' and with the rest retained as pasture.

9. It was agreed at the hearing that policy SAL.UP1 of the Site Allocations and Policies Local Plan 2013 (LP) is not consistent with Green Belt policy in the Framework and in particular paragraph 145. The appellant considers that policy SAL.UP1 could permit a new care home building in the Green Belt in so far that criterion (ii) refers to '*other uses of land which preserve the openness of the Green Belt*'. There is dispute between the parties about this matter, but it has not been necessary for me to reach a view on the interpretation of the wording of this part of the policy as I have found below that the proposal would not, in any event, preserve the openness of the Green Belt.
10. In respect of paragraph 145 of the Framework, the site is not surrounded by buildings to most of its boundaries and could not therefore be said to be infill. Furthermore, there is no evidence of the site being previously developed. I find that the proposed building would not meet any of the exceptions in paragraph 145 of the Framework and to this extent would amount to inappropriate development in the Green Belt.
11. The proposed car parking area and access need to be considered against paragraph 146 of the Framework. This permits '*other forms of development*' provided they preserve its openness and do not conflict with the purposes of including land within it.
12. The indicative on-site access and turning area would preserve the openness of the Green Belt. However, the illustrative car parking spaces would be considerable in number (an indicative 31) and extent. While the parking of cars on the site would be intermittent, it is likely that the car parking spaces would be well used and therefore for long periods of time such car parking would not preserve the openness of the Green Belt. Furthermore, and given the amount of land needed for car parking, I consider that this part of the development would lead to some countryside encroachment. In this regard, the car parking part of the development would also amount to inappropriate development in the Green Belt with reference to paragraph 146 of the Framework.
13. For the above reasons, the development would not accord with the Green Belt exceptions in paragraphs 145 or 146 of the Framework. When considered as a whole, the proposed development would therefore amount to inappropriate development in the Green Belt in respect of Green Belt policy in the Framework. This is a matter to which I afford substantial weight in the planning balance taking into account paragraph 144 of the Framework.
14. Paragraph 143 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*'. I deal with other harm and other considerations in the planning balance later in this decision.

Effect on openness and the purposes of the Green Belt

15. To accommodate 70 bedrooms, the proposed care home building would not be insignificant in terms of its likely overall footprint and volume. I recognise that it might be possible to reduce the scale of the care home building on the site

by opting for dormers in the roof. However, in the context of a site which is currently devoid of built form, the evidence before me is such that the building would have a considerably adverse spatial impact on the openness of the Green Belt.

16. In considering the above matter further, I have also taken into account the visual dimension of openness. There is some overlap in considering this matter in terms of my consideration of the character and appearance main issue below. The site is particularly visible from more localised viewpoints including from the A448 which immediately fronts it, and from parts of Winterfold Lane where the boundary landscaping is minimal. The site is also partly visible from the neighbouring dwelling on the western boundary (Bentley Grove) particularly when the mainly deciduous boundary planting is without leaf.
17. I acknowledge that it is proposed to mitigate views of the proposed development in accordance with the 'Illustrative Landscape Strategy' which shows the planting of trees and hedgerow around the perimeter of the site and within the site itself. However, the evidence indicates that it is likely to take up to 15 years to reach maturity and so for many years the proposed building would be visually conspicuous, albeit that this would be confined to more localised views. Longer distance views of the building from public areas would either be interrupted by substantial existing vegetation or other buildings, or the viewing distances involved would be quite considerable.
18. Overall, I find that the development would have a moderate effect on the openness of the Green Belt. In this regard, there would be direct conflict with policy SAL.UP1 of the LP and policy 25 of the Emerging Plan, both of which seek to ensure that development preserves the openness of the Green Belt.
19. In terms of the purposes of the Green Belt, the development would undoubtedly have some urbanising effect on the open and green nature of this part of the countryside. When driving out of, or towards, the more built up part of the small settlement of Mustow Green, the appeal site and the fields opposite mark a very apparent visual transition to an area of countryside that is otherwise more open and greener and devoid of built form. There are some buildings between Mustow Green and Chaddesley Corbett, some of which are more rural in appearance, but overall the position of buildings is more sporadic and so the passer-by experiences an area which in relative terms is more rural in character and appearance.
20. I acknowledge, as per the illustrative layout drawing, that it would be possible to confine most of the development to the western part of the site so that it closely aligns with the dwelling known as Bentley Grove. Nonetheless, Bentley Grove is not very apparent to the passer-by in this location given the predominance of very mature boundary planting. This boundary planting very much defines the edge of the existing small settlement and cluster of contained dwellings, and while the planting of new hedgerows and trees on the appeal site would help to soften the effects of the proposed development, this would take quite some time to reach maturity and would not be capable of fully screening all of the development from all viewpoints.
21. In the context of the above, and accepting that the appeal site is on the edge of the settlement of Mustow Green, I find that the proposal would lead to some limited conflict with one of the purposes of the Green Belt which is to '*to assist in safeguarding the countryside from encroachment*'. In reaching this view, I

have taken into account the fact that the site includes perimeter fencing which has a very industrial appearance and that this would be removed as part of the proposal and replaced with more sympathetic and in-keeping boundary planting.

22. The Council agreed at the hearing that, on reflection, they did not consider that the development of the appeal site would have a very significant adverse effect in terms of preventing urban regeneration, by encouraging the recycling of derelict and other land. I acknowledge that the proposal would be on a greenfield site and that both local and national planning policy seek to direct development to accessible locations and to make efficient use of previously developed sites. However, I do not consider that in this case the proposal would materially conflict with this Green Belt purpose.

Any other harm - location and development plan strategy

23. It is proposed to locate the use class 'C2' care home on land which is outside of any settlement and in countryside washed over by Green Belt. I consider that a care home use is a residential use and to that extent I consider that policy DS01 of the adopted 2010 Wyre Forest District Council Core Strategy 2006-2026 (CS) and policies SAL.DPL1 and SAL.DPL2 of the LP are relevant to the determination of this appeal.
24. Policy DS01 of the CS states that proposals for new development should be located in accordance with the District's settlement hierarchy in order to ensure that development contributes to the regeneration priorities for the area, reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement. It is common ground between the main parties that the site does not fall within any of the settlement types outlined in policy DS01 which are identified as being suitable for development. To this extent, I find that the proposal would fail to accord with the strategic settlement hierarchy aims of focussing appropriate development in the most sustainable locations and promoting sustainable communities.
25. In addition to the above, policy SAL.DPL1 states that in order to meet the housing requirement of policy DS01, which I consider also includes housing for the elderly including residential care homes, development should only be located in specific locations. I conclude that the appeal site is not in a location permitted by policy SAL.DPL1.
26. The appellant has referred to the Chaddesley Corbett Neighbourhood Plan 2014-2026 (NP) which would permit 'limited' residential development for the elderly in respect of policy CC2. While this is an outline proposal, it is nevertheless a proposal for a 70 bed care home with substantial car parking. This could not on any reasonable or objective basis be considered to be 'limited' residential development. Furthermore, there is no evidence that the appeal site has or will be identified as an exception site to meet an identified local housing need. Indeed, the evidence indicates that Chaddesley Corbett Parish Council are currently reviewing their adopted NP to incorporate additional housing sites and, at this stage, the appeal site does not look likely to be included as a final site.
27. I conclude that in locational terms the proposal would not accord with policy SAL.DPL2 of the LP or with policy CC2 of the NP.

Any other harm – character, appearance and landscape

28. The appeal site falls within National Character Area 60 which is the 'mid seven sandstone plateau landscape character area' with its industrial heritage and features such as lowland heath and orchards. The Worcester County Council Landscape Character Assessment SPG 2011 (SPG 2011) identifies the site as falling within the 'Estate Farmlands Landscape Type' and within the Landscape Description Unit MW123.5b 'Shenstone Estate Farmlands'. The SPG 2011 highlights that the landscape in and around Mustow Green has some distinctive rural qualities, including rolling landform, areas of parkland, groups of trees and hedgerows.
29. The proposal would not cause any material harm to the identified National Character Area 60 in so far that the appeal site does not include any industrial heritage, lowland heath or orchards. However, there are no built features on the site. Along with the fields opposite the site, this area does contribute positively to the more open and undulating rural landform when compared to the more built up settlement of Mustow Green. It is understood that the site is currently used as a hayfield: the site therefore has some landscape value being a traditional farming use in the area.
30. I have taken into account the appellant's Landscape and Visual Impact Appraisal prepared by Savills. I acknowledge that there are other buildings in relatively close proximity to the site, including the private school to the east, the private residence to the west and the nursery to the south. However, the school and dwelling are well screened by existing mature vegetation from public views and so are not conspicuous in the otherwise more open landscape.
31. The appeal site is very open and conspicuous when viewed from the A448 and Winterfold Lane and given the scale, height and likely position of the proposed development, it would have the effect of causing some harm to the landscape character of the area, as well as to the essentially more rural and open character and appearance of this area of countryside. While the nursery buildings are visible in the wider landscape setting, particularly from Winterfold Lane, these buildings are single storey in height and are of light weight construction and appearance. In comparison, the indicative plans show a care home building which would be much higher. The evidence indicates that the appeal development would likely have a more dominant and urban appearance and hence would be very apparent to the passer-by on the A448 and from Winterfold Lane. Overall, I consider that the proposal would have a harmful urbanising effect on this part of the open countryside.
32. The evidence indicates that the development might be visible from longer distance views from some properties at Harvington and from Monarch's Way to the north of Harvington. However, at the hearing there was common ground between the main parties that from these areas the development would not be dominant or intrusive given the separation distances involved. Indeed, it was agreed that any possible glimpses of the development would diminish as planting matured over the years. The harm caused by the proposal would essentially be localised in extent and it would have a moderate adverse impact for a number of years and until boundary and on-site planting became more established. After that time, the harm to the character and appearance of the area, including landscape character, would be more limited in terms of its impact, but it would nevertheless still be harmful.

33. In reaching the above views, I have taken into account the fact that the proposal would include the removal of a significant length of boundary palisade fencing, which is not in-keeping with the landscape character of this area, and its replacement with quite considerable hedgerows and some native field trees. This is a positive matter in so far that it would go some way to restoring the landscape character of the area. However, this would not overcome my concern about the proposed built form and the extent of likely car parking areas. In addition, it was not disputed at the hearing that there would likely be a need for some fencing associated with the care home facility. I accept that perimeter planting would be capable of screening such fencing, but this would take some time to reach maturity and hence for some time any such fencing would likely be visible to the passer by even if it were to be set back from roads.
34. I have also had regard to the fact that the Council's Acting Landscape Adviser raised no objection to the proposal, but that in itself does not mean that I must reach the same view about the proposal. In any event, it is of note that while the Council's Acting Landscape Adviser did not object to the proposal, he did nonetheless state that *'although it will create a development that encroaches into open countryside'*.
35. Overall, I conclude that the proposal would have between a limited and moderate adverse effect on the character and appearance of the countryside, including landscape character, with the actual level of harm depending on the degree to which the indicative landscaping reached maturity. To this extent, the proposal would not accord with the character, appearance, and landscape character requirements of policies DS01 and CP12 of the CS; Policies SAL.DPL1 and SAL.DPL2 of the LP; policy 27A of the Emerging Plan and paragraph 170 of the Framework.

Any other harm – accessibility and safety

36. The appeal site falls within a rural area. It is some distance away from the town of Kidderminster and the village of Chaddesley Corbett. Taking into account traffic speeds, distances, and the absence of lighting in some areas, I consider that it is very unlikely that many staff, visitors or residents would be prepared to travel to and from these areas by bicycle.
37. There is an absence of footpaths on the side of the A448 which immediately fronts the appeal site. Even if a footpath was provided within the frontage of the site, as shown on drawing No J32-4140-PS-004 Rev B, residents and visitors of the proposed care home would still be required to cross a busy road to reach what is, in parts, a very narrow footpath on the other side of the A448. Given the distances involved, coupled with the narrow and partly unlit nature of walking routes to nearby settlements, I am not persuaded that many would be encouraged to walk to or from the proposed care home. The appellant has referred to a planning permission for an extension for a respite care facility at the Boyes Care Centre¹ and it is claimed that this does not benefit from footway access or public transport. I do not know the full circumstances which led to this extension being approved but, in any event, it cannot reasonably be compared to a new build care home facility. Furthermore, I have determined this appeal on its individual planning merits.

¹ Planning permission 17/00052/FUL

38. The evidence indicates that while bus services are currently less frequent due to the Covid-19 pandemic, normal service provision from the Mustow Green island to the nearby towns are hourly from Monday to Saturday and between 05.38 and 17.58. Services are infrequent on a Sunday. Buses go to Kidderminster, Bromsgrove and Redditch. While services have been reduced during the COVID-19 pandemic, there is no suggestion that they will not revert back to former levels in the near future. Based on the existing footpath links to bus stops, I do not consider that this would provide a safe or attractive option for visitors, staff or residents. Indeed, my site visit revealed that it was necessary to cross a number of roads to reach existing bus stops including the busy Mustow Green roundabout. My experience was that this was not an easy or pleasant activity and that even the most mobile or alert pedestrian would find the route to existing bus stops problematic and unsafe.
39. In addition to the above, there are no dedicated cycle routes from the site to main settlements and from what I observed on my site visit the local highway network was busy and traffic speeds were quite high. Consequently, I do not consider that many would find routes to main settlements to be attractive from a cycling point of view.
40. I consider that the majority of staff and visitors, and some residents, would opt for the convenience of the private motor vehicle for most of their day to day trips. Indeed, the evidence indicates that bus service provision is very poor in the evenings and at weekends, and not very frequent during week days.
41. I accept that it may not be possible for some residents to leave the proposed care home to take advantage of District facilities and amenities. However, that would not be the case for all residents and owing to the relatively poor opportunities to travel to facilities and amenities by other means than the private motor vehicle, I find some conflict with policy 6B of the Emerging Plan with its focus on locating most development in and adjacent to the urban areas where both housing needs and accessibility to more effective public service provision are greatest.
42. I acknowledge the appellant's intention to opt for greater use of car sharing for staff as part of a Travel Plan. This would go some way to making the site more sustainable in transport terms. At the hearing, there was also some discussion about the use of a mini bus shuttle service which might take residents to and from the site to Kidderminster. However, I have not been provided with details to demonstrate that this kind of service would operate regularly, and, in the absence of this, I have concerns that some residents would remain confined to the care home itself for long periods of time, and without the freedom and independence to reach Kidderminster, in a safe and convenient manner, using public transport.
43. In addition to the above, there was discussion at the hearing about a financial contribution of £26,000 for '*community transport*'. The Highway Authority confirmed at the hearing that this would be for '*enhanced bus transport provision*', but as there is no planning obligation before me to secure any such financial payment, this is not a matter to which I can afford any weight as part of the consideration of this main issue.
44. I accept that it would be possible to encourage greater use of bus services if bus stops were located immediately outside of the appeal site. Indeed, it was agreed at the hearing that both the local planning authority and the Highway

Authority had been provided with drawings showing this arrangement (i.e. drawings appended to the Technical Note prepared by Mode Transport Planning dated 17 October 2019) prior to determining the planning application and notwithstanding the absence of comments about this matter in the Planning Committee report.

45. The provision of bus stops outside the site would certainly address an existing problem relating to a narrow, unlit and unsafe walking route to the existing bus stops at the Mustow Green island. Taking into account the appellant's road safety audit submitted as part of this appeal, I am satisfied that subject to conditional control there would be no unacceptable impacts arising out of buses pulling up in close proximity to the proposed access into the appeal site and from the point of view of overtaking manoeuvres. However, this is not a matter which would have the effect of improving bus service frequency. In other words, it would not in itself result in a significant likelihood of many staff, visitors and residents opting to travel by bus instead of by private motor vehicle.
46. At the hearing, the Highway Authority confirmed that the principal concern relating to the provision of bus stops outside of the appeal site related to pedestrians crossing the A448 which is a road restricted to 40 mph. Based on my site visit observations, the potential for some of the residents to be not as quick footed as they once were, average traffic speeds along this part of the A448, and bends in the road, I agree with the Highway Authority that crossing the road at this point would not be safe.
47. At the hearing, I questioned the main parties about whether it would be possible to put in place a splitter island. It was agreed that while this might be technically possible, as part of the re-alignment of the highway, it was nonetheless not a detailed matter that was before me and that re-aligning the highway may, in any event, have other knock on design effects. The appellant's transport consultant considered that a '*balanced approach*' to this matter was necessary given that many would unlikely travel by bus. Nevertheless, and in the absence of at least some sort of formalised crossing facility (i.e. at least a splitter island), I do not consider that the proposal would be acceptable in highway safety terms. Indeed, there is potential for someone to be involved in a serious accident and even if a low number of pedestrians did use such bus stops, this would not justify allowing development which would be unsafe.
48. I recognise that the appeal site is in a rural location and that paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, this is a major and significant development proposal and paragraph 103 of the Framework states that '*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*'. In this case, while it may be possible to reduce the amount of travel to and from the site as part of an agreed Travel Plan, I am not persuaded by the evidence that there is reasonable prospect of many of the visitors, staff or residents using anything other than the private motor vehicle for the vast majority of most journeys.
49. The appellant has referred to paragraph 84 of the Framework which states that decisions should recognise that sites to meet local business and community

needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, I do not consider that the proposal accords with paragraph 84 in that I have found, later on in this decision, that a compelling case has not been made by the appellant to demonstrate that this proposal needs to be located on this Green Belt site, taking into account the potential to accommodate the proposal on sites that are sequentially more preferable in location terms.

50. For the above reasons, I therefore find that the appeal site would not be accessible to a range of sustainable and safe transport options for all and that there would be heavy reliance placed on the private motor vehicle for many journeys. Furthermore, I have some concern about the location of the proposed bus stops from an unacceptable highway safety impact point of view. I therefore conclude that the proposal would not accord with the sustainable transport and highway safety requirements of policy CP03 of the CS; policies SAL.CC1 and SAL.DPL5 of the LP; policy CC12 of the NP; Policies 6B and 13 of the Emerging Plan and paragraphs 84, 108 and 109 of the Framework.

Other Considerations

51. It is common ground between the parties that in broad terms there is a requirement in the District and Worcestershire for accommodation for the elderly and that that includes specialist residential accommodation such as care homes. Indeed, the evidence indicates that Wyre Forest District's population has an old age dependency ratio of 38.6% which is well above Worcestershire at 34.1%, West Midlands at 28.3% and England at 27.2%.
52. Given the above, there is no doubt that the proposed care home would deliver some positive social and economic benefits, including the provision of dementia care and local jobs, and freeing up existing larger family homes for others. However, these benefits have to be weighed against the harm identified above and the clear associated conflict with the development plan for the area.
53. I have considered the more recent Chaddesley Corbett Parish Housing Needs Survey 2019 which was completed in order to ascertain the housing requirements for the parish in the next 5-10 years. The survey concludes that in the next 10 years *'31 homes will be required in the parish with 65% of the respondents advising that they would want a 2 bedroom property and 55% also advising that they will require a house'*. The survey does not therefore indicate that there is evidenced local need for a 70 bedroom care home in the Chaddesley Corbett area.
54. Given the age profile of those that live locally, I accept that some may have a future need for residential care home facilities. However, there is not a compelling case before me to indicate that at this moment in time there is a very pressing need for a 70 bedroom care home to serve the immediate local population. Furthermore, policy 6B of the Emerging Plan states that in villages washed over by Green Belt suitable development is *'housing to meet local needs via allocated sites and rural exceptions sites in appropriate circumstances'*. The site is not shown as being earmarked as an allocated site or a rural exceptions site in the Emerging Plan.
55. It is common ground that the local planning authority can currently demonstrate a deliverable five year supply of housing sites and that the Housing Delivery Test (January 2021) has been met. At the hearing, the

Council confirmed that allocations and planning permissions would deliver specialist elderly residential provision within the plan period.

56. In the Bruton Knowles Sequential Assessment Report (BNSAR), the appellant has examined what he considers might be sequentially preferable and suitable sites (i.e. sites in the LP and the Wyre Forest Strategic Housing Land Availability Assessment). In addition, the Council has listed what it considers to be sequentially more suitable and available sites in its appeal statement. These sites include previously developed land in the urban areas of the district.
57. At the hearing, there was some discussion between the main parties about the suitability and availability of the above sites to accommodate the development proposal. The appellant discounts the potential to accommodate the development on some sites due to *'potential land contamination'* including that at Parsons Chain. Discounting a site on this basis, and without further investigations and viability justification, is not in my view reasonable. This site is allocated for residential development with an indicative capacity of 150 dwellings. Both this site, as well as a number of others identified by the Council in its appeal statement as being allocated in the LP for residential development, and those sites earmarked for allocation in the Emerging Local Plan which have the potential for being suitable for C2 use, could accommodate a care home.
58. The appellant discounts some of the sites in the BNSAR on the basis that the sites are too large; *'that there is no indication that the owner(s) would be willing to split the site'*; or that *the 'site has not been promoted for any development'*. Some of the sites appear to be also in Green Belt, but I do not consider that it is reasonable, in principle, to discount the potential to use other sites for the aforementioned reasons.
59. Many of the sites identified by the Council on pages 9, 10 and 11 of its appeal statement have not got planning permission and there is no objective evidence before me to suggest that they are not suitable or available either in whole, or in part, for a care home facility. The evidence indicates that there is a possibility of a number of the sites being suitable and available in locations that are sustainable and where a care home proposal might accord with the development plan when considered as a whole. In the absence of direct contact with the owner(s) about use of such sites for a care home, I cannot conclude with certainty that they are not available.
60. At the hearing, there was discussion about the potential availability and suitability of two emerging strategic mixed use allocations, this being Lea Castle Village and Kidderminster Eastern Extension. The appellant was unable to confirm that these sites would not be suitable or available for the proposed use, although there was no dispute about these sites being in accessible locations. Furthermore, at the hearing the appellant did not dispute the Council's claim that the former Carpets of Worth site, which had been discounted on the basis that there was a planning permission for the site, did not in fact have any such planning permission. In addition, the appellant did not dispute the Council's claim that about half of the former Sladen Middle School site in Hurcott Road, Kidderminster was in fact potentially available and that this would be capable of accommodating a care home facility.
61. While I acknowledge the appellant's point that there is no policy requirement to undertake a sequential assessment in respect of care home proposals, it is of

note that the appellant has done this work to essentially demonstrate that there are not sequentially more favourable sites available to accommodate the appeal development. Given my comments above, I am not persuaded that the submitted sequential assessment has achieved that aim.

62. In addition to the above, I have also taken into account policies 6A and 8E of the Emerging Plan as material planning considerations. The Emerging Plan is now at an advanced stage and therefore I afford it significant weight as a material planning consideration. At the hearing, the Council's Senior Planning Policy Officer confirmed that there were no detailed objections to the wording of these policies.
63. Policy 8E states '*we will allocate a minimum provision of 487 Residential Institutional (C2) Units over the Plan Period to be met on sites allocated for housing*'. While the Emerging Plan is not yet adopted, it is of note that the appeal site is not shown as being a possible housing allocation. Indeed, at the hearing the Council's Senior Planning Policy Officer confirmed that the Examining Inspector had not indicated that there was a need to provide any more allocated sites. The evidence before me therefore indicates that the Emerging Plan, which will cover the development plan period to 2036, will, when adopted, very likely be able to meet the care home need requirement without having to rely on the appeal site.
64. In this context, and while I acknowledge that there are more older people in the District than in other parts of Worcestershire and England, I am not persuaded that the evidence demonstrates that at this time there is a pressing need to release this unsustainable and greenfield site in the Green Belt for a care home. I accept that the provision of 487 'C2' units is a minimum need requirement, and as such the proposal would make some positive contribution in terms of care home provision, but nonetheless the evidence is that there are sequentially better sites available to meet the 'C2' use class requirement.
65. I acknowledge that the removal of the palisade fence around the site would lead to some visual improvement in the area. The replacement of this fence with vegetation would be a positive environmental benefit taking into account the prevailing rural character and appearance of the locality. Furthermore, the provision of a wild meadow and planting would result in some biodiversity benefit. In addition, the provision of a care home facility would lead to employment, including at construction stage, and I do not doubt that the proposal would go some way to relieving pressure on publicly funded care and social services of Councils and health authorities. These are matters which need to be positively weighed in the overall planning balance.
66. It is common ground between the main parties that the proposal would not cause harm to the setting of any listed buildings (i.e. the Grade II Winterfold House) or the nearest conservation area (i.e. Harvington Hall). I do not disagree with the views expressed by the main parties about these matters at the hearing taking into account the location of these heritage assets relative to the appeal site and the intervening land forms and vegetation. I am satisfied that the proposal would preserve the settings of these heritage assets. However, the preservation of the setting of the listed building and the conservation area are matters of neutral consequence in the overall planning balance.

Planning balance and conclusion

67. The proposal would amount to inappropriate development in the Green Belt. This is an adverse matter to which I afford substantial weight in the planning balance. The proposal would have a moderate adverse effect on the openness of the Green Belt and some conflict would be caused to one of the purposes of the Green Belt, namely that of safeguarding the countryside from encroachment.
68. The development would have between a limited and moderate adverse effect on the character and appearance of the countryside, including landscape character, with the actual level of harm depending on the degree to which the indicative landscaping reached maturity. Furthermore, the proposal would fail to accord with the settlement hierarchy aims of the development plan for the area and would not be in a sustainable location.
69. I am concerned about the safety of pedestrians crossing the A448 should bus stops be provided outside of the site. Furthermore, I do not consider that the route to existing bus stops would be safe or attractive. In addition, I am not persuaded that the package of measures as detailed in the Travel Plan, and including a possible mini bus shuttle service, would go far enough to make the site acceptable in sustainable transport terms. In reality, the evidence is that there would likely be heavy reliance placed on the private motor vehicle for many journeys to and from the appeal site, a matter which weighs heavily against allowing the appeal.
70. On balance, I find that the harm caused to the Green Belt by reason of inappropriateness, and the other identified harm, would not be clearly outweighed by the other identified considerations so as to amount to the very special circumstances necessary to justify development. In this case, the identified harm that would be caused to the Green Belt provides a clear reason for refusing the development proposed. Therefore, and for the above reasons, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jeremy Pyatt, Associate Director, JB Planning Associates

Ruth Bishop, Savills

James Bryne, Mode Transport

FOR THE LOCAL PLANNING AUTHORITY:

Helen Hawkes, Principal Development Management Officer

Laura Winterburn, Technical Support Officer

Helen Checketts, Senior Planning Policy Officer

OTHER INTERESTED PARTIES:

Karen Hanchett, Worcestershire County Council Highways

Dr Peter King, Chairman of Campaign to Protect Rural England Worcestershire Branch