



Appeal Decision

Site visit made on 17 May 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal Ref: APP/P1805/W/23/3335104

Land adjacent to 263 Bromsgrove Road, Hunnington B62 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Richard McIntosh against the decision of Bromsgrove District Council.
 - The application Ref 23/01150/PIP, dated 12 October 2023 was refused on 22 November 2023.
 - The development proposed is Permission in Principle - erection of minimum/maximum two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. Under the terms of the Town and Country Planning (permission in principle) Order 2017 (the Order) (as Amended), the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Indicative plans have been submitted with the appeal. I have had regard to them but acknowledge that they are not definitive and the scheme at the technical details consent stage could change.

Main Issues

5. The main issues are whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development proposed, with particular reference to:
 - 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 in a suitable location for residential development with regard to access to services and facilities;
- the effect of the proposal upon flood risk; 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

6. The proposal seeks permission in principle for two dwellings 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 in 2017 is consistent with this but refers to Green Belt settlements rather than villages.
7. It is not disputed that the proposal would amount to infilling and given the location of the site between existing built form, I see no reason to disagree. Furthermore, the quantum of development would be limited with regard to the scale of built form locally and the size of the two plots, as shown on the indicative plans, would be similar to other development nearby.
8. Hunnington is not listed as a settlement within BDP Policy BDP2. The site, therefore, lies outside of any settlement boundary as defined in the BDP. However, it has been established in case law¹ that the physical circumstances of a site and its relationship to a settlement are relevant in considering whether a site should be deemed infill for the purposes of Green Belt policy in the Framework.
9. Hunnington is based around Bromsgrove Road and the built form follows ribbon development along this road. Next to the appeal site is a large residential development² that is currently under construction which varies from this established built form. To the south is a settlement called Romsley which is identified as a Small Settlement within Policy BDP2. There is a clear gap in built form between Hunnington and Romsley and as such, the appeal site and the surrounding houses are not physically or functionally part of Romsley.
10. Whilst there are a large number of houses along Bromsgrove Road these are effectively a dispersed group of dwellings spread out along the road, with very limited services and facilities nearby. As such, given that this site is not within or close to a village identified in the BDP and based on the facts on the ground, the site is not in a settlement/village.

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

² Application Reference: 19/00592/FUL

11. Therefore, whilst the proposal would be limited infilling it would not be in a settlement/village. Consequently, it would not accord with BDP Policies BDP2 and BDP4 as well as paragraph 154e) of the Framework and would be inappropriate development in the Green Belt.

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

12. 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.
13. The site is currently undeveloped open grassland with dispersed trees, and the proposal seeks permission for two dwellings. 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.
14. The site is bound by timber fencing along Bromsgrove Road which does partly enclose the outlook over the site, however, there are still views over the site towards the countryside beyond. Either side of the site are dwellings, and these do partly enclose the openness around it. Nevertheless, the development would introduce two new buildings and other domestic paraphernalia. Whilst the final design of the development would not be determined at this stage, the proposal would result in new built form where there is currently none, and this would enclose the site and remove the open views over it. This would consequently result in a visual loss of openness.
15. The site is located in the countryside and 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.
16. I have found that the proposal would erode both the spatial and visual dimensions of the openness of the Green Belt. Given the scale of the proposed development, the proposal would cause moderate harm to the openness of the Green Belt.

Whether the site would be in a suitable location for residential development with regard to access to services and facilities

17. Hunnington has very limited services and facilities and the proposed occupiers would be reliant on services and facilities in other settlements to meet their day-to-day needs. To the south of Hunnington is Romsley which is a settlement that has a wide variety of services and facilities and there are bus services from near to the site to Romsley. There is also a continuous pavement between them, and the site is located around 1.3 kilometres from Romsley.
18. Given that the road is relatively flat most pedestrians would be able to walk to Romsley in around 15 minutes. This would also be a modest distance for the occupiers to cycle. Overall, given the above circumstances this would be a reasonable distance for most people to travel either by walking or by bicycle during the day and in good weather conditions. There are no streetlights along most of the route which would make it less suitable during times of darkness. However, there are bus services to Romsley. Whilst the bus services may be

infrequent, the occupiers would be able to access the services and facilities within Romsley without reliance on private car use.

19. To the north of Hunnington is Halesowen, which is a town with a wide variety of services and facilities and there are bus services from near to the site towards Halesowen. Between the site and Halesowen there is a pavement although this changes from one side of the road to the other and as such, pedestrians would have to cross the road to continue along the pavement. The streetlighting is also sporadic and these factors would make this route less suitable for pedestrians, especially during adverse weather conditions and during times of darkness.
20. However, it is acknowledged at paragraph 109 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Whilst walking between the appeal site and Halesowen would not necessarily be a suitable option for the future occupiers, the site is close enough to Halesowen that cycling to services and facilities within the town would be reasonable for most cyclists and the occupiers would still have the option to travel via the bus.
21. Consequently, whilst Hunnington does not have the services or facilities to meet the day-to-day needs of the occupiers of the proposed development, the occupiers would be able to use sustainable transport modes to support services and facilities in nearby settlements and would not be reliant on private car use to meet their day-to-day needs.
22. In coming to that conclusion, I have had regard to the point that the Council came to a similar conclusion in its assessment of the residential development to the north of the appeal site.
23. As such, the proposal would accord with Policies BDP1 and BDP16 of the BDP. These seek to ensure development is accessible to public transport options.

Flood Risk

24. It is not disputed that the site is in Flood Zone 1 as identified by the Environment Agency (EA). However, North Worcestershire Water Management identified that there is a drain that discharges through the site from Bromsgrove Road to the upper River Stour. Furthermore, it is not disputed that there is a large pond on the site.
25. The EA surface water flood risk map provided by the appellant shows part of the appeal site is at low risk from surface water flooding. The EA map also identifies that there are areas with a high to medium extent of flooding from surface water near to the appeal site. As such, based on the evidence before me there are several factors that indicate that the site may be subject to other sources of flooding.
26. However, the evidence before me does not indicate that these matters would be insurmountable at technical details consent stage. There will be no planning permission until the technical details consent is granted and there is no requirement for this to be given automatically. Consequently, matters such as the sequential test and drainage, as per the requirements of the development plan, the Framework, and the PPG, would still need to be satisfied as part of any technical details consent.

27. Therefore, given the limited remit of what can be considered at the permission in principle stage, the location and land use would be suitable, in principle, with regard to flood risk.

Other Considerations and Green Belt Balance

28. 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 harms are clearly outweighed by other considerations.
29. The proposal would deliver two dwellings in an area that would be suitably located where services and facilities could be accessed by sustainable modes of transport, and these dwellings would contribute towards local and national housing need. To this I attribute moderate weight in favour of the development.
30. Furthermore, the occupiers of the two dwellings would contribute towards the local economy as well as towards the social aspect of the area. There would also be economic benefits during the construction of the development. Given the limited scale of the proposal, I attribute limited weight to this in favour of the scheme.
31. Subject to technical details consent the development could be made acceptable with regard to matters such as character and appearance and highway safety amongst other matters not in dispute. However, the absence of harm in this regard weighs neither for nor against the development.
32. Overall, the other considerations in this case taken together do not clearly outweigh the substantial harm arising from inappropriateness as well as the harm to openness and the conflict with the Green Belt purpose to prevent encroachment into the countryside. The very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposed development would be contrary to BDP Policy BDP4. Furthermore, 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.
33. The Council acknowledge that a 5-year supply of housing land cannot be demonstrated. Accordingly, paragraph 11d) of the Framework states that in these circumstances, planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 identifies these areas or assets of particular importance, including land designated as Green Belt.
34. The proposal would be inappropriate development in the Green Belt and very special circumstances do not exist. For these reasons the application of policies within the Framework provides a clear reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

35. For the reasons given above, the proposal would not be suitable in principle for residential development comprising of the erection of minimum/maximum two dwellings. Furthermore, the development conflicts with the development plan as a whole. Therefore, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR