



Appeal Decision

Site Visit made on 7 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 12 November 2021

Appeal Ref: APP/R1845/W/20/3263496

Oak Meadow Farm, Honeybrook Lane, Kidderminster DY11 5QS

- 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 Ian Robinson against the decision of Wyre Forest District Council.
 - The application Ref 20/0405/FUL, dated 29 May 2020, was refused by notice dated 21 October 2020.
 - The development proposed is the conversion of former stable building to new dwelling and the creation of new vehicular access and closure of existing vehicular access (to pedestrian access only).
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of former stable building to new dwelling, and creation of new vehicular access and closure of existing vehicular access (to pedestrian access only) at Oak Meadow Farm, Honeybrook Lane, Kidderminster DY11 5QS in accordance with the terms of the application, Ref 20/0405/FUL, dated 29 May 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and the effect of the proposal on:
 - the openness of the Green Belt;
 - the character and appearance of the area;
 - highway safety; and
 - wildlife and biodiversity.

Reasons

Whether inappropriate development in the Green Belt

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations.

4. Subject to a number of exceptions, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions in Paragraph 149 of the Framework and include the 'limited infilling or 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...'.
5. Policy SAL.UP1(iv) of the Wyre Forest District Council Site Allocations and Policies Local Plan (adopted 2013, the SAP), broadly conforms with the Framework in this regard, setting out that the reuse or conversion of rural buildings would not be considered inappropriate development in the Green Belt. It also makes reference to Policy SAL.UP11 which specifically regards the re-use and adaptation of rural buildings.
6. There is some dispute as to whether the building is a stable or agricultural building, however, the relevant policies do not expressly require a specific use. Notwithstanding the existing lawful use, I found the building to be permanent and of a size capable of conversion to a residential dwelling. Whilst the building is somewhat dilapidated, I understand as a result of a fire, the structure is broadly sound and the conversion would not require significant building works or a complete reconstruction.
7. As the proposal would comprise the conversion of a suitable building it would not be inappropriate development within the Green Belt. It would therefore comply with the relevant parts of SAP Policies SAL.UP1 and SAL.UP11. It would also comply with Section 13 of the Framework with regard to protecting the Green Belt, including Paragraph 149, insofar as this main issue is concerned.

Effect on openness of the Green Belt

8. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
9. Whilst alterations would be made to the host building, it would not be enlarged. Given that it would remain the same size as existing, the conversion of the building itself would not result in any greater impact on the openness of the Green Belt. The proposal would include the creation of a new vehicular access and gate on to Bridgnorth Road. In itself, that element would somewhat affect both the visual and spatial aspects of the openness of the Green Belt. However, the new access and gate would replace the existing vehicular access, which would be reduced to a pedestrian access only. As this could be secured by way of a condition, as could landscaping, any impact on the openness of the Green Belt from the new access would be mitigated by the reduction of the existing access.
10. Therefore, for the above reasons, the proposed development would not have a perceptibly greater impact on the openness of the Green Belt than the existing development. In this way it complies with SAP Policy SAL.UP1 which largely follows the Green Belt requirements of the Framework. It would also comply

with Section 13, including Paragraph 149 of the Framework which, amongst other things seeks to protect the openness of the Green Belt.

Character and Appearance

11. The appeal site is predominantly wooded and is sited at the junction between Bridgenorth Road and Honeybrook Lane. The site forms part of the transitional space between the edge of Kidderminster and the open countryside beyond. Whilst the surrounding buildings are varied in terms of their appearance, the large areas of mature vegetation and planting between them and along the highways create a verdant character. This ties into the rural character of the adjoining open countryside where I noted dwellings set sporadically.
12. The appeal building itself is a single storey L-shape and very simple in appearance. The building is partially rendered and has a tiled roof while the enclosed portion has a door and windows which are residential in nature. Beyond its form and the openings to the store and stables, I found the building to already have a somewhat residential character. Notwithstanding the planning history to the site, there is no indication in the evidence before me that the building as it stands is anything other than authorised. As raised above, parts of the building were in a poor state of repair.
13. The proposal would retain the scale and form of the building and would convert the stable doors to full height windows. In this way it would retain the limited rural character of the existing building. Whilst the building would likely become more residential over time, such as with the addition of residential paraphernalia, given the above and its siting within a transitional area, it would not be an incongruous or harmful feature.
14. Although the loss of a portion of hedgerow at the new access would adversely affect the appearance of the site this could be mitigated by the replacement of hedging at the existing access and further landscaping which could be secured by a suitably worded condition, in the event the appeal was allowed. Given the transitional character of the area, similar accesses are present in the wider area.
15. In conclusion the proposed development would protect the varied and transitional character of the area and would not result in an incongruous residential building. As such the proposal complies with Policies CP12 and SAL.UP11 of the SAP which, amongst other things, require that development protects the building's fabric, character and setting and does not adversely impact the countryside or landscape.

Highway Safety

16. The existing site access is on to Honeybrook Lane where it meets Bridgnorth Road. During my observations on site, I noted that given the nearby junction and high boundary treatments, intervisibility at the existing access is poor by modern standards. It is proposed that this access is reduced to a pedestrian access only and replaced with a vehicular access directly on to Bridgnorth Road.
17. The proposed access would be on the outside of a long bend in the road where clear views in both directions would be afforded to vehicles exiting the site. Vehicles travelling along the highway would also be afforded a clear view of the

access and any vehicles using it. The proposed gates would be set away from the road allowing vehicles to be clear of the highway, including the pavement, this would be a further improvement over the existing where there is only a limited space between the gate and pavement. I therefore find the proposed access would reduce the potential for conflict both between vehicles and with pedestrians.

18. I note that concern has been raised regarding poor visibility at the proposed access, with an objector referring to their experience using an access on the opposite side of the road. However, nearby accesses on the opposite side of the road would be on the inside of the bend where intervisibility would be significantly poorer than that on the appeal site side.
19. The proposal, by way of the new access, and notwithstanding a likely increased intensity of use, would improve highway safety at the appeal site and would therefore comply Policy CP03 of the SAP which requires development has regard to any impact on the local highway network. It would also comply with Paragraphs 110 and 111 of the Framework which require safe and suitable access for all users without significant impacts on highway safety.

Wildlife and Biodiversity

20. The site is wooded with some clearings and, from the submitted evidence, provides a good habitat for wildlife including birds. The proposal includes the loss of a stretch of hedgerow in order to create a new access. The creation of the new gap is likely to have an adverse impact on the provision of habitats and therefore on wildlife itself. Likewise, residential lighting could further impact on this. A number of poor quality trees are proposed to be removed, in addition to some which have already been felled.
21. I am statutorily required to have regard to the purpose of conserving biodiversity by Section 40 of the Natural Environment and Rural Communities Act 2006. However, from the evidence submitted, given the nature of the site as it stands and the small scale of the new opening any impact on wildlife would be limited. Moreover, the appellant and their preliminary ecological appraisal have put forward mitigation including new planting and landscaping, bird boxes and restrictions on external lighting.
22. Although I note that the appraisal is only a preliminary assessment and is of some age I find it is suitably robust and proportionate for the proposal before me. I would also note that ecology is protected under separate legislation, including the Wildlife and Countryside Act 1981. Subject to the imposition of a suitably worded condition, in the event the appeal was allowed, this would be sufficient to mitigate the limited harm likely to arise from the development. Whilst I am also mindful of the concerns regarding the existing trees on site, they could also be protected by way of a condition should the appeal be allowed.
23. Given the mitigation and landscaping the proposal would not unacceptably affect wildlife on or around the site, and would therefore comply with Policies CP14, SAL.UP5 and SAL.UP11 of the SAP. These collectively require that development preserves a site's ecological and biodiversity value as well as its trees. It would also comply with natural environment aims of Paragraphs 174 and 180 of the Framework.

Other Matters

24. I note the concerns of those nearby about the history of the appeal site and that allowing this appeal may set a precedent for future development. However, I must consider all proposal on their own merits and, in this case, I find that the circumstances and context of the proposal, the conversion of an existing building close to a large settlement, mean it is unlikely to be easily replicated. I am also mindful that concern has been raised that the building was never used for agricultural or equestrian purposes. However, I have not been provided with substantive evidence to demonstrate this and in any event as set out above there is nothing in Policy SAL.UP1 expressly requiring that a building be so used.
25. I noted one additional building within the appeal site at the time of my visit. However, this was in an extremely poor state of disrepair. While within the appeal site no operational development is proposed for it, and I note that Framework Paragraph 150 d) requires that buildings proposed for conversion are of 'permanent and substantial construction'. As such no other matters are sufficient to alter my reasoning in respect of the main issues in this case, namely that the proposal would be acceptable.

Conditions

26. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording of the conditions put to me. For certainty, I have set out the timescale for the commencement of works. A condition is also necessary, again for certainty, requiring that the development is carried out in accordance with the approved plans.
27. In the interests of protecting the character and appearance of the building and its surroundings I have imposed a condition requiring sample materials be submitted and used, and withdrawing permitted development rights for the enlargement, improvement or alteration of the building and its roof. Whilst I note that the Guidance explains how conditions restricting permitted development rights may not be appropriate in many circumstances, given the agricultural character of the building predominantly stems from its form and scale and the sensitivity of its surroundings to change, there would be risk of harm were such rights to be exercised in this specific context.
28. As the site contains a significant number of trees, I find it necessary to impose relevant conditions regarding their protection and retention, along with the submission of a landscaping scheme and wildlife mitigation and enhancement. As reasoned above this is in the interest of protecting the trees, wildlife and the character and appearance of the area. As the trees, hedgerows and wildlife would be at risk of harm from the beginning of any works, the mitigation and enhancement scheme condition must be a pre-commencement condition. The appellant has been consulted and has confirmed that they accept this pre-commencement condition.
29. In the interests of highway safety and sustainable transport, conditions are necessary requiring that a suitable access, driveway, parking area and cycle storage are provided. In order to ensure the site access is improved and that

the loss of hedging is mitigated, a condition is necessary ensuring that the existing access is reduced to a pedestrian access only.

30. The Council have also suggested that a condition is necessary to maintain the height of the retained hedges, however they have not provided a set height and requiring a specific height could interfere with the visibility splay requirements. In my view that matter would in any event be suitably covered by conditions six, seven and eight. I also find it would also be unnecessary to require a surface water drainage scheme as the site is predominantly permeable and the development is unlikely to significantly alter this, mindful that in any event relevant works must comply with the relevant provisions of Building Regulations in that regard. Following on from my reasoning in the fifth main issue, the evidence supporting the scheme in respect of ecology, subject to an agreed mitigation and enhancement scheme being implemented in accordance with the conditions below, it is unnecessary to impose the condition suggested by the Council regarding ecology assessment work.

Conclusion

31. For the reasons given above, having had regard to the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out below.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 200A, 200, 201, 210, 211, 212 and 213.
3. Before any works related to the development hereby permitted are commenced, a scheme of mitigation and enhancement, consistent with that set out in the Preliminary Ecological Appraisal by Naturally Wild, shall be submitted to, and agreed in writing by, the local planning authority. The development shall thereafter be carried out and maintained in accordance with the agreed scheme.
4. No development above ground level shall take place until samples of the materials to be used in the construction of the external elevations of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples, which shall thereafter be retained.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order amending, revoking and/or re-enacting that order, with or without modification), no

enlargement, improvement or other alteration of the dwelling house hereby approved or its roof shall be carried out.

6. No works or development above ground level shall take place until full details of all proposed planting, and the proposed times of planting, have been submitted to and approved in writing by the local planning authority. The planting shall be carried out in accordance with the approved details and prior to the occupation of any part of the development or in accordance with the timetable agreed with the local planning authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, they shall be replaced with others of similar species, size and number as originally approved, by the end of the first available planting season thereafter.
7. No trees shown in the Oak Meadow Farm: Tree Management Appraisal and drawing No 1195-D-003 to be retained shall be cut down, uprooted, or destroyed, nor shall any retained tree be topped or lopped in connection with the development hereby permitted, other than in accordance with the approved plans and particulars. If any retained tree is removed uprooted or destroyed or dies, another tree of a similar size and species shall be planted at the same place by the end of the first available planting season thereafter.
8. The tree protection fencing shown in Appendix 4 of the Arboricultural Impact Assessment (Drawing No 1195-D-001) shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of undertaking the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those area shall not be altered.
9. The development hereby approved shall not be occupied until the vehicular visibility splays measuring 2.4m back in the centre of the access and to the kerb line for 215m to the north west and 120m to the south east have been provided in accordance with plan 200A. Insofar as those splays cross the site, those areas shall at all times be maintained free of obstruction exceeding a height of 0.6m above the adjacent carriageway.
10. Notwithstanding the submitted plan, prior to occupation of the development hereby permitted, the vehicular access onto the A442 shall be laid out as a 45-degree dropped kerb in line with details previously submitted to and approved in writing by the local planning authority.
11. The development hereby approved shall not be occupied until the access, driveway and parking facilities shown on drawing No. 221 Rev A have been provided and surfaced. These areas shall thereafter be retained and kept available for their respective approved uses at all times.
12. Prior to occupation, the existing vehicular access onto Honeybrook Lane shall be permanently reduced to pedestrian access in line with details previously submitted to and approved in writing by the local planning authority.
13. Prior to occupation of the development hereby permitted, sheltered, secure and accessible cycling parking shall be provided in accordance with details

which shall first have been submitted to and approved in writing by the local planning authority. Thereafter the approved cycle parking shall be kept available for the parking of bicycles only.