



Appeal Decision

Site visit made on 3 January 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/Q1825/W/22/3305211

Land adjacent to Feckenham Gardens, Astwood Lane, Feckenham, Redditch B96 6JQ

- 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 Mrs P Dormer against the decision of Redditch Borough Council.
 - The application Ref 22/00568/FUL, dated 19 April 2022, was refused by notice dated 15 July 2022.
 - The development proposed is construction of a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt
- the effect of the proposal on the character and appearance of the surrounding area; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. The fundamental aim of Green Belt policy in the National Planning Policy Framework (Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt are their openness and their permanence.
4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development.

5. Sub-paragraph e) of the Framework paragraph 149 states that limited infilling in villages is an identified exception. However, the Framework does not define or qualify 'village' for the purposes of applying Green Belt policy or guidance.
6. Paragraph 149 of the Framework also includes an exception under sub-paragraph f), which states limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).
7. Policy 8 of the Borough of Redditch Local Plan No.4 (2017) (Local Plan) states that applications for new development in the Green Belt will be determined in line with national planning guidance on Green Belts and other relevant policies within the development plan. Therefore, this policy is broadly consistent with the Framework.
8. The appeal site is an open grassed field situated behind mature hedgerow on Astwood Lane. The site is near to the settlement boundary of Feckenham and abuts existing residential development to the west. However, the site is located near to separate pockets of loose knit and sporadic forms of development within a spacious rural setting that does not have the characteristics of a village location. Furthermore, the appeal site itself has a relatively open rural nature that is seen alongside the neighbouring sporadic forms of development along Astwood Lane, rather than being seen within a built-up frontage. As such, the proposal would not have the appearance of closing a gap in a row of buildings and would not infill a gap in the built-up part of the village. Accordingly, it would not meet the relevant exception of paragraph 149 of the Framework.
9. I have considered that opposite the site is the Winfields Outdoors camping shop and a small row of cottages to the north of Astwood Lane. I also note that to the east of the site is an empty plot beyond which is Rockhill Farm and further east Yeates Acre. However, these aspects do not alter my spatial and visual assessment of the site as it relates to the form of the village.
10. Policy 2 of the Local Plan states that Feckenham is a small, rural settlement predominantly set within the Green Belt, which offers local facilities but has important conservation and historic merit. In order to conserve and enhance these characteristics, development within or adjacent to the settlement boundary, as defined on the Policies Map, will provide for locally identified affordable housing and other locally identified development needs only, in accordance with the most up-to-date guidance in the Framework and Parish Housing Needs Survey. However, there is no substantive evidence or mechanism before me to suggest the proposal would fulfil this requirement. As the proposal would be for open market housing, it does not meet this exception.
11. Consequently, the proposal would not represent limited infill development. For the reasons given above, it would not fall within any of the exceptions within paragraph 149 of the Framework or Policy 2 of the Local Plan. Thus, the proposal would be inappropriate development in the Green Belt. It would therefore fail to accord with the Green Belt protection aims of the Framework, with which Policy 8 of the Local Plan is consistent. I am required to attach substantial weight to the harm caused by virtue of the proposal's inappropriateness.

Openness of the Green Belt

12. Paragraph 137 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. Openness in terms of Green Belt has a spatial and visual aspect.
13. Although the appeal site is adjacent to existing built form, the existing built form has a loose knit nature. The proposal would reduce the clear separation that exists between the pockets of existing development and would encroach into the countryside beyond.
14. In addition, due to the sloping nature of the site and the low-lying hedgerow boundaries, the proposal would appear visually prominent when viewed from Astwood Lane. Therefore, the built form of the proposal would diminish the contribution the site makes to the openness of the Green Belt in spatial and visual terms.
15. Therefore, for the reasons given, there would be moderate harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy. As above, I am required to attach substantial weight to this element of Green Belt harm.

Character and Appearance

16. The appeal site is an undeveloped area of land. The openness of the site contributes positively to the rural character of the area.
17. The proposal would introduce a dwelling into this rural location. This would result in an extension of built form that would urbanise the current rural appearance of the site.
18. The scale, height and massing of the proposed two-storey dwelling would appear unsympathetic and disproportionate to the existing dwellings at Feckenham Gardens, which are of a more modest scale and positioned on lower ground. In addition, the proposal would be set further back into the site and its front elevation would be orientated towards the road, which would be at odds with the existing neighbouring dwellings.
19. Furthermore, due to the land level changes, the proposal would appear prominent in views outside the site, particularly from Astwood Lane and from the public footpath that lies beyond the southern boundary of the site. Therefore, the built form of the proposal would diminish the contribution the site makes to the character and appearance of the area.
20. For the reasons given, the proposal would harm the character and appearance of the surrounding area contrary to Policies 39 and 40 of the Local Plan, which seek, amongst other things, to ensure that development reinforces local distinctiveness and complements the local character of the area. It would also fail to accord with the Framework, in particular, where it provides that planning decisions should ensure developments are sympathetic to local character (paragraph 130).

Other Considerations

21. The appellant has referred me to planning permission 18/01264 at Rockhill Farm. Unlike the appeal site, the permission was on an existing building footprint and was closely connected to and enclosed by the existing buildings

that have been converted to residential use at the former Rockhill Farm complex. Therefore, it is not directly comparable to the proposal before me. Its relevance is therefore limited for the purposes of my determination of this appeal. As such I give it little weight.

22. The appellant also refers me to planning permission 14/105/out at Feckenham Gardens. I do not have the full circumstances of this case before me. However, unlike the appeal site, the permission was on a site that was closer to the settlement boundary and the existing development within it. This decision therefore also has little weight. In any event, I have determined the appeal on its own merits based on the information before me and my own observations of the area.
23. It is explained that the proposed dwelling is intended for the appellant and their family, to enable them to stay in the local area in which they have a local connection. Whilst acknowledging such intentions, they amount to personal benefits which in the context of the wider planning considerations relating to this appeal, attract only limited weight.
24. The proposal would make a contribution to the housing supply, albeit a very limited one to which I therefore attach limited weight.
25. The proposal would not be isolated and would be accessible to a limited range of services and facilities in Feckenham. However, given that there would still be some reliance on the private vehicle for facilities and services further afield, this factor would be neutral in the planning balance.
26. There would be economic benefits resulting from the proposal that could increase local employment and the vitality of the village. Nevertheless, these would be likely to amount to small benefits relating to just a single dwelling and therefore attract limited weight.
27. I note the letters of support from local representation. However, for the reasons given, the proposal would represent inappropriate development in the Green Belt.
28. I note the appellant's concern regarding the Council's procedure with dealing with supporting documents for the application. However, that is not a matter for my consideration in the context of this appeal decision. Any concerns regarding this matter should be directed to the Council.

Green Belt Balance

29. The proposal would be inappropriate development and would cause harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to this identified harm. In addition, harm has also been identified to the character and appearance of the area, to which I also attach substantial weight.
30. For the reasons given, the total weight of the other considerations does not clearly outweigh the harm by reason of inappropriateness, and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.
31. As a result, the proposal conflicts with the Framework and Policy 8 of the Local Plan, which, amongst other things, seeks to protect the Green Belt and its

openness in line with national policy. In addition, the proposal would also fail to accord with Policy 2 of the Local Plan, as for the reasons above, it would not represent a locally identified development need.

32. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

Conclusion

33. For the reasons given above, the appeal is therefore dismissed.

Helen Smith

INSPECTOR