



Appeal Decision

Site visit made on 30 August 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/R1845/W/23/3316369

Cedar Wood, Lea Lane, Cookley, Kidderminster, Worcestershire DY10 3RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss S Ravenscroft against the decision of Wyre Forest District Council.
 - The application Ref 22/0443/OUT, dated 26 May 2022, was refused by notice dated 16 January 2023.
 - The development proposed is one dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Miss S Ravenscroft against Wyre Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council's decision notice is undated and so I have taken the date the decision was issued from the appellant's appeal form.
4. The application is in outline with access to be considered at this stage. I have determined the appeal on this basis.
5. An illustrative plan accompanies the application and I have paid regard to the layout in so far as assessing the principle of development in land use terms.

Main Issues

6. The main issues are:
 - Whether the proposed development 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 on the openness of the Green Belt; and
 - 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

Whether the proposed development would be inappropriate development

7. 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 dwellings is regarded as inappropriate in the Green Belt save for a number of specified exceptions, one of which is the limited infilling of villages.
8. The appeal site, which sits outside of the settlement boundary of Cookley, forms part of the plot of a large dwelling known as Cedar Wood. The host property sits in a substantial plot and is set some distance from the road behind an area of ornamental planting. The boundary along the roadside is defined by tall mature landscaping. Cedar Wood neighbours two large dwellings that sit in substantial plots enclosed by woodland. Located opposite is Cookley Village Hall and Sports Club with associated playing fields which has a largely open aspect.
9. I note that development extends in a broadly continuous linear manner along Lea Lane out of the village. However, at the point the road curves the character of the area becomes notably rural. The presence of the woodland, the open nature of the site, the mature landscaping and the sporadic nature of development contribute to the verdant and rural character of the immediate area.
10. Despite the presence of the neighbouring dwellings, the site is physically and visually separated from existing housing by dense woodland. It is not a small gap in an otherwise built-up frontage but rather an open area of garden located on the edge of the village. Nor does the site have the characteristics of an obvious vacant plot. The proposal would not integrate into an established street scene due to the substantial separation from other properties and the road frontage. This is quite distinct from the linear and more compact arrangement of dwellings on Lea Lane to the east.
11. In arriving at my conclusion, I have considered that what constitutes limited infilling in a village is a matter of fact on the ground and one of planning judgement for the decision maker. I acknowledge that the on the ground situation may not necessarily reflect the settlement boundary outlined in the development plan, however, for the reasons set out above the proposal does not constitute limited infilling of a village in my judgement.
12. Consequently, the proposed development constitutes inappropriate development as set out in paragraph 149 of the Framework. I am compelled to give this harm substantial weight. It would also conflict with Policy DM.22 of the Wyre Forest District Local Plan (2022) which seeks to safeguard the Green Belt from inappropriate development.

The effect on openness

13. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.

14. Visually I acknowledge that the proposed development would be largely screened from the public realm by existing boundary planting reducing its visual impact. However, the proposal would still introduce a dwelling, associated infrastructure and domestic paraphernalia into an otherwise undeveloped area resulting in a substantial impact on openness in spatial terms.
15. On this basis, I find that the proposed development would lead to a moderate reduction to the openness of the Green Belt contrary to one of the aims of the Framework.

Other Matters

16. The appellant has referred to a number of appeal decisions which they consider are relevant to the appeal. In respect of these appeals the Inspectors concluded that the proposals would either sit or be seen in the same context of an almost continuous ribbon of built form or would be fully surrounded by existing housing. This is not the case in respect of the appeal site. Therefore, the merits and circumstances of those appeals are materially different to the appeal proposal before me. In any case, every appeal must be considered on its own merits, as I have done.
17. The appellant contends that it would be possible to erect outbuildings on the site, utilising permitted development rights. I am not aware that a Certificate of Lawful Development has been approved for any such development. Furthermore, this proposal relates to an independent and self-contained dwelling and not for a residential outbuilding. In this case, I am not persuaded that there is a reasonable likelihood that the appellant would opt to erect outbuildings on the site if planning permission for the appeal development was to be refused. I therefore afford this matter only limited weight in the overall planning balance and, furthermore, I have determined this appeal on its own individual planning merits.

Balancing Exercise

18. In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness. I attach substantial weight to this harm, as required by paragraph 148 of the Framework.
19. Although outside of the settlement boundary the site is located within a short distance of day-to-day services. Future occupiers would be able to reach these on foot, providing them with transport choice and an alternative to car use.
20. In terms of housing supply, I acknowledge that the development would contribute to the district's housing need. The proposal would provide a limited amount of short-term employment during construction of the house, and future occupiers would help to maintain services and facilities locally. These are benefits of the scheme, but they would be modest.
21. The appellant has commented that the development would not result in harm to the character and appearance of the area. The absence of harm in relation to this issue, counts neither for nor against the proposal. I acknowledge that the development would incorporate renewable technologies. However, this is a matter of neutral consequence.

22. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

23. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR