



Appeal Decision

Site visit made on 16 August 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2022

Appeal Ref: APP/P1805/W/22/3294320

24 Fiery Hill Road, Barnt Green B45 8LG

- 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 W Tracey against the decision of Bromsgrove District Council.
 - The application Ref 21/01627/FUL, dated 1 November 2021, was refused by notice dated 15 February 2022.
 - The development proposed is construction of agricultural storage barn.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 1. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 2. The effect on the openness of the Green Belt.
 3. Whether the proposal would affect the setting and significance of the Barnt Green Conservation Area (CA).
 4. Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal'.

Reasons

Inappropriate development

3. The appeal site comprises land to the rear of a dwelling and its garden and falls within the Green Belt.
4. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (2017) (DP) considers the development of new buildings in the Green Belt to be inappropriate, except in certain circumstances.
5. Consistent with Paragraph 149 a) of the Framework, Policy BDP4 of the DP includes the following exception: a) buildings for agriculture and forestry.
6. The appellant advises that the building would serve no other purpose than to store agricultural equipment to maintain the agricultural land on which it is sited. The submissions identify the type of equipment that would be stored

- within the building, including a tractor, trailer, digger, dumper, spraying machine, mower and topper. However, in this case the Council disputes that the building is for agriculture.
7. Whilst the Council has referred to various definitions of 'agricultural land' there is no policy requirement for an agricultural trade or business, to demonstrate a need for an agricultural building in the Green Belt. Nor, is this an application for a building under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning General Permitted Development Order 2015 (as amended). As such, there is no requirement for the proposal to meet any conditions or limitations required under this.
 8. A building proposed for agriculture could be controlled for such a use by a condition. However, given the high bar for new buildings in the Green Belt, initially, I need to be satisfied that the proposed building is for agriculture and not inappropriate development. To that end, I am aware of the definition given for agriculture in Section 336 of the Town and Country Planning Act 1990 ('the Act') and in the absence of any reason to the contrary, consider it reasonable to apply it in this instance.
 9. Section 336 of the Act states that: "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.
 10. Whilst the appellant has identified the appeal site as being agricultural land, this comprises a significantly overgrown field with two trampolines located within it. Whilst I acknowledge my visit represents a snapshot in time, there is nothing in the evidence to substantiate an agricultural purpose associated with this land.
 11. Drawing on the above reasons, the building would largely be used for storing maintenance equipment and machinery. As such, on the evidence before me I cannot be certain that the proposed building is for agriculture. Consequently, and because the proposed building does not meet any of the exceptions under Paragraph 149 of the Framework, it constitutes inappropriate development within the Green Belt.
 12. Paragraph 150 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations. The proposed access to the new building would fall within this category. Nevertheless, based on my findings in respect of the purposes of the Green Belt, as set out below, this also constitutes inappropriate development.

Openness and purposes of the Green Belt

13. Paragraph 137 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. Taking account of the caselaw referred to me and the Planning Practice Guidance, the extent to which a proposal may cause harm to openness, might depend on factors such as the

scale of the development, its locational context, and its spatial and/or visual implications.

14. The appeal site is open and free of any significant development. The proposed access because of its form would not harm openness.
15. However, despite the existing landscaping along its boundaries and siting of the building on a lower part of the appeal site, the proposed building because of its footprint and massing would reduce the spatial and visual openness of the Green Belt. Therefore, although the extent of harm to the openness would be limited and localised, there would still be some harm to openness.
16. The proposed access and building would entail the permanent encroachment of development into the countryside and would conflict with paragraph 138 c) of the Framework, which relates to one of the purposes of including land within the Green Belt.
17. For the above reasons, the proposal would result in some harm to openness and conflicts with one of the purposes of the Green Belt.

Setting and significance of Barnt Green CA

18. The appeal site is located within the 'Fiery Hill' area of the Barnt Green CA, right on its fringes, with the adjoining land to the south and west located outside of the CA.
19. Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 195 of the Framework also requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
20. The CA is made up of three areas, Shepley, Fiery Hill and Cherry Hill). This varies in character from the lower density more sporadic pattern of well-crafted three storey palatial dwellings on the west side, the Shepley Area, to the higher density two storey early 20th century more formal housing layout on the eastern flanks, parts of the Fiery Hill and Cherry Hill Areas.
21. The appeal site represents the verdant open fields and gardens which bound some of the dwellings in the Fiery Hill Area. These areas also include out buildings and barns that are not too dissimilar in scale and appearance to the proposal. Furthermore, and as already stated, because of the extent of existing landscaping and its siting, the new building would not be particularly conspicuous.
22. Therefore, despite having found that the proposal harms the Green Belt, for the above reasons, it would preserve the character and appearance of the Barnt Green CA, in accordance with Policy BDP20 of the DP. This Policy confirms that development proposals that sustain or enhance the significance of heritage assets, including their setting, will be supported. Accordingly, I also find no conflict with the provisions of the Framework for conserving and enhancing the historic environment.

Other Considerations

23. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. The appellant is of the opinion that the proposal is not inappropriate development in the Green Belt and therefore no very special circumstances are advanced.
25. Nonetheless, I have taken account of the appellant's need for a suitable secure storage area for machinery and equipment to maintain the site. Whilst a building specifically for this purpose at the site would be convenient, there are no substantive reasons to suggest that this could not be secured without inappropriate development in the Green Belt. Therefore, this attracts limited weight.

The Green Belt balance

26. The proposal would harm the Green Belt by way of inappropriateness, loss of openness and conflicts with one of the purposes of the Green Belt. The Framework requires substantial weight to be given to any harm to the Green Belt.
27. Having taken account of all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy BDP4 of the DP and the Green Belt provisions of the Framework.

Conclusion

28. I have found that the proposal would not affect the setting and significance of the Barnt Green CA. I have also found that the proposal would harm the Green Belt. For this reason and conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR