



Appeal Decision

Site visit made on 14 May 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/P1805/W/23/3334384

Land to the east of 53 Brookhouse Road, Barnt Green B45 8JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Deykin against the decision of Bromsgrove District Council.
 - The application Ref is 23/00526/FUL.
 - The development proposed is two storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether 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 upon the openness of the Green Belt and the purposes of including land within it
 - whether the site would be a suitable location for residential development with regard to access to services and facilities; and
 - if the development is inappropriate, 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 Inappropriate Development

3. The proposal seeks planning permission for a single dwelling and garage on a site that is within the Green Belt. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate development subject to a number of exceptions. This includes paragraph 154e) of the Framework which allows for limited infilling in villages. Policy BDP4 of the Bromsgrove District Plan (BDP) that was adopted 2017 is similarly worded but refers to Green Belt settlements rather than villages.

4. It is not disputed that the site lies outside of the settlement boundary for Barnt Green as defined in the BDP. However, it has been established in case law¹ that the boundary of a village as defined in a development plan may not be determinative in whether or not the site is in a village. These are matters of planning judgement, to be assessed on the facts on the ground as well as any relevant policies.
5. The main centre of Barnt Green is around the train station and the shops and services are generally focussed along Hewell Road. The village narrows along Fiery Hill Road and then Shepley Road heading towards the appeal site and then expands again along Twatling Road and Plymouth Road. There is a consistent frontage of dwellings along both sides of Fiery Hill Road that continues along Twatling Road and Plymouth Road. As such, there is generally not a visual break in development from the centre of Barnt Green and these roads. Whilst the houses along these roads are typically large buildings set within generous plots, the setback from the roadside and the gaps between the properties is mostly consistent.
6. Brookhouse Road continues on from Shepley Road which is accessed via Fiery Hill Road. The development along Shepley Road becomes more sporadic and the large gardens create large visual and physical gaps between the houses. This change in the pattern of development gives the area a transitional character between the village and the countryside. The development along Brookhouse Road becomes even more dispersed with substantial gaps between dwellings. This change in character creates a visual disconnection between the appeal site and the main built-up area of the village.
7. Whilst there is development to the north of the site along Plymouth Road, given the significant depth of the site, these houses are seen in the distance and are viewed separately from it and from the dispersed development along Brookhouse Road. The dense vegetation in the area also serves to visually separate the site from the development nearby. This also further emphasises the change in the character of the area from the more densely developed Plymouth Road, Twatling Road and Fiery Hill Road and the more sporadically developed Brookhouse Road.
8. Whilst the proposed house would be sited relatively close to the dwellings to the north, the site would be accessed via Brookhouse Road. This would further highlight the disconnect between the proposed house and the properties to the north which generally take their access from Plymouth Road or smaller roads via Plymouth Road. There is a Public Right of Way (PRoW) next to the appeal site connecting Brookhouse Road and Plymouth Road. However, given the significant distance between the two roads, there is a noticeable change in character between the more densely developed Plymouth Road and the dispersed housing along Brookhouse Road.
9. The proposed dwelling would be located a considerable distance from Brookhouse Road would be similar to other development nearby outside of the built-up area for Barnt Green where dispersed dwellings are more common. Consequently, despite being physically located close to the development to the north the house would be viewed as part of the dispersed development along

¹ Wood v Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWHC Civ 195

Brookhouse Road. These factors lead me to conclude that the site appears detached from Barnt Green to the extent that it is outside of the village.

10. Whilst the site is within the Barnt Green Conservation Area (CA), this covers a significant area including land that is a substantial distance from the centre of Barnt Green itself. As such, the CA covers areas both inside and outside of the village and whilst Barnt Green is referred to as a suburb there are changes in character throughout the CA.
11. While the site may have been a development plot within an earlier layout for Barnt Green, it appears that the development of the village has diverged from what had originally been planned. Furthermore, this subdivision of plots refers to a time before the Town and Country Planning Act of 1947 and planning policy has undergone significant changes since that time. As such, development has overtaken that plan and the village in this location no longer appears to accord with the original intentions of it.
12. Given the visual and physical separation between the appeal site and the development on Plymouth Road, Fiery Hill Road and Shepley Road and taking into account the above considerations, based on the facts on the ground the site is not within a Green Belt settlement for the purposes of Policy BDP4 or within a village for the purposes of paragraph 154e) of the Framework.
13. There is no definition of 'limited' or 'infilling' in the Framework or the BDP. A definition of infill was identified within an appeal decision submitted by the appellant². Within the decision limited infilling was defined as 'the small-scale development of a plot of land which fills a gap within an otherwise built-up area'. This is a matter that has to be assessed in the context of the site's location and the form of development proposed. Whether the proposal constitutes limited infilling is a question of fact and planning judgement having regard to the nature and size of the proposed development, the location of the site and its relationship to existing development nearby.
14. I have been referred to an appeal decision³ by the appellant where it was acknowledged that infill development may not necessarily have to have development on all sides. Whether a proposal would be infill development is case specific, but I acknowledge that in certain circumstances this may be the case.
15. For the reasons given above, the site is viewed in a context of dispersed development in the open countryside. To the south and east of the site there is open land, and the proposed dwelling would be sited a significant distance from any other dwellings in those directions. Whilst there are houses to the north, the site is visually detached from the associated built-up-area to the north, given the layout of those houses and their vehicular access via Plymouth Road. Whilst there are houses to the west of the site, given the significant size of the site and because it would extend built form into an area where there currently is none, it would not fill a gap within an otherwise built-up area. As a result, it would not accord with the definition of infill development identified by the appellant.
16. A single dwelling and a garage would be a limited quantum of development for the purposes of paragraph 154e) of the Framework. However, given the

² APP/J3720/W/16/3155450

³ APP/M3645/A/13/2201516

significant depth of the site and the substantial length of the driveway and the location of the garage close to Brookhouse Road, the built form would be spread out over a significantly sized area. This would not support the contention that the proposal, when viewed as a whole, would be limited.

17. The site at 21a Plymouth Road referred to by the appellant was situated much closer to the development around it and unlike the appeal site, it was accessed via a road off Plymouth Road. As such, it was more closely related to the development within the village. Furthermore, that site was much smaller than the appeal site. As such, there are substantive differences between the two sites which has led me to a different conclusion on this matter.
18. Therefore, for the reasons given above the proposed development would not be limited infilling in a Green Belt Settlement or a village, and thus it would be contrary to BDP Policy BDP4 and paragraph 154e) of the Framework. The proposal would also not accord with the High Quality Design Supplementary Planning Document (SPD) (adopted 2019) insofar as it states that where infill is proposed, it must reflect the exiting urban form which this proposal would not. As such, it would be inappropriate development in the Green Belt.

The effect of the proposal upon the openness of the Green Belt of the purposes of including land within it

19. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development, and it has both spatial and visual aspects.
20. The site is currently undeveloped open grassland, and the proposal seeks permission for a dwelling alongside a garage and a driveway. As such, the proposal would introduce new built form into the Green Belt where there is presently none. This would result in a spatial loss of openness.
21. The proposal would be a large two storey dwelling. There would also be a long driveway as well as a modest sized two bay garage located close to Brookhouse Road with storage on the first floor.
22. Whilst the site is bound by trees and hedges there are views across the site towards the development to the rear. There are also views across the site towards the east and west although these are partially screened by the vegetation around the site and the wider area. There is a gated access to the site and the land around it is grassland like the rest of the site. There is a substantial tree belt between the PRow and the appeal site. However, there are still glimpsed views through this of the appeal site.
23. The proposed vehicular access would require the removal of vegetation from the front of the site which would afford open views into the site from Brookhouse Road. The proposed garage would be a modest sized building that would be located close to Brookhouse Road. Whilst the vegetation around the boundary of the site would screen some views of it, its size and location would mean that the garage would reduce the openness of the area as it would introduce new built form where none previously existed.
24. The proposed house would be located a significant distance from Brookhouse Road. However, from this, the houses to the rear are visible and with the removal of vegetation for the vehicular access, the introduction of the proposed dwelling would reduce the openness of the site from the road. Furthermore,

given the large scale of the proposed dwelling, there would be glimpsed views of it from the PRow. Overall, despite the ground levels within the site the proposed development would enclose views across this site and from further afield and this would result in a visual loss of openness.

25. In light of my conclusions above, the site is located in the countryside. The proposed development would introduce new built form to an undeveloped parcel of land which would result in encroachment into the countryside. Accordingly, this would conflict with purpose c) of paragraph 143 of the Framework which seeks to assist in safeguarding the countryside from encroachment.
26. Given that Barnt Green is a village the proposed development would not result in the unrestricted sprawl of a large built-up area. As such, the scheme would not conflict with purpose a) of paragraph 143 of the Framework.
27. It is not disputed that the proposal would not conflict with the other purposes of the Green Belt set out in the Framework and based on the evidence before me I see no reason to disagree.
28. I have found that the proposal would erode both the spatial and visual dimensions of the openness of the Green Belt. Consequently, the development would harm the openness of the Green Belt.
29. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. In addition, there would be adverse impacts on openness. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

Suitable location for residential development

30. The services and facilities within Barnt Green are generally located around Hewell Road. The appellant notes that these include the train station, bus services, church, public houses, shops, post office and doctors' surgery. As such, within Barnt Green there are services and facilities to meet most of the day-to-day needs of the residents.
31. Between Hewell Road and the appeal site there are roads with pavements that have streetlights. Whilst the streetlights are more sporadically dispersed along Brookhouse Road the illumination would make walking along these roads suitable during times of darkness for the future occupiers.
32. The site is located approximately 1.6 kilometres from the shops on Hewell Road and this would take approximately 20 minutes for most people to walk. Given that there are streetlights on the roads between the appeal site Hewell Road and because the roads themselves are relatively flat this distance would not be significant for most people to walk. Furthermore, the nearest bus stop is around 550 metres away which would take around 8 minutes for most people to walk to. This would provide an alternative route to access services and facilities. These distances would also be a short distance to travel by bicycle for most cyclists. The train station also has services to Birmingham and further afield that leave on a regular basis throughout the week.

33. Even if all the day-to-day needs of the occupiers would not be provided by services and facilities in the village, paragraph 109 of the Framework identifies that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making. Accordingly, the occupiers would be able to access the services and facilities within the village and further afield without reliance on private car use.
34. Therefore, the site is in a suitable location for residential development with regard to access to services and facilities. However, I have come to this conclusion on the particular circumstances of the appeal site and the evidence before me. Consequently, it would comply with paragraph 83 of the Framework which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where there are groups of smaller settlements, development in one village may support services in a village nearby.
35. Reference has been made to Policy 19 of the Redditch Local Plan within the Decision Notice. Given that the site is located within Bromsgrove District the Redditch Local Plan is not part of the development plan and thus the development should not be determined in accordance with it.

Other Considerations and Green Belt Balance

36. As concluded above the proposal would harm the openness of the Green Belt and the purposes of including land within it. Given the scale of the proposed development the proposal would cause moderate harm to the openness of the Green Belt. As such, in accordance with the Framework, I attach substantial weight to the harm identified above that would arise from this proposal.
37. It is not disputed that the Council cannot identify a 5-year housing land supply. However, paragraph 11d) of the Framework is not engaged in this instance because the scheme would be contrary to the Framework's policy on the Green Belt, and this would provide a clear reason for refusing the development as set out in footnote 7 of the Framework.
38. It is acknowledged by the Council that a Green Belt Review will be undertaken to assess the potential to alter the Green Belt boundaries to meet the housing need within the district. However, this has not yet been undertaken. Whilst the Green Belt boundaries could be reviewed and altered this would be undertaken through the plan making process. Until that time development proposals within the Green Belt must be determined in accordance with Green Belt policies in the development plan, and the Framework.
39. Paragraph 70 of the Framework identifies an objective to significantly boost the supply of housing, stating that small and medium sized sites can make an important contribution. The proposed development would deliver a single dwelling on a site that is well located to services and facilities, including public transport alternatives.
40. The benefits of custom or self-build housing are recognised by the Planning Practice Guidance⁴, that it helps to diversify the housing market and increase customer choice. Paragraph 70b) of the Framework also states that local planning authorities should seek opportunities, through policies and decisions,

⁴ Paragraph: 16a Reference ID: 57-016a-20210208

to support small sites to come forward for community-led development for housing and self-build and custom-build housing. It is not disputed that the Council is failing to meet its statutory duty with respect to the delivery of plots of self-build dwellings.

41. A Planning obligation under the Town and Country Planning Act 1990 section 106 (the obligation) was provided by the appellant which sought to ensure the proposal would be a self-build dwelling. Given that this has been secured via the obligation, I attribute moderate weight in favour of the scheme to the delivery of a single self-build property on a site that is well related to services and facilities.
42. The occupiers of the proposed dwelling would contribute both economically and socially towards services and facilities in the local area. There would also be economic benefits to the area during construction. Given the limited scale of the proposal, these benefits attract some limited weight in favour of it.
43. The dwelling is proposed to meet the performance standards beyond Level 6 of the former Code for Sustainable Homes. This would support the transition to a low carbon future as per paragraph 157 of the Framework. However, given the limited scale of the proposal I attribute limited weight to this in favour of it.
44. It was determined by the Council that the proposed dwelling would preserve the character and appearance of the CA and thus comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the design of the house and based on the information before me I see no reason to disagree. However, this would be expected by any development within a CA. Accordingly, the absence of harm weighs neither for nor against the development.
45. In general, and subject to control by appropriate planning conditions the proposal could be made acceptable with regard to highway safety, flood risk and ecology amongst other matters not in dispute. However, the absence of harm weighs neither for nor against the development.
46. Overall, the other considerations in this case taken together do not clearly outweigh the substantial harm arising from inappropriateness and the harm to openness. The very special circumstances required to justify the development in the Green Belt do not exist. Therefore, the proposed development would be contrary to BDP Policy BDP4 and the SPD. There are no policies within the Lickey & Blackwell and Coften Hackett Neighbourhood Plan 2018-2030 (made 2020) specific to residential development in the Green Belt and as such, the proposal would not conflict with it. However, the development would conflict with the Framework for the reasons given above. These seek, amongst other matters, to protect the openness and permanence of the Green Belt.

Conclusion

47. For the reasons given above the proposal conflicts with the Framework and the development plan read as a whole and therefore, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR