



Appeal Decision

Site visit made on 4 September 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal Ref: APP/P1805/W/23/3315385

Land off Withybed Lane between the Worcester to Birmingham Canal and the Cross City Railway Line, Easting: 401984 and Northing: 272603

- 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 Mr C Brain against the decision of Bromsgrove District Council.
 - The application Ref 22/00869/OUT, dated 23 June 2022, was refused by notice dated 8 August 2022.
 - The development proposed is an outline application for up to 9 dwellings with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline form, with the matter of access to be considered at this stage. I have dealt with the appeal on this basis and therefore treated drawing no. 21-5693 101 Rev 03 as indicative only, as it provides a potential layout, and associated landscaping, for up to 9 dwellings.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 5 September 2023, replacing the version published on 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

4. The parties agree that the proposal would be inappropriate development in the Green Belt, having regard to Policy BDP4 of the Bromsgrove District Plan Adopted January 2017 (DP) and the Framework. Based on the evidence before me I see no reason to disagree
5. Consequently, the main issues are:
 - the effect of the proposed development upon the openness of the Green Belt and the purposes of including land within it,
 - Whether or not the appeal site would be a suitable location for the development having regard to relevant local and national policies, 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

Effect on the openness of the Green Belt and purposes of including land within it

6. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
7. The site contains a number of fairly modest buildings and relatively low fencing. The buildings are located in close proximity to the site boundaries adjacent to both the railway line and canal, leaving the majority of the site open and laid to grass. Having regard to the modest scale and location of the existing development, the site has a predominately open and rural character.
8. Both the railway line, including its associated embankment, and canal provide strong, physical and visual boundaries to the site. These features would provide barriers to any future encroachment and, along with existing vegetation and proposed landscaping, would ensure any impact upon the wider landscape would be localised. While noting this would reduce the visual impact of the proposed development, the redevelopment of the site with up to 9 dwellings, with associated access, driveways, hardstanding and domestic paraphernalia, would inevitably result in some encroachment into the countryside and have a greater impact upon the openness of the Green Belt in both spatial and visual terms, than the current circumstances.

Whether or not the appeal site would be a suitable location

9. Both the Council and appellant agree that the site lies outside of a defined village boundary. It does however lie within close proximity to the large settlement of Alvechurch, which offers a range of services, facilities and public transport. These include public houses, primary and secondary schools, churches, shops, doctor and dentist surgeries, a train station and a bus service that connects Alvechurch to Redditch and Birmingham.
10. My attention has been drawn to Manual for Streets, whereby walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes walking distance. This equates to approximately 800m. However, this is not an upper limit, and walking offers the greatest potential to replace short car trips, particularly those under 2km.
11. The site is a short distance outside Alvechurch and there is a footpath alongside the canal to the train station. The route to the centre of Alvechurch is accessible on predominately well lit, relatively flat, pedestrian footpaths, along roads which are subject to mainly 30mph speed limits.
12. Given the close proximity of the site to Alvechurch, and its associated services and public transport, the site would help maintain the vitality of rural communities as required by paragraph 79 of the Framework and cannot be described as isolated in the context of paragraph 80 of the Framework.

13. I note that the proposal would result in additional traffic from occupiers of the 9 houses. Withybed Lane to west of the railway bridge is narrow, with limited street lighting and no pedestrian footpaths and provides access to a public house, the canal and a number of residential properties. The carriageway alignment and width restricts the speed of vehicles on the passage of road with no pavement.
14. The proposed site access would be within close proximity to a street light. This would provide sufficient light for future occupiers leaving the site along Withybed Lane, towards the centre of Alvechurch, with the remainder of Withybed Lane in this direction being well lit.
15. The scheme proposes new pedestrian footpaths along both sides of Withybed Lane. In practical terms, the section of proposed footpath adjoining the proposed site access could be secured and provided as part of the development proposal, by virtue of its inclusion within the red line application site boundary. However, it is unclear how the remainder would be secured and delivered, including the section under the railway bridge. For future occupiers leaving the site to access the centre of Alvechurch, this layout would leave only a very small section of Withybed Lane without a formal pedestrian footpath, at a section of highway which is well lit. Having regard to this, the absence of a small section of formalised footpath is not likely to deter future occupiers from accessing Alvechurch by foot or cycle from the site.
16. For these reasons, I am satisfied that the site is not isolated and is located at an accessible distance from essential services, job opportunities and public transport. Furthermore, the site would benefit from adequate footway provision and would be sufficiently well lit. Taking all these factors into account, I consider that future occupiers would not be reliant upon motor vehicles as a means of transport to access such services and facilities.
17. I therefore conclude that the appeal site would be a suitable location for the development having regard to relevant local and national policies. It would therefore accord with DP Policies BDP1 and BDP16, which seek, among other things, to ensure development is accessible to public transport options and developments which would worsen walking and cycling access and exacerbate motor vehicle dependence should not be permitted. It also accords with the requirements of the Framework which seeks, among other things, to ensure appropriate opportunities to promote sustainable transport modes can be taken up, priority is first given to pedestrian and cycle movements and access to high quality public transport is facilitated.

Other considerations

18. The appellants have set out a series of benefits which are argued in support of the case for approval, and I have considered and taken them all into account. In particular, the case is made that the scheme would deliver up to 9 dwellings, adding to the stock available, and in a plan area where the Council is unable to demonstrate a Framework compliant supply of housing land. The Council have confirmed the five year supply is 3.3 years, which is a significant undersupply. The proposed dwellings would therefore make a modest but worthwhile contribution towards local housing numbers and, I understand, have a realistic prospect of being delivered on site within five years. I attribute these benefits moderate weight.

19. The site is well located and within close proximity to a range of services, facilities and public transport. There would also be associated benefits, including economic and social through construction and future occupiers and the delivery of biodiversity net gain. While I understand the development may deliver an opportunity for a person with a strong local connection to retain their association with the area through residency, there is little evidence to demonstrate how this would be achieved or the extent of such shortfall or demand. I attribute these benefits limited weight.
20. While there might be a visual enhancement through the removal of dilapidated buildings, nevertheless the proposal would be inappropriate development in the Green Belt and would harm openness.
21. While remediation of the land would be a benefit, there is little substantive evidence of contamination. This matter is a neutral factor.
22. I note that the Council did not raise concerns in relation to the character of the area, neighbouring living conditions, ecology, trees, ground stability or flood risk. Based on the information before me, I see no reason to disagree. There would be no conflict with the development plan or the Framework in these respects. However, a lack of harm in these respects is neutral and weighs neither for nor against the development.
23. Two other planning permissions have been drawn to my attention, 21/01008/OUT and 19/01037/FUL. I understand both lie outside of a village envelope and are within the Green Belt. While agreeing that consistency in decision making is important, limited information has been provided in respect of both decisions. They are not directly comparable as the settlements to which they relate are smaller than Alvechurch and do not have the same range of services available. It is also not clear whether or not those developments comprised inappropriate development in the Green Belt. In any event, I have considered this appeal on its own merits.
24. Taking all these considerations into account, I judge that cumulatively the benefits and arguments in favour of approval merit moderate weight in favour of the appeal proposal.

Planning Balance and Conclusion

25. The proposal would constitute inappropriate development in the Green Belt and would harm openness. I have not found any harm other than in relation to the Green Belt. The Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
26. I have examined all the benefits and arguments in favour of the proposed development above, and cumulatively these other considerations merit moderate weight in favour of approval. For the reasons I have explained, the harm to the Green Belt should be afforded substantial weight. Therefore, the substantial weight to be given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
27. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances paragraph 11 d) of the Framework indicates, in

summary, that where the policies which are most important for determining the application are out-of-date, permission should be granted, unless the application of policies in the Framework to protect areas or assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 identifies the Green Belt as such a protected area. For the reasons I have explained above, the harm to the Green Belt forms a clear reason for refusing the development proposed.

28. For these reasons, I conclude that the development of up to 9 dwellings is contrary to DP Policy BDP4 and that leads me to conclude it conflicts with the development plan as a whole. It also conflicts with the Framework. I have considered all other matters raised, but none clearly outweigh those conflicts. Consequently, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR