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## Appeal Decision

Site visit made on 28 February 2023

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 May 2023**

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**Appeal Ref: APP/K3415/W/22/3308004**

**Lamb Farm, London Road, Canwell, Sutton Coldfield, Staffordshire B75 5SD**

- 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 B T Felton & Sons Limited against the decision of Lichfield District Council.
  - The application Ref 22/00573/FUL, dated 4 April 2022, was refused by notice dated 1 July 2022.
  - The development proposed is the erection of 8 dwellings on land off Canwell Road.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is located within the West Midlands Green Belt. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy and the National Planning Policy Framework (the Framework). I concur with that position.
3. Accordingly, the main issues are:
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the setting of Lamb Farm, a non-designated heritage asset;
  - whether the proposed development would be in a suitable location, having regard to the relevant policies of the development plan which seek to manage the location of new development with particular regard to access to services and sustainable modes of transport;
  - the effect of the proposal on highway and pedestrian safety: and
  - whether the 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

#### *Openness*

4. The appeal site currently comprises a single storey brick and block agricultural barn with a pitched roof and an area of hardstanding, with the remainder of the

site being open agricultural land. The site is in a rural location and is accessed from London Road which borders the site to the east. To the north-west of the site is an agricultural barn and open agricultural land, with a group of brick and tile barns that have been converted to residential units bordering the site to the south.

5. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt. Policy NR2 of the Lichfield District Local Plan Strategy (adopted February 2015) (LP) seeks to protect the Green Belt in line with national policy, and in respect of the construction of new buildings states that they are to be regarded as inappropriate development unless it is an exception as identified in the Framework.
6. The submitted plans detail that the existing agricultural barn has a footprint of approximately 163.7m<sup>2</sup>. The proposed development seeks the demolition of the existing barn and the subsequent erection of two pairs of semi-detached dwellings, one detached dwelling, and a set of three terraced dwellings. The dwellings would each have a footprint of between 720 and 885 square feet, giving a cumulative footprint of over 6,000 square feet. Additionally, the proposed dwellings would all be two-storeys in height and noticeably taller than the existing barn. Therefore, the significant increase in footprint and height would have the unavoidable consequence of the proposed development having a greater impact on openness than the existing development.
7. This increase in footprint and height would be further exacerbated by the proposed siting of the dwellings across the appeal site. This would introduce built form into areas of the site that are currently open, including on what is currently an undeveloped and open agricultural field towards the south-western corner of the appeal site near to the boundary with Slade Road.
8. The purposes of including land within the Green Belt are set out in paragraph 138 of the Framework. One such purpose is to 'assist in safeguarding the countryside from encroachment'. As detailed above, the appeal proposal would include the introduction of built form of significant size and scale onto land which is currently open in nature.
9. Whilst the existing barn is particularly modest in both size and design, the increase in overall footprint and height, as well as the domesticated design and appearance of the proposed dwellings would have a far greater visual impact on the openness of the Green Belt than the existing agricultural barn. Despite the boundary hedge and adjacent buildings affording some screening, the proposed development would nevertheless be visible from the road to drivers and pedestrians.
10. For the above reasons, I conclude that the proposal would have a greater impact on the openness of the Green Belt than the existing development and would be contrary to Policy NR2 of the LP. The scheme would also conflict with the purposes of Green Belt policy, as stated in paragraphs 137 and 138 of the Framework, which include keeping land permanently open and safeguarding the countryside from encroachment.

*Non-Designated Heritage Asset*

11. The appeal site lies immediately adjacent to Lamb Farm, which the Council has identified as a non-designated heritage asset (NDHA). Lamb Farm is a former farmstead that is now in residential use and consists of a farmhouse and a small group of barns formed in a courtyard arrangement. Lamb Farm and its associated barns date from the 19<sup>th</sup> century and are attractive buildings of traditional design, constructed in brick with tile roofs. Although now converted to residential use the barns have retained their agricultural character.
12. The appellant has not disputed its designation as a NDHA. However, I have not been made aware of any local list or other form of public information on this matter. Nevertheless, Lamb Farm has heritage significance in terms of its history, and its architectural and aesthetic value which result in it making a positive contribution to the street scene.
13. The Council considers that the proposal would cause harm to the setting of the NDHA, as it would result in the addition of built form on the adjacent land which would cut Lamb Farm off from the surrounding agricultural land. The appellant however considers that as Lamb Farm and its associated barns are now in residential use and no longer associated with any agricultural practices, the impact on the farm and its barns from being cut off from the surrounding agricultural land would not be significant.
14. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Setting is not fixed and may change as the asset and its surroundings evolve. I noted during my site visit that the NDHA was clearly visible from the appeal site. Accordingly, having regard to the guidance in the Framework, I am of the view that the appeal site forms part of the wider setting of the NDHA.
15. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that when determining applications that affect the significance of a NDHA a balanced judgement is required, having regard to the scale of the harm, and the significance of the asset.
16. The NDHA is visible from both the highway and the appeal site, and from what I observed when I visited the site, I find that the open setting and agricultural character of the surrounding land is important for understanding the historical and original nature and function of Lamb Farm and its associated barns. The proximity, scale, and size of the proposed development would reduce the openness and significantly alter the character of the surrounding land, resulting in the NDHA being physically and visually isolated from surrounding agricultural land. This isolation would undermine the ability to understand and appreciate the original and historical significance of the NDHA.
17. Furthermore, I find that the layout of the proposed development which would see a mixture of detached, semi-detached, and terraced dwellings sited intermittently off a short internal access road would fail to relate to and would be out of keeping with the traditional character and form of the adjacent converted barns. This lack of relationship would further exacerbate the physical and visual isolation of the NDHA from the surrounding agricultural land, significantly and adversely altering its setting.

18. I have taken into account the fact that an extant permission<sup>1</sup> under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) exists on the appeal site for the conversion of the existing barn to three residential dwellings. Whilst I do not have the full details of that scheme before me, given that it relates to the conversion of an existing barn and considering the restrictions and limitations that exist under the prior approval process, I do not consider that it provides sufficient justification in support of the appeal scheme which is a markedly different proposal.
19. For the above reasons, the proposed development would harm the setting of the NDHA and is therefore contrary to Policies CP3, CP14, and BE1 of the LP, and Policy BE2 of the Lichfield District Local Plan Allocations 2008-2019 (adopted July 2019) (LPA) which seek, amongst other matters, to ensure that development proposals will make a positive contribution to the historic environment's local distinctiveness and not result in harm to the significance of a heritage asset or its setting. It would also conflict with guidance contained within the Framework which has similar aims.

#### *Suitable location*

20. The site is located outside of any identified settlement boundaries and is therefore considered to be in the countryside. Core Policy 5 of the LP seeks to improve accessibility and transport choice by ensuring that all new development is well served by an attractive choice of transport modes, including public transport, footpaths, and cycle routes to promote alternatives to the use of the private car. Policy ST1 of the LP similarly seeks to secure more sustainable travel patterns by achieving a number of aims including only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area.
21. Whilst I acknowledge that the appeal site would have a similar level of accessibility to services and facilities as the existing residential properties nearby, my observations during my site visit were that there were very limited services and facilities nearby and that the appeal site was not well served by an attractive choice of transport modes.
22. The Council states that the nearest bus stop is approximately 1.3km from the appeal site on the A453 at Bassetts Pole. Access to the bus stop would for much of its length be along a single footpath on one side of a main road subject to the national speed limit with no street lighting. I therefore do not consider it would represent a suitably attractive option for future occupiers to walk to the nearest bus stop, particularly during inclement weather or after dark.
23. Access to other key facilities and services such as schools and shops would be along similar routes, as well as being located a significant distance away from the appeal site. Much of the surrounding highway network is also subject to the national speed limit, and therefore I find it would be highly unlikely that future occupants would choose to walk or cycle to any of these locations. As such, I find that there would be little alternative modes of transport available and future occupiers would be heavily reliant on the private car to find suitable services and facilities to support their day-to-day activities.

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<sup>1</sup> Council Ref: 21/01092/PND

24. The appellant has drawn reference to the fact that the appeal site forms part of a wider site that is allocated in the Local Plan for development under Policy OR2 of the LPA. The Local Plan anticipated that the wider site would yield 7 dwellings. However, this estimated yield has already been exceeded following the conversion of the adjacent barns at Lamb Farm into 8 no dwellings. I also acknowledge the existence of the extant permission under Schedule 2, Part 3, Class Q of the GPDO for the conversion of the existing agricultural barn on the appeal site to 3 dwellings. These permissions however related to the conversion of existing buildings and therefore the site's unsustainable location is tempered by the retention and use of existing buildings. In any event, this does not provide sufficient justification for the erection of a further 8 dwellings in a location with poor access to nearby services and sustainable modes of transport.
25. For the reasons set out above the proposed development would not be in a suitable location having regard to the relevant policies which seek to manage and control the location of new development in the interests of good access to services and sustainable modes of transport. The proposal would therefore conflict with Policy ST1 and Core Strategy 5 of the LP, the aims of which I have set out above.

#### *Highway and Pedestrian Safety*

26. The appeal site would utilise the existing vehicular access from London Road which is subject of a 60mph speed limit. In the immediate vicinity of the site access there is an unlit footway on the same side of London Road as the appeal site. The Local Highway Authority however has objected to the proposal due to concerns regarding the lack of segregated pedestrian facilities within the site which would give rise to potential conflict between pedestrians, cyclists, and vehicles within the site and at the site access.
27. The appellant has suggested that this conflict could be reduced by the erection of signage at the site access warning drivers that the road is shared by pedestrians, and the provision of an over-runnable footpath. The appellant further considers that these matters, along with the overall design of the internal road, could be dealt with by planning condition.
28. In my view, the erection of signage at the site access would not be sufficient to overcome the potential conflict between vehicles and pedestrians and cyclists within the site. Although the signage may forewarn drivers of possible conflict ahead, there would remain the potential for vehicles to have to slow down or stop whilst turning into the site from London Road should any conflict occur. Given that London Road is subject to the national speed limit and considering the volume of traffic travelling along it that I witnessed during my site visit, I do not consider that it has been demonstrated that the proposal would not adversely affect highway and pedestrian safety.
29. Similarly, whilst an over-runnable footpath would provide some refuge for pedestrians and cyclists alike, given the potential for vehicles to drive over or park on these areas I am not satisfied that this would overcome any potential conflict between the various road users. In any event, I have not been provided with any specific details of such a design or layout and whether it could be successfully incorporated on the site.

30. I therefore find that it has not been adequately demonstrated that the proposed development would be acceptable in highway and pedestrian safety terms. The development would therefore conflict with Core Policy 5 and Policy ST1 of the LP which seek, amongst other matters, to ensure that development proposals take account of and improve highway safety. The proposal would also conflict with guidance contained within paragraph 110 of the Framework, which seeks to ensure that developments provide safe and suitable access to the site for all users.

#### *Other Considerations*

31. The appellant has put forward a fallback position in the form of an extant permission under Schedule 2, Part 3, Class Q of the GPDO. This permission allows for the change of use of the existing barn into 3no dwellings. I accept that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, I accept that there is a real possibility that it would be implemented should planning permission for the appeal scheme be refused.
32. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. Whilst I do not have the full details of the extant prior approval scheme before me, given the restrictions and limitations that exist under the prior approval process the development would have to largely utilise the existing structure therefore avoiding additional built form whilst retaining an element of its rural design and appearance.
33. The appeal scheme however would see the erection of 8no dwellings resulting in a significant increase in built form and overall footprint on the site. The new dwellings would also be noticeably taller than the existing agricultural barn. As a result, the appeal scheme would have a greater impact on openness than the existing building. Consequently, I afford the fallback position limited weight in support of the proposal.
34. The appellant also refers to the site's allocation for housing under Policy OR2 of the LPA. However, any prospective development is nevertheless still required to accord with the development plan when read as a whole. Previous developments on the wider site have involved the conversion of existing buildings which have resulted in the approximate yield for the site being surpassed. Although the Policy OR2 does not state that the erection of new dwellings would not be acceptable or stipulate the amount of land within the site that could be developed, as detailed in the main issues above I have found that the appeal scheme would conflict with local and national Green Belt policy and result in other harms. I therefore attribute moderate weight to the site's allocation within the LPA.
35. The proposal would provide economic and social benefits through the construction of the development and the additional contributions of the occupiers to the local economy. The provision of eight new dwellings would also contribute to the area's housing stock. Given the scale of the proposed development these contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.

## **Conclusion**

36. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise 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.
37. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness, and the harm caused by the proposal to the setting of the NDHA, the unsuitable location of the site, and highway and pedestrian safety that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
38. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*David Jones*

INSPECTOR