



Appeal Decision

Site visit made on 17 January 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/V4630/W/22/3298330

Land East of Aldridge Court Nursing Home, Stables, Little Aston Road, Aldridge WS9 0NN

- 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 C G Reynolds Ltd against the decision of Walsall Council.
 - The application Ref 21/1313, dated 1 September 2021, was refused by notice dated 9 November 2021.
 - The development proposed is demolition of the existing stable block and redevelopment of the site to provide one dwellinghouse and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not 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 area, including whether or not the proposal would preserve or enhance the character and appearance of the Aldridge Conservation Area and the effect on the setting of the non-designated heritage asset Aldridge Court;
 - the effect of the proposal on highway safety; and
 - whether or not 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

3. The appeal site comprises a single-storey stable block with a gable roof and is set back from Little Aston Road. The surrounding fields have an open grassy appearance. Access to the site is currently from Little Aston Road and leads to a small area of hardstanding that is used for parking.

4. The site is within the Green Belt, located beyond the eastern edge of Aldridge Village. Aldridge Court Nursing Home is to the west of the site. Open countryside surrounds the site to the north, east and south.

Whether or Not Inappropriate Development

5. The fundamental aim of Green Belt policy in the National Planning Policy Framework (Framework) is to prevent urban sprawl by keeping land permanently open.
6. 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.
7. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate development. A closed list of exceptions are set out, one of which, under sub-paragraph g), concerns the limited infilling or the partial or complete redevelopment of previously developed land, providing that it would not have a greater impact on the openness of the Green Belt than the existing development.
8. It is common ground between the main parties, and I agree, that the appeal site constitutes previously developed land, and the proposal is for the redevelopment of the site. I therefore turn to the effect of the proposal on the openness of the Green Belt.
9. Openness in terms of the Green Belt has a spatial and visual aspect and therefore relates both to considerations of the amount of built form and also a professional judgement on the effect of this on the perception of openness.
10. The proposal would result in a 23.5% increase in area and an increase of 19.5% in volume compared to the existing building. Furthermore, the height and width of the proposed building would be taller and wider than the existing stable block. As such, the proposed dwelling would be materially larger than the existing building it would replace. The proposed dwelling would be sited closer to the road than the existing building. The proposal would therefore appear larger and more prominent than the existing building when viewed from the public highway.
11. In addition, the proposed driveway would cut across the currently open field that abuts the road and would include a turning area and parking space for three vehicles to the front of the proposed dwelling. Whilst I accept that there is an existing access and parking area to the site, this covers a smaller area of hardstanding than the proposed driveway and parking area.
12. The proposal would also include a garden area for the proposed dwelling. This area of land is currently in agricultural use. Formalising this area into a residential garden would inevitably introduce a level of residential activity, with boundary treatments and other general domestic paraphernalia.
13. The proposal would therefore harm the openness of the Green Belt in both visual and spatial terms. Consequently, the proposal would not comply with the exception in Framework paragraph 149 g) and would be inappropriate development.

Character and Appearance

14. The appeal site is located in the Aldridge Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA encompasses the main surviving areas of the historic village of Aldridge, comprising a mixture of residential areas and public open space. The CA derives its significance, in part, from its rural village character and pleasant green areas.
15. Although the urban area of Aldridge is nearby, the immediate vicinity of the appeal site comprises fields used for horse grazing, and grass verges and trees to the road frontage, which gives the area a rural character. The existing stable block has an agricultural design and, along with the openness of the surrounding fields, contributes positively to the rural character and appearance of the area and the CA.
16. Whilst Little Aston Road is a busy traffic route, the grass verges and trees to the road frontage gives it a semi-rural character.
17. The proposed dwelling would be partly two-storey as opposed to the single-storey stable block it would replace. The overall building would be larger in scale and bulk than the existing building. Furthermore, the large gable features to the front and rear elevations would become a dominant feature.
18. I acknowledge that the proposal would use similar materials to the existing building, such as facing red brick and roof tiles. However, the proposal would also include a number of new openings, such as large glazed doors, windows and rooflights. This would introduce modern features that would detract from the plain, simple, and utilitarian character of the existing stable block. The proposed dwelling would be visually prominent from the public highway and views from Aldridge Court.
19. The garden paraphernalia that would likely be associated with the proposed dwelling, such as garden furniture, would result in a domestic appearance that would diminish the rural qualities of the site and its surroundings. In addition, land in front of the dwelling would incorporate a private driveway leading to a parking area. The creation of vehicular access and parking area would reduce the open grassy appearance of the site.
20. I have had regard to the appellant's suggestion of controlling domestic paraphernalia through a condition. However, such a condition would fail to accord with paragraph 56 of the Framework, with particular regard to not being enforceable and reasonable. Furthermore, I have considered imposing a condition to remove permitted development rights for garden structures, which would restrict such development were permission to be granted.
21. Consequently, the proposal would result in an urbanising change to the appeal site harming its existing rural qualities and thereby would harm the character and appearance of the area and would fail to preserve or enhance the CA. As such, the proposal fails to accord with Policies ENV2 and ENV3 of the Black Country Core Strategy 2011 (Core Strategy) and Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan 2005 (UDP). It would also fail to comply with Policy DW3 of the Council's Designing Walsall Supplementary Planning Document for Urban Design 2013. Collectively, these policies,

amongst other things, seek to ensure new development achieves high quality design and protects local character and conserves and enhances the significance of heritage assets, including their setting.

22. The appeal site is also located near to Portland House known as Aldridge Court, which is a locally listed building and therefore a non-designated heritage asset. The significance of the heritage asset relates, in part, to its history as a large early-mid C19 detached villa, and its architectural detailing. The open agricultural fields and the simple utilitarian design of the existing stable block on the appeal site contribute positively to the setting of the non-designated heritage asset.
23. For the reasons given above, the proposal would also cause harm to the character and appearance of the setting of the non-designated heritage asset. As such, the proposal fails to accord with Policies ENV2 of the Core Strategy, and Saved Policies GP2, ENV27 and ENV32 of the UDP. Collectively, these policies, amongst other things, seek to ensure new development protects local distinctiveness and conserves and enhances the significance of heritage assets, including their setting.
24. It also fails to comply with Policy DW3 of the Council's Designing Walsall Supplementary Planning Document for Urban Design 2013, which seeks to ensure new development is designed to respect and enhance local identity.

Highway Safety

25. Little Aston Road (A454) is a classified road and a District Distributor road that carries relatively high volumes of traffic to and from the A452 Chester Road. Policy T4 of the SAD states that 'distributor routes are important routes connecting the main residential and employment areas of the borough. Street parking and direct frontage access will be strictly regulated.'
26. From the evidence before me, Little Aston Road (A454) is not classed as a Strategic Road Network (SRN), which consists of motorways and all-purpose trunk roads. Thus, the A454 is a non-trunk road. The Design Manual for Roads and Bridges (DMRB) applies to motorways and all-purpose trunk roads in the UK. Therefore, DMRB standards are not relevant to the appeal proposal. The Manual for Streets 2 (MfS2) makes clear that most MfS standards can be applied to a highway regardless of speed limit and therefore it should be used as the starting point of any scheme affecting non-trunk roads.
27. The evidence provided by the appellant includes information relating to traffic speeds in the vicinity of the site, which is presented in terms of the 85th percentile speed. This is the speed at or below which 85% of motorists drive on the A454 based on survey data. It provides an indication of the speed which most drivers consider to be reasonable for the road conditions. It is therefore appropriate to relate the requirement for visibility splays to the actual speeds observed.
28. A traffic speed survey has been undertaken and found 85th percentile speeds of 52 mph eastbound and 39 mph westbound. As a result, the visibility splay requirement to the west (towards eastbound traffic) is 121.2m and to the east (towards westbound traffic) is 79.2m. The proposed visibility splays would comply with these distances and would therefore provide adequate visibility for users of the road and the proposed access to the appeal site.

29. For the reasons given, it is likely that the proposal would not result in an unacceptable effect on highway safety. As such, it would comply with Policy GP2 of the UDP and Policy T4 of the Walsall Site Allocation Document 2019 (SAD). These policies, amongst other things, seek to ensure developments do not cause unacceptable levels of harm to highway safety. In addition, the proposal would accord with paragraph 110 of the Framework, which seeks to ensure that safe and suitable access to the site can be achieved for all users, and paragraph 111, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Considerations

30. The Council's decision notice refers to Policies ENV1 of the Core Strategy, ENV7 of the UDP, and Policy EN1 of the SAD. However, these policies do not relate to Green Belt and are therefore not relevant to the Green Belt main issue.
31. The appellant makes reference to the pre-application advice received from the Council. However, the pre-application response from the Council clearly stated that the replacement building should not have any greater material impact on openness or the purposes of including land in the green belt than the current building.
32. I acknowledge that the existing stable block could potentially involve a number of visitor cars and horse boxes on site at any time. However, there is no substantive evidence to suggest that the number of car journeys by occupants of the proposed dwelling would be substantially less than that for the stable block. As such I give this factor little weight.
33. The appellant has referred to several court judgements¹. These judgements relate to the concept of openness in the Green Belt. It is also recognised that the concept of openness is not specifically defined in the Framework. In determining this appeal, I have applied my own planning judgement to the effect of the appeal proposal on openness, as set out above.
34. My attention has been drawn to a previous appeal decision Ref: APP/X1925/W/21/3269379. The Inspector for this other appeal found that the proposal would reduce the footprint of built form on the site by around 1.92%. Furthermore, the proposed dwelling and gardens would be positioned near to an area that was already occupied by buildings and open storage. Overall, the Inspector found that the proposed development would result in a minor increase in built volume of around 2.3%. With regards to parked cars and domestic paraphernalia, the Inspector found that this would be largely contained to areas that were already used for parking and open storage. Therefore, this other appeal is not directly comparable to the proposal before me. As such I give it little weight.
35. My attention has been drawn to the extensions at Aldridge Court Nursing Home. However, the full details of the circumstances which led to this development being accepted are not before me. In any event, I have

¹ Including 'R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] judgement', and 'Timmins V Gedling Borough Council [2014], Green J', and Turner v Secretary of State for Communities and Local Government [2016] EWCA civ 466.

considered the proposal upon its own merits based on the evidence before me and my observations on site.

36. The appellant claims that the woodland next to Aldridge Court is in a poor condition. However, this does not alter my decision and attracts little weight.
37. Three letters of objection have been received. In addition to matters I have addressed above, the letters of objection raised concern with harm to ecology and noise pollution. These factors are not in dispute between the main parties and were addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view.

The 'Green Belt' Balance

38. As established above, the proposal would be for inappropriate development in the Green Belt. It would cause moderate harm to the openness of the Green Belt and do so in a manner likely to be permanent because the proposed house would be unlikely to be demolished. The proposal would therefore cause harm to the two essential characteristics of the Green Belt, their openness and their permanence, as set out in paragraph 137 of the Framework. I attach substantial weight to this harm, as directed by paragraph 148 of the Framework.
39. The proposal would harm the character and appearance of the area, including the CA and the setting of the nearby locally listed building. Good design and the protection of designated and non-designated heritage assets are fundamental concepts in national and local planning policy. I therefore attach substantial weight to this harm.
40. The other considerations in relation to the proposal are that it would make a contribution to the delivery of housing for the area on a previously developed site with good access to local services, facilities, employment, and public transport. However, given the small scale of the proposal, the provision of one additional dwelling would attract only limited weight as a scheme benefit, even if it were concluded that the Council cannot demonstrate a five year supply of housing land (see below for further discussion on this point).
41. There would also be short term economic benefits resulting from the construction stage, along with longer term economic and social benefits from the use of local shops and services by the future occupants. However, these would be likely to amount to small benefits relating to just a single dwelling and therefore attract limited weight.
42. Therefore, the total weight of the other considerations does not clearly outweigh the harm by reason of inappropriateness, and any other harm, of the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
43. As a result, the proposal conflicts with the Framework. It also conflicts with Policy GB1 of the SAD, and Saved Policies 3.2 to 3.5 and Policy GP2 of the UDP, which are broadly consistent with the Framework.

The 'Heritage Balance'

44. In terms of the Aldridge Court locally-listed building, the proposal would only result in limited harm to the significance of the building through harm to its setting. The Framework, at paragraph 203, requires that a balanced judgement is made with regard to non-designated heritage assets. The benefits of the proposal would, therefore, outweigh this harm, and the proposal would be acceptable in this regard.
45. However, there would also be moderate harm to the character and appearance of the CA. I place this level of harm in the middle of the less than substantial harm. Paragraph 202 of the Framework states that this harm should be weighed against any public benefits of the proposal. The benefits of the proposal I have identified above would be relatively modest and would not outweigh the harm to the CA that I have identified.

The 'Tilted Balance'

46. The appellant claims that the Council do not have a 5-year supply of housing land, although no substantiated evidence is provided in support of this claim. However, part i. of paragraph 11d) clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including the Green Belt, provide a clear reason for refusing the development. As I have explained above, there would be harm to the Green Belt that would not be clearly outweighed. This provides a clear reason for refusing the development. Therefore, the proposal would not benefit from the presumption in favour of sustainable development in any event, and I do not need to reach a conclusion on whether or not the Council can demonstrate a 5-year supply of housing land.

Conclusion

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

Helen Smith

INSPECTOR