



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: 20 October 2022

Appeal Ref: APP/R1845/W/21/3284779

Callimore Farm, Rushock, Droitwich WR9 0NS

- 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 Adam Hewitt against the decision of Wyre Forest District Council.
 - The application Ref 20/0856/FUL, dated 16 October 2020, was refused by notice dated 9 September 2021.
 - The development proposed is change of use of land for the storage of agricultural machinery, use of agricultural buildings for storage and retention of commercial buildings for offices.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the appellant's planning application, in April 2022, the Council adopted the Wyre Forest District Local Plan (2016-2036) (LP). The Council has highlighted the relevant new policies from the LP, which have superseded those previously referenced in its decision. The main parties have been consulted on this and I have proceeded with the appeal on that basis.

Main Issues

3. The main issues are:
 1. 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.
 2. The effect of the proposal on the character and appearance of the area.
 3. The effect of the proposal on the openness and purposes of the Green Belt.
 4. The effect of the proposal on agricultural land.
 5. The effect of the proposal on the living conditions of neighbours.
 6. 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

Background

4. The appeal site forms part of Callimore Farm and comprises land managed for crop production and livestock pasture and includes the existing farmstead and a number of built storage barns and outbuildings arranged around an all-weather surfaced area. The site is located within the West Midlands Green Belt.
5. The proposal seeks the change of use of land for the storage of agricultural vehicles, plant and machinery, use of agricultural buildings for storage and retention of commercial buildings for offices. To facilitate the proposed change of use, the scheme includes the construction of a new access and road off Droitwich Road (A422).

Inappropriate development

6. The main parties agree that the proposal would represent inappropriate development in the Green Belt as defined in the LP and the Framework. Based on the evidence before me, I have no strong reason to disagree with that position.

Character and appearance

7. Whilst the appeal site adjoins Rushock Trading Estate, to some extent this is screened by landscaping. In any event, because the appeal site comprises livestock pasture and arable fields situated around the farmstead, barns and yard area, it is distinctly different in character and appearance to the Rushock Trading Estate, which incorporates a collection of sizeable modern industrial buildings, roads and large expanses of hardstanding which support outdoor storage.
8. Moreover, the majority of the appeal site forms part of fields which are free of any significant development. These, along with other nearby fields form part of the open countryside and positively contribute to the openness of the Green Belt.
9. Despite there being no national or local (landscape) designations within or adjoining the site, the appeal site is located within the 'Principal Timbered Farmlands' landscape type. This is characterised by a mosaic of agricultural land cleared directly from woodland, on a piecemeal basis, together with land enclosed from former localised areas of open fields, resulting in the dispersed pattern of farmsteads and wayside cottages and lack of strong settlement nuclei. For the above reasons and because the appeal site forms part of a farm, it positively contributes to the 'Principal Timbered Farmlands' landscape type.
10. Most notably, based on my observations and the submitted Landscape and Visual Appraisal, the appeal site, in part, is prominent in views from along the A422, and Public Rights of Way (PRoW) which are to the west of the Rushock Trading Estate. As such, the site is particularly sensitive to change.
11. The proposal would result in the permanent loss of considerable areas of arable and pastoral land. This would fundamentally alter the character and appearance of the agricultural fields which have a relatively open, vegetated and verdant context, to that of a commercial storage yard with extensive

all-weather surfacing occupied by agricultural vehicles, plant and machinery, and enclosed by fencing.

12. In part, from the nearby PRoW, the proposed outdoor storage area would be viewed against the backdrop of the Rushock Trading Estate. Even so, the proposal would extend commercial development deeper into the countryside and nearer to the PRoW.
13. The new access and road from the A422 would require the removal of an appreciable section of established hedgerow. Notwithstanding, the proposed planting, this would run through the existing pastoral field and would be engineered to accommodate commercial traffic. Therefore, this would be more substantial with a stronger visual presence in views from along the A422 than the existing access and track which serves Callimore Farm. Overall, the new access and road would appear incongruous in the context of a modest and verdant field and would have a significant urbanising impact on the area. Whilst there is a commercial access nearby which serves the Rushock Trading Estate, this is atypical of rural accesses and roads in the area and therefore does not lend support to the provision of a further commercial access and road nearby.
14. Landscape features such as trees and hedgerow within the site are largely to be retrained. These would be supplemented by the proposed landscaping scheme. The new landscaping is designed to reflect the local landscape character, incorporating native species. This is intended to screen the proposed development and, in part, the Rushock Trading Estate state. However, this would take considerable time to establish and in the short to medium term its effectiveness would be limited. Particularly, in mitigating the effects of the proposal in views from the nearby PRoW and the A422.
15. Overall, the proposal would result in a significant and permanent erosive impact on the quality of the existing landscape. This level of impact would be detrimental to the enjoyment and appreciation of the landscape from localised views. Moreover, because of the level of change the proposal would bring to the character and appearance of the area, I am not persuaded that this would be outweighed by the benefits associated with the proposed landscaping.
16. For the above reasons, the proposal would harm the character and appearance of the area and is contrary to the aims of Policy SP.22 of the LP, which requires that new development must protect and where possible enhance the unique character of the landscape.

Openness of the Green Belt

17. Paragraph 137 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. 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. In any particular case these are matters of planning judgement.
18. Despite the existence of some development, as already stated, the site forms part of the open countryside and contributes to the openness of the Green Belt.
19. The proposal would create a sizeable compound for the open storage of agricultural vehicles, machinery and plant. This, along with the introduction of a substantial new access and road in a prominent location would have an erosive effect on the generally open and verdant fields associated with the

appeal site. This impact would be particularly apparent in localised views from the nearby PRow and from along parts of the A422. Consequently, the proposal would appreciably reduce the spatial and visual openness of the Green Belt.

20. I acknowledge that the proposed landscaping, including buffer planting would not be inappropriate or harmful to the openness of the Green Belt. Nonetheless, this is largely intended to mitigate harm to the openness of the Green Belt and as already stated would take substantial time to establish. Therefore, this offers limited mitigation in relation to the extent of development proposed and harm to the openness of the Green Belt.
21. In light of the above and having taken account of the submitted Green Belt - Position Paper, in my view the proposal would represent a significant encroachment of development into the countryside, this would conflict with one of the purposes of the Green Belt as identified under paragraph 134 of the Framework, which is safeguarding the countryside from encroachment.
22. Overall, the proposal would harm the openness of the Green Belt and conflicts with one of its purposes.

Agricultural land

23. Policy DM.32 of the LP, states that applications for development on best and most versatile agricultural land of higher quality grades will be resisted where the site has not been allocated in the Local Plan and is considered worthy of protection. The site is not allocated and the supporting text to this Policy defines best and most versatile agricultural land as that which is in grades 1, 2 and 3a of the Agricultural Land Classification.
24. On the evidence before me, the site falls within Grade 3 (Good to Moderate) or Grade 2 (Very good). Therefore, and in the absence of any evidence to the contrary, the agricultural land is considered worthy of protection.
25. Irrespective of the benefits associated with the proposal, including the retention of the wider holding for farming, the proposal would result in the loss of some best and most versatile agricultural land. Consequently, the proposal is not supported by Policy DM.32 of the LP.

Living conditions of neighbours

26. The proposed access and road would be located across a field which forms a buffer between the Rushock Trading Estate and dwellings located to the south of the existing access and track to Callimore Farm.
27. The physical works associated with the new road would be largely screened from these properties by the mature planting along the sides of the existing track to the farm. However, until the proposed landscaping matures, the use of the new road and commercial vehicles associated with this would change the outlook for the occupiers of nearby dwellings.
28. Given the separation of the new road and areas of proposed storage from the nearby dwellings, along with the proposed operational hours of the business, it is unlikely that the proposal would have an unacceptable effect on the living conditions of neighbours in respect of noise, disturbance and outlook. The

proposal includes the closing off of the existing access to Callimore Farm which would also reduce activity near these dwellings.

29. Consequently, the proposal would not unacceptably harm the living conditions of neighbours.

Other Considerations

30. The proposal would support the appellant's business to expand into a larger site within the local area. The business is currently based at a site in Harvington in the District and is subject of an enforcement notice. The appellant advises that this requires the business to reduce the extent of its activities and this would result in the business no longer being able to trade. However, in the absence of detailed information in respect of the enforcement action and to what extent this would curtail extant activities, I can only attach limited weight to this matter.
31. The business provides full time jobs and employs additional part time staff, which would be made permanent as part of the proposed relocation. The existing business also contributes to the local economy and supports other local services and businesses, which according to the appellant are also at risk if planning permission is not granted. Socially, the business supports local sports clubs, charities and organisations. There is also some support for the proposal.
32. The appellant's evidence confirms that there are no allocated sites suitable to meet the needs of the business. Furthermore, that of the limited number of sites identified within the appellant's search area, all have proved unsuitable for various reasons. The appellant also advises that looking further afield has impacts, insofar as the business would have to make staff redundancies.
33. The appellant's search for sites is, in part, based on the size of the land, and location within commuting distance of staff and retain local jobs. However, in the absence of any substantive evidence of the existing business operations and patterns of commuting for the workforce, this limits the weight I can attach to the appellant's search for sites.
34. Nevertheless, national policy states that significant weight should be placed on the need to support economic growth and productivity. Consequently, I recognise and attach considerable weight to the protection of existing and creation of new employment opportunities and the support the existing business offers to the local economy and other associations.
35. Environmentally, the appellant's business recycles and extends the life cycle of second-hand, agricultural vehicles, machinery and plant. Whilst the business is a specialist in this field and has arrangements with a national insurer and others, I cannot be certain that this is the only business which provides such a service which limits the weight I attach to this consideration.
36. There would be some visual and biodiversity enhancements arising from the proposed landscaping. However, the landscaping is largely designed to mitigate the impact of the proposal and will take time to establish. There is also no technical evidence to support the assertion that the new landscaping would help with suppressing any noise associated with the existing industrial estate. Accordingly, I afford these environmental considerations moderate weight.

37. The proposal would utilise a redundant part of a farm and supports the diversification of the rural economy, whilst also enabling some farming activity on the wider holding. Nevertheless, there is nothing to suggest that this could not be achieved through alternative uses of the site, which do not result in harm to the Green Belt. As such, these considerations attract limited weight.
38. I have considered the appeal allowed for development in the Green Belt on land to the west of Denby Hall Business Park. The full details and evidence in respect of that appeal are not before me. Including the context of the site's surroundings and also the existing and proposed landscaping. Also, that scheme was for outline consent and proposed an extension to an established business park. Furthermore, having considered the specific 'other considerations' to that proposal, the Inspector found that there would be "very considerable economic benefits which weigh very substantially in favour of the appeal proposal". As such, the circumstances of that scheme are not directly comparable to the appeal scheme before me, which I have considered on its own merits. That decision does not therefore weigh in favour of the appeal scheme.

Green Belt Balance

39. Framework paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework paragraph 144 states that 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. In that balancing exercise, the Framework requires that substantial weight is given to any harm to the Green Belt.
40. Whilst I have given weight to the factors cited in support of the proposal, even when taking these matters cumulatively, they do not clearly outweigh the totality of the harm the proposal would cause. Consequently, the very special circumstances to justify the inappropriate development and other harm do not exist. Accordingly, the proposal conflicts with Policy DM.22 of the LP which states that within the Green Belt, development will not be permitted, except in very special circumstances, or unless it meets the exceptions set out under this Policy. Accordingly, the proposal also conflicts with the Green Belt provisions of the Framework.

Conclusion

41. I have found that the proposal would not harm the living conditions of neighbours. Nevertheless, the proposal amounts to inappropriate development in the Green Belt, which would by definition be harmful to it. This would also cause harm to the openness of the Green Belt, and conflicts with one of the purposes of the Green Belt. I have also found that the proposal would harm the character and appearance of the area and results in the loss of best and versatile agricultural land. For these reasons and conflict with the development plan and the Framework, I conclude, that the appeal should be dismissed.

M Aqbal

INSPECTOR