



Appeal Decision

Site visit made on 15 April 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/C3430/W/21/3266617

The Fox Inn, 458 Bridgnorth Road, Stourton, Stourbridge, DY7 5BL

- 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 The Fox Inn against the decision of South Staffordshire District Council.
- The application Ref 19/00825/COU, dated 12 November 2018, was refused by notice dated 8 October 2020.
- The development proposed is change of use of part woodland to car park.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and its effect on the ecological value of the site.

Reasons

3. The appeal site is woodland within the Green Belt. It lies adjacent to a large, triangular area which contains the Fox Inn, its car park and a grassed pub-garden area on the southern part of the site. This site is bounded by the A458 Bridgnorth Road on one side and Clanbrook Road to the south. It is proposed to enlarge the existing car park by extending into woodland.
4. Paragraph 146 of the updated revised National Planning Policy Framework (the Framework) states that certain forms of development in the Green Belt are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land. The appeal proposal comprises the change of use of the land which is not inappropriate development. However, it is also necessary to consider its effect on openness.
5. The parking of cars on the site would decrease openness to some extent, but this would be limited to certain times of the day/evening and would likely be used only when the existing car park is full. I concur with the Council that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it. I conclude that there would be no conflict with Policy GB1 of the Core Strategy which seeks to protect the Green Belt or any conflict with the similar aims of the Framework.

Character and appearance

6. The appeal site is within a rural area that is characterised by extensive tree cover. The area proposed for the extended car park is a mixed woodland of

- mature trees, principally comprising Scots Pines, an English Oak and an Alder. There is a dense group of Ash, Alder and Willow and recently planted Hawthorn, Hazel, Field Maple and Blackthorn. Most of the trees are described by the appellant as of moderate quality, suitable for retention. Some trees would be retained, particularly those around the extended car park's perimeter.
7. The parking spaces and access to them would mostly be outside the tree canopies. Nonetheless, there is little professional evidence to demonstrate the impacts of the proposal, including the loss of trees, potential damage to trunks and branches resulting from accidental damage and pressure from cars and pedestrians passing over the trees' root systems. These factors should be considered alongside the incongruous appearance of the site resulting from the introduction of parked vehicles into the woodland, albeit on an intermittent basis. I am not convinced by the evidence that the scheme would protect the woodland area as required by Core Policy 2 and Policy EQ4 of the Core Strategy (CS) which support the protection and enhancement of the natural environment, including trees and woodlands. Thus, the proposal would harm the character and appearance of the area.
 8. Turning to the need for the proposed development, there is no dispute that the Fox Inn is a well-used country pub and restaurant and is the headquarters of the local Rotary Club and Probus. It also offers bed-and-breakfast accommodation and holds regular functions. The appellant states that the car park would remove customers' parked vehicles from the Bridgnorth Road during functions. However, there is no independent highway safety evidence to support this claim. Furthermore, even if additional parking spaces were available, this would not prevent drivers from choosing to park on the road. In any event, these matters would not outweigh the harm to the locality that I have identified. Furthermore, it has not been adequately demonstrated that the proposed tree removal is necessary.
 9. Other nearby localities have been referred to where parking under tree canopies can be found, such as at Kinver Edge. Whilst the appellant states that none of those trees have been affected by this parking, the assertion has not been quantified. But in any event, I am required to determine the appeal on the basis of the evidence relating to the unique circumstances of the appeal site which are materially different from other locations.
 10. I conclude therefore that there is no convincingly justified need for a car park extension into the area of woodland and little evidence that appropriate mitigation could be achieved, as required by the policies identified above. The proposal would harm the rural character and local distinctiveness of the area by reason of the loss of trees and potential tree damage or loss resulting from the introduction of parking spaces and would be contrary to CS Policies EQ11 and EQ12. For the same reasons, the proposed works would result in damage and potential future damage to the woodland area contrary to CS Policy EQ4 which requires development take full account of nature and the distinctive qualities of the local landscape.

Ecology

11. In terms of the ecological impact of the proposal, the appellant states that there are no woodland or heathland plants throughout the woodland which contains young coppice type sycamores. This is supported by the ecological report submitted with the planning application. However, among other things,

the County Ecologist raises concerns about the loss of habitat comprising soils, ground flora and shrub layers and notes that the ecological assessment was carried out in March which is unsuitable for determining the presence and species of ground fauna. Furthermore, the proposal would result in the loss of the shrub layer, which is important to biodiversity, and would prevent other shrubs from developing. I do not have details of how the County Ecologist reached their conclusions and note the appellant's criticisms, nonetheless I am required to take them into account in this decision.

12. The Framework indicates that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused' (Paragraph 175).
13. As indicated above, there is little evidence that alternatives to the proposal were sought. There appear to me to be a number of opportunities for altering the existing car park layout, potentially incorporating other areas around it, which could provide additional spaces. The appellant's rebuttal of this view is unconvincing.
14. The submitted Forestry Commission management plan sets out existing commitments and could not therefore be considered as mitigation for the loss of habitat resulting from the proposed development. I am not satisfied by the evidence that the mitigation hierarchy required by national policy has been followed or that the proposal would contribute to or enhance the natural and local environment.
15. Overall, I conclude that the ecological impacts of the proposed development, an analysis of potential alternative sites and mitigation are not satisfactorily demonstrated as required by Core Policy 2, CS Policies EQ1 and EQ11 and the Framework.
16. I note that the owners and custodians of the wider woodland and the Parish Council raised no objections to the proposal subject to the replacement and planting of trees. However, this support does not outweigh my conclusions.

Other Matters

17. The appellant raises concerns about the Council's process of determining the planning application and its communications. However, these are not before me in this appeal and would be more appropriately addressed through the Council's complaints procedure.

Conclusion

18. For the reasons set out above, I conclude that there are no considerations which would clearly outweigh the harm to local amenity and ecology that I have identified. Accordingly, the appeal should be dismissed.

Elaine Benson

INSPECTOR