



Appeal Decision

Site visit made on 22 February 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2023

Appeal Ref: APP/H1840/W/22/3294271

Lakeside Barn, Charlton Lane, Torton, Hartlebury DY11 7SD

- 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 K Humphreys against the decision of Wychavon District Council.
 - The application Ref 21/01670/FUL, dated 6 July 2021, was refused by notice dated 14 December 2021.
 - The development proposed is holiday lets.
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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 having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - 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, with reference to the Grade II Listed Hartlebury Castle registered park and garden (the Park) and the extent to which it would preserve or enhance the character or appearance of the Hartlebury Conservation Area (the CA); and,
 - if there is harm by reason of inappropriateness, and any other harm, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The site is an area of grassland and part of a lake to the north of and in the grounds of the dwelling Lakeside Barn. The site is within the countryside as defined by the South Worcestershire Development Plan (adopted 2016) (the SWDP) and also separately falls within the West Midlands Green Belt.
4. The Framework establishes that the construction of buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy SWDP 2 (E) of the SWDP states that the Green Belt will be maintained, and development within it considered in accordance with national policy as set out in the Framework.

5. Policy SWDP 2 also refers to situations where development in the countryside may be acceptable. In doing so, it refers to other SWDP policies, such as Policy SWDP 35, which addresses visitor accommodation in the countryside, and which is supportive of such where it fulfils given criteria. In this sense, Policy SWDP 2 does not apply a blanket rebuke to all development in the countryside.
6. The Green Belt and the general countryside are not however the same thing. The potential accordance of a scheme with policies relating to the countryside does not circumvent that scheme from a discrete assessment against local and national Green Belt policy. The SWDP must be read as a whole, and Policy SWDP 2 (E) applies unequivocally to all development in the Green Belt. The scheme would not fulfil any of the criteria of Policy SWDP 35 in any event.
7. The proposal, in seeking to construct a new building housing two semidetached holiday lets, does not fall within any of the exceptions set out in the Framework. It follows that it would plainly constitute inappropriate development in the Green Belt under the terms of the Framework and Policy SWDP 2.
8. It is posed that a condition could be used to secure the temporary or moveable status of the proposed building. This is an impractical suggestion that would fail the test of reasonableness; it is not clear if this quite large building could realistically be physically moved, how a condition would ensure that it would be moved, nor how often or how far it should be moved to achieve the desired effect. It is also suggested that the economic benefits of the scheme mean that it would not be inappropriate development. However, the exceptions to inappropriate development are given in the Framework and in closed lists. Potential economic benefits are not a relevant factor in relation to this issue.

Openness

9. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
10. The site is fairly enclosed and screened by fencing and belts of woodland, and in close proximity to a pumping station and Lakeside Barn itself. It is screened from public view. Therefore, there would be a negligible impact upon the visual aspect of openness. However, as an open grassed area, the site exhibits clear openness in spatial terms. The partial filling of the space with the proposed building would reduce this aspect of openness. Suggested landscaping would have the potential to further impinge upon openness. Accordingly, the proposal would cause a loss, albeit a modest loss, of openness to the Green Belt.

Character and appearance

11. The site is in the north west corner of the Park and in the CA. In this location the significance of the Park and that of the CA overlap. The site is within an open, pastoral section of the historic estate and appears to have been near a steading at Park Farm, Lakeside Barn being the last clear remnant of such.
12. However, the site is a nondescript and innocuous space and the nearby modern fencing and pumping station have lent it a semi-developed setting. This space does not display the characteristics I would attribute to a sensitive park and garden landscape nor is there any clear link to the old estate farm. Consequently, the site makes a negligible contribution to the Park and the CA.

A new building could be accommodated within the appeal site without harming the significance of the Park, nor the character and appearance of the CA.

13. The wider area is characterised by scattered hedgerows and streamside trees with dispersed farmsteads and wayside dwellings. In my view, the proposal would adhere to these attributes in that it would appear as modest built form scattered between Lakeside Barn and the pumping station, set aside a treelined lake. Buildings here are predominantly built with brick. However, the simple, modern design of the scheme, and its use of timber cladding, would ensure it would read as an honest new addition to the area, whilst maintaining a degree of consistency with Lakeside Barn, a humble structure of agrarian origin.
14. The proposal would therefore have an acceptable effect on the character and appearance of the area, with reference to the Park and the extent to which it would preserve the character and appearance of the CA. The proposal would accord with the landscape, design, and heritage objectives of Policies SWDP 6, SWDP 24 and SWDP 25 of the SWDP and the Framework.

Other considerations

15. I have found that the proposal would be inappropriate development that would harm openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises that substantial weight should be given to any harm to the Green Belt and 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.
16. The absence of harm to the character and appearance of the area is a neutral consideration in the balance. The appellant has referred to a permission granted nearby at 1-5 Lock View. However, little information as to the circumstances of that decision have been supplied, so it is a consideration of limited weight. The proposal would be beneficial as it would contribute towards diversifying the rural economy by improving the provision of tourist accommodation in the area. There would be subsidiary benefits to local services and facilities through the increased footfall the holiday lets would generate. In this regard, the scheme would perform well against Paragraph 84 of the Framework.
17. However, these other considerations attract modest weight. They do not clearly outweigh the substantial weight I must attribute to the harm to the Green Belt by reason of inappropriateness and harm to openness. It follows that the very special circumstances necessary to justify the development do not exist. The proposal would conflict with Policy SWDP 2 of the SWDP and the Framework insofar as they address inappropriate development in the Green Belt.

Conclusion

18. The proposal would conflict with the development plan when read as a whole. The other considerations before me do not indicate that I should make a decision other than in accordance with the development plan in this case. For these reasons, and taking all other matters raised into account, I therefore conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR