



Appeal Decision

Site visit made on 12 July 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2022

Appeal Ref: APP/K3415/W/21/3276765

Oak Tree Farm, Drayton Lane, Drayton Bassett, Tamworth B78 3EF

- 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 Jim Clarke (GGHT [Greenmere Ltd]) against the decision of Lichfield District Council.
 - The application Ref 20/01238/COUM, dated 8 September 2020, was refused by notice dated 13 April 2021.
 - The development is the proposed re-use and extension of existing barn for gospel hall (Use class F.1(f)) as a place of worship, with demolition of other agricultural barns and provision of car parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jim Clarke (GGHT [Greenmere Ltd]) against Lichfield District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues relevant to this appeal are:
 - the suitability of the site as a location for the proposed development, with particular reference to the requirements of the Development Plan;
 - the effect of the development upon the living conditions of the occupiers of neighbouring residential properties;
 - whether the proposal is an inappropriate development in the Green Belt;
 - whether any harm caused in respect of the above issues would be outweighed by the personal circumstances of the users of the development.

Reasons

Suitability of the site

4. The appeal site is located in the countryside near to a small number of dwellings. In result, the surroundings of the appeal site have a limited population and are rural in nature. The appeal site is accessed via Drayton Lane, which is a relatively sinuous road.

5. The evidence before me indicates that the proposed development is intended to serve a wide catchment area containing several settlements. Considering these distances, travel on foot by members of the congregation is unlikely to take place. An individual considering walking is likely to be further deterred due to the fact that the surrounding road network does not feature adequate infrastructure for pedestrians or streetlighting.
6. In addition, the surrounding road network is somewhat sinuous in nature and, owing to the speed limits, there would not be a welcoming environment for cyclists. This is likely to result in people arriving at the site by motor vehicle. The surrounding area appears to feature a limited public transport provision. In consequence, the users of the proposed development are unlikely to be able to travel to and from the appeal site using this method.
7. Therefore, there is a significant likelihood that visitors to the development would be reliant upon private cars as a means of travel. This is a concern given that I have been directed towards adopted development plan policies that seek to ensure that new developments are located in areas that are accessible.
8. The proposed development is likely to generate a significant number of vehicle movements, which may be condensed into specific periods of time. This would occur even though some members of the congregation may travel together and that some may travel shorter distances than is currently the case. This is a concern given that the creation of additional car journeys would result in increased carbon emissions; a lack of healthy travel options; and a lack of choice regarding travel methods.
9. I have noted the intention to encourage shared journeys through a travel plan. This poses a concern as there is not a mechanism before me that might secure the operation of this travel plan. A draft Unilateral Undertaking (UU) has been submitted; however, this has not been signed or completed. Therefore, I am unable to give the contents of the UU a significant amount of weight. The UU is necessary as the payment of a monitoring fee is required.
10. I have given consideration as to whether a condition could be imposed that would secure the agreement and implementation of the Travel Plan. However, given that a monitoring fee would need to be paid in order to ensure that the Travel Plan is fully implemented, such a condition would not meet the relevant legal tests of reasonableness and enforceability.
11. In consequence, without a robust mechanism by which the operation of the Travel Plan could be secured there is a likelihood that, at times, there would be a significant number of vehicles looking to enter the site. However, even if the operation of the Travel Plan were to be secured, it would not necessarily compel all people visiting the site to travel by sharing a car. Therefore, the Travel Plan would not directly address all of my concerns.
12. I have been referred to Core Policy 12 of the Lichfield District Local Plan Strategy (2015) (the Local Plan). Amongst other matters, this seeks to ensure that developments encourage increased participation in cultural activity. Whilst the proposed development would meet this objective, it is only one of all the matters that must be assessed and therefore does not overcome my concerns regarding the location of the development as I have identified harm arising from the specific location of the development.

13. I therefore conclude that the proposed development would not be sited in a suitable location. The development, in this regard, would conflict with the requirements of Policies Core Policy 3; Rural 1 and ST1 of the Local Plan. Amongst other matters, these seek to ensure that developments are sustainably located; require developments needing access by a large number of people to be located where it is, or can be made, accessible by non-car means of transport; and reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking, cycling and public transport.

Living conditions

14. The proposed development would be sited near to a few dwellings. The wider area features countryside and farmland. There are few variations in terms of landscaping. Physical structures are also limited in the surrounding area. The area is quiet, rural and tranquil.
15. The scale of the development is such that there would potentially be, at times, a significant number of people arriving or departing the appeal site, which would generate notable amounts of noise. This is most likely to take the form of greater vehicle movements arising from people arriving at the site and manoeuvring. In addition, noise would be generated from car doors being closed.
16. Furthermore, such activities would be supplemented by noise from people moving around the site. On account of the nature of the proposed use, there is a reasonable likelihood that, at least some, people would be known to one another. In consequence, there is a reasonable prospect that people would potentially take opportunities for socialising outside of the building. This has the potential to generate additional noise. Such noise has the potential to be audible within the nearby properties.
17. Owing to the possibility that noise in the early mornings and evening periods might occur, this has the potential to erode the living conditions of the occupiers of neighbouring dwellings. In addition, such noise could occur when neighbouring occupiers might reasonably expect a greater level of peace and quiet. This would therefore lead to a harmful erosion of living conditions.
18. In reaching this conclusion, I have had regard to the nature of the surrounding land uses, which are predominantly agricultural in nature. This is a notable contrast to the type of activity that would take place within the appeal proposal. These are unlikely to generate notable amounts of noise that might offer a masking effect of the noise generated by the proposed development.
19. I have had regard to the submitted noise assessment, which considers the noise levels that would be generated by the proposed development, including activities such as the moving of cars. This details that, at times, the number of car parking spaces would be limited and only made available in certain areas of the site. However, it is unclear as to how this would be controlled.
20. I am unpersuaded that this could be satisfactorily controlled though an enforceable planning condition owing to the lack of physical structures or other forms of control that might ensure that people park within the selected areas. Furthermore, if demand for spaces outstrips supply during these times there are no physical constraints on other spaces being used. This would generate additional noise and disturbance.

21. I acknowledge that potentially noise mitigation measures could be installed inside the building. This would prevent noise from activities taking place inside the building affecting the living conditions of neighbouring occupiers. However, this would not overcome the previous concerns arising from activities taking place outside of the building.
22. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conflict with Policies CP2 and CP3 of the Local Plan. Amongst other matters, these seek to ensure that developments improve environmental conditions in the area; and seek to improve their overall quality of life.

Whether inappropriate development

23. The appeal site comprises a disused farm that is located in the Green Belt. The site contains several buildings arranged throughout the site, in addition to areas of hardstanding. It is intended that some of these buildings would be demolished. However, one would be retained and extended. The National Planning Policy Framework (the Framework) states that the erection of new buildings, including extensions, in the Green Belt is generally inappropriate development.
24. There are some exceptions to this, which are listed in Paragraph 149 of the Framework. These include the erection of an extension if it does not result in disproportionate additions over and above the size of the original building. Although the proposed development would result in the reuse of the site, the external works are predominantly limited to the replacement of existing development in the form of items such as the removal of buildings and construction of car parks. Therefore, these would not have any greater effect on openness than the original development.
25. My attention has been drawn to Policy NR2 of the Lichfield District Local Plan Strategy (2015) (the Local Plan). Whilst the list of developments that might not be considered inappropriate in the Green Belt is not as extensive as that in the Framework, the policy states that new buildings in the Green Belt would be considered inappropriate, unless it falls within one of the categories listed in the Framework. Therefore, this policy has some consistency with the Framework and can be attributed weight.
26. In this case, the original building can be taken to be the building as currently constructed as I have no evidence before me that is indicative of the contrary. Whilst the development would add to the size of the existing building, it would not represent a large increase to its floorspace. In addition, the height of the building would not be increased, and the extensions would retain the roof shape. Therefore, the proposed additions would be proportionate.
27. In addition, the extension would utilise the existing building's roof shape and roof pitch and would therefore not result in a building of a greater height. In consequence, the proposed extension would be an addition that would be proportionate in size to the building.
28. Whilst I have acknowledged concerns raised regarding the suitability of the site as a location for the proposed development, such concerns predominantly relate to the accessibility of the site in general rather than an erosion of the

role played by the Green Belt. In consequence, they broadly pertain to locating a development in a rural area rather than in the Green Belt. Therefore, such concerns do not render the proposed development to be inappropriate in the Green Belt within this specific regard.

29. The appeal proposal would therefore meet one of the exceptions identified in Paragraph 149 of the Framework and would not conflict with Policy NR2 of the Local Plan. It would therefore not constitute inappropriate development in the Green Belt.

Personal circumstances

30. I have carefully considered the reasons why the appellant has applied for planning permission for the proposed development. Nonetheless, I have no doubt that the proposed development would result in improvements for the congregation. These are circumstances to which I attribute weight in favour of the appeal.
31. In weighing such circumstances in the planning balance, these must be considered against the significant adverse effects that would arise to the living conditions of the occupiers of the neighbouring residential properties and the adverse effects arising from the location of the proposed development.
32. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act 1998, which requires that decision makers have due regard to Human Rights and any protected characteristics in making a decision.
33. In respect of the above, a refusal of planning permission is a proportionate, and necessary approach to the legitimate aims of ensuring that developments are appropriately located and do not harm the living conditions of the occupiers of neighbouring properties.
34. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of rights of the appellant. Therefore, whilst I acknowledge these personal circumstances, I conclude that this is not a matter that outweighs the harm that would be caused by the proposed development in respect of my previous conclusions on the other main issues.

Other Matters

35. The proposed development is for a place of worship and the evidence before me is indicative that this is a need within the wider geographical area. I acknowledge that an assessment has been made of alternative locations. However, this assessment does not include details as to whether discussions have taken place with the relevant local planning authorities as to whether planning permission is likely to be forthcoming for the intended use or whether it can suggest any other possible sites.
36. Furthermore, the submitted alternative site assessment does not detail in sufficient depth whether approaches have been made to the respective landowners of some of the sites that are listed as being made available for

occupation. In consequence, I cannot be certain that the listed sites are not realistic alternatives for the proposed development.

37. In addition, the fact that some of these sites have had planning permission granted for alternative developments does not preclude the submission of an alternative proposal for the same site. This could potentially also be deemed acceptable. Therefore, I am not persuaded that this process has been sufficiently rigorous to allow me to conclude that there are no alternative sites that could accommodate the proposed development.
38. Nonetheless, I am conscious that the proposed development would meet the needs of a group of society and would enable several important activities to take place. I am also conscious that the existing site operated by the appellant features several constraints. I recognise that the proposed development would, to some extent, address these. Therefore, I give the benefits arising from the proposed use of the development a moderate amount of weight in my assessment.
39. The proposed development would result in the removal of several buildings from the appeal site. Some of these appear to be in a relatively poor state of repair. Whilst I recognise that this would result in there being fewer individual buildings in the Green Belt, the existing buildings are constructed to a functional style of architecture that is indicative of an agricultural use. In result, these are the types of buildings that might otherwise be expected to be in a rural area.
40. In addition, the proposed development would replace some of these buildings with areas of car parking. In consequence, the site's character would be one that is predominantly developed and non-rural in nature. Therefore, there would not be a significant change, or improvement, to the site's character. This lessens the benefit that would arise from this matter.
41. Some economic benefits would be generated through the build process. However, these are likely to be relatively small-scale, localised in impact and of a time-limited duration. In result, they carry a limited amount of weight.
42. The proposed development would deliver some biodiversity improvements. Whilst this is a matter of note, the overall increase to biodiversity would be relatively small when the size of the site is assessed within the context of the wider area. Therefore, such improvements to biodiversity are unlikely to be large and therefore can only be attributed to a limited amount of weight.

Planning Balance and Conclusion

43. The appeal site represents an unsuitable location for the proposed development owing to the reliance upon private cars as a means of travel and the lack of a suitable mechanism by which more sustainable means of travel could be secured. In addition, by reason of the scale of the development, there would be an adverse effect upon the living conditions of the occupiers of neighbouring properties. These are matters that I ascribe a significant amount of weight to, even though the proposed development would not result in harm to the Green Belt.
44. Whilst I acknowledge potential difficulties in obtaining an alternative site for the proposed development, it has not been satisfactorily demonstrated alternative options have been exhausted. In result, this matter carries less weight and

does not overcome my findings in respect of the first two main issues. Other benefits cited in favour of the proposed scheme, even when combined, would be relatively small in nature and would not overcome the significant harm that would arise from the proposed development.

45. The proposed development would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR