



Appeal Decision

Site visit made on 18 June 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/P1805/W/23/3334745

Lynford, 2 Stourbridge Road, Fairfield B61 9LS

- 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 Aquilis Developments Ltd & Ken Beckett against the decision of Bromsgrove District Council.
 - The application Ref is 23/00437/FUL.
 - The development proposed is the demolition of existing bungalow and redevelopment of land to provide six residential dwellings, access from Stourbridge Road and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header above has been taken from the Council's decision notice as it more accurately reflects the proposed development which was amended during the planning application process. I note that the appeal form similarly uses this description.
3. Since the time of the Council's decision, a draft National Planning Policy Framework (the Draft Framework) has been published for consultation. Both of the main parties were given the opportunity to comment on the draft and if it would have any impact on this appeal. I have dealt with this matter below.

Main Issues

4. The appeal site is located within the Green Belt and therefore 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 on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the surrounding area; 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 Inappropriate Development

5. Paragraph 152 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt and 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.
6. Subject to a number of exceptions, as listed in Paragraphs 154 and 155, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages and the infilling or redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (the BDP) relies, in so far as it is relevant to the matters of the appeal before me, on the exceptions set out within the Framework.
7. The appeal site is located at the end of a long row of dwellings. It comprises a single storey building (referred to as the bungalow) at the front of the site, a green storage unit and the remains of a further building, I understand these are used in association with the use across the wider site. At the time of my visit the site contained a small number of shipping containers and a significant number of articulated lorry trailers, some other large vehicles and other various plant, machinery and scrap. Due to the overgrown and unkempt nature of the site, many features were only visible between and behind other features or planting.
8. The site's close relationship to the other development within Fairfield means that the appeal site reads, both physically and visually, as being within the settlement. However, given the scale of the proposed development, for six dwellings, and their layout across the site, the proposal would not comprise limited infilling. Therefore, and whilst within a village, it would not meet the exception set out under Framework Paragraph 154(e).
9. It is, however, clear that the site is previously developed land and that the exception under Framework Paragraph 154(g) would be relevant. However, the exception is clear that temporary buildings are excluded from the assessment. I have therefore considered this before moving on to assessing the effect on the openness of the Green Belt.
10. There is some dispute as to whether the lorry trailers and shipping containers are permanent or temporary. The trailers and containers are complete units designed for transportation and movement and it did not appear, from my observations on site, that they were physically attached to the ground. I noted also that many did not appear to be sited on hardstanding. It is clear, from the vegetation growth, that the trailers and containers have not moved for some time. However, they are designed to be transportable, and I note from the submissions before me that they are stored on site only whilst they are waiting to be sold. Although some sales may take time, and whilst some trailers and containers may be replaced, given their nature and as it is intended for them to be removed from site, they cannot be considered as permanent.

11. Therefore, for the purposes of exception 154(g) the lorry trailers and shipping containers are temporary buildings. Therefore, I have only considered the bungalow, green storage building and part ruined building, alongside the hardstanding, retaining walls and boundary treatments, as permanent buildings.
12. Although I consider the whole site to be previously developed land, the Framework is clear that just because a site can be previously developed land, it doesn't mean the whole site is suitable for redevelopment. Exception 154(g) only covers the infilling or redevelopment of permanent buildings. Therefore, in this case the whole site is not suitable for redevelopment given that the permanent development is primarily limited to the front portion of the site.
13. Paragraph 147 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt as a whole. Although temporary buildings are excluded from consideration for replacement under exception 154(g), I consider they still affect the openness of the Green Belt. This is, albeit, to a lesser degree as any effect would be transient and fluctuate in scale.
14. The existing site does not make a positive contribution towards the openness of the wider Green Belt. Primarily this is through the presence of both permanent and temporary features which innately affect the spatial openness of the site. Given the overgrown nature of the site, the rear of the site is somewhat softened or screened from both close and more distant views. However, a significant number of the permanent and temporary features across the site were readily visible at the time of my visit. The appeal site currently, therefore, also impacts on the visual aspect of openness.
15. Although the appellant states that shipping containers have been, and still could be, stacked up to a height of four containers, I understand that this is under dispute with the Council and no evidence has been provided to demonstrate that such stacking would be possible. It is not within the remit of this appeal for me to determine the lawful use of the site. Therefore, and other than the boom of one crane which was raised at the time of my visit, it did not appear that the development on site significantly exceeded the height of the bungalow.
16. In contrast the proposal includes one bungalow and five two-storey dwellings set out across the whole site. They would be served by an access road and further hardstanding would provide parking spaces for each dwelling. The proposal also includes additional boundary treatments and it is likely that future occupiers would introduce parked vehicles and residential paraphernalia within the private garden areas.
17. The overall scale of the proposal, in particular the dwellings, would have a greater impact on the openness of the Green Belt, even when compared against both the permanent and temporary buildings present. This is especially so when considering the height of the two-storey properties which, as is demonstrated on the submitted site sections, are taller and visually bulkier than the replaced vehicles and buildings. Moreover, the proposed dwellings would not be confined to the front section of the site as is the case with the

larger and permanent buildings existing on site. Associated with this development, the access road, parking spaces and boundary treatments would additionally affect both the spatial and visual aspects of openness. Moreover, it is likely that future occupiers would introduce parked vehicles and residential paraphernalia to their plots which, although only modest, would again affect the openness of the Green Belt.

18. I note the appellant believes that I should be taking account of the Draft Framework in my considerations. However, the Draft Framework is being consulted on and is in its early stages. As such its wording could change and those elements most relevant to the matters above could be removed. While it appears that the Government's direction of travel for the Green Belt is to relax the control of development on previously developed land, I cannot be certain of the exact circumstances at this time. Therefore, although I recognise the support that the Draft Framework currently appears to afford towards residential development in the Green Belt, at this early stage of the process I cannot attribute it more than very limited weight.
19. Collectively the proposal would have a greater impact on the openness of the Green Belt than the existing development as set out above. It would, therefore, fail to comply with the requirements of the exception set out under Paragraph 154(g) of the Framework. I recognise the scale of the proposal in relation to the Green Belt as whole, as such I find that the harm to its openness would be more limited. However, the Framework, under Paragraph 153, is clear that any harm to the Green Belt should be given substantial weight.
20. By harming the openness of the Green Belt, the proposal would conflict with BDP Policy BDP4 which, as with the Framework, seeks to protect the openness of the Green Belt. The proposal would also conflict with Section 13 of the Framework, including Paragraphs 143, 147 and 152 to 154 as noted above.

Character and Appearance

21. Fairfield, and in particular Stourbridge Road, is characterised by long rows of dwellings set back from the road by gardens. Although there are roads, such as Yew Tree Lane, which project off Stourbridge Road, the development along these is also predominantly linear in character. The appeal site is located at the end of one of these rows of dwellings and includes a building that appears to have originally been built as a dwelling, although it is no longer used as such.
22. The proposal would introduce two dwellings along the frontage of the site, these would follow the linear pattern along Stourbridge Road. However, the four dwellings to the rear, by way of their siting behind dwellings and relationship to each other, do not contribute to the sense of linear development within the wider area. This would be somewhat incongruous with the wider area. However, the rear of the site would be somewhat screened by the dwellings along the frontage and retained planting around the sides and rear. The change in land levels would also reduce the prominence of those buildings to the rear.
23. Furthermore, I am mindful that the proposal would result in the removal of the existing use on site with the associated features, as described above, that are not consistent with either the residential or rural surroundings. Given this, and the screening noted above, I do not find the site layout to be so incongruous as to be unacceptable.

24. The dwellings within the surrounding area are not characterised by a uniform design or appearance. They are, however, in a general sense fairly traditional in appearance. The proposed dwellings would, by way of their design, detailing and forms, reflect this traditional character. Therefore, whilst not identical to those in the wider area, the proposed dwellings would sit comfortably with, and not harm, the wider built-up area.
25. Although it may be possible to view the appeal site from the motorway, this would be from some significant distance. Moreover, given the speeds typical of motorways it is unlikely that views would be anything more than glimpses. This is especially so given the level of trees and other mature vegetation around the site and the motorway itself. Nevertheless, even if a prolonged view was permitted from the motorway the proposal would be seen against an existing settlement and a backdrop of dwellings. The proposed dwellings would not, therefore, be incongruous or harmful to the rural landscape.
26. I note that some vegetation would be removed as a part of the proposed scheme. Although this would predominantly be vegetation within the site, it appears to also include some vegetation serving as the site boundary. This would likely affect the appearance of the site as well as allow some additional views into it. However, in the event the appeal were to be allowed, a suitably worded condition could secure the retention and replacement of any planting and prevent any unacceptable harm.
27. In light of the above, and notwithstanding the impact on the Green Belt, the proposal would not unacceptably affect the character and appearance of the surrounding area. It would therefore comply with BDP Policies BDP1, BDP7 and BDP19 which, amongst other matters, collectively require developments to create high-quality spaces that enhance the character and local distinctiveness. The proposal would also comply with Paragraph 135 of the Framework which seeks for developments to be sympathetic to the surrounding built environment and landscape setting.

Other Considerations

28. The Government's objective is to significantly boost the supply of housing and the proposal would provide six new dwellings within Fairfield. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social, economic and employment benefits to the rural community stemming from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.
29. Industrial sites have the potential to generate noise, disturbance and pollution from the works on site and any associated vehicular movements. However, I have only been provided with anecdotal evidence as to the intensity and scale of the lawful use, and its impact on the living conditions of neighbouring occupiers. Therefore, and lacking any substantive evidence to the contrary, I consider that the removal of this use would be no more than a modest benefit.
30. Although it has been suggested the proposal would reduce the risk of crime at the appeal site no evidence has been provided of crime or anti-social behaviour at, or associated with, the appeal site. Moreover, it has not been demonstrated that a reduction in the risk of crime couldn't be secured through other means. Therefore, and again lacking any evidence to the contrary, I also afford this benefit only modest weight.

31. Given the existing planting on site, and that the appellant intends to provide replacement planting, I find the site is already, and will remain well served by vegetation. Therefore, from the information before me, I cannot be certain that any additional planting would meaningfully improve the appearance of the site so as to be beneficial.
32. Although the proposal would not result in any unacceptably highway safety risks, a lack of harm is not a benefit in itself. This matter does not, therefore, weigh in favour of the development.

Green Belt Conclusion

33. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. I have at most attached moderate weight to the consideration in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with BDP Policy BDP4 and Paragraphs 143, 147 and 152 to 154 of the Framework under Section 13 as outlined above.

Other Matters

34. My attention has been drawn to a recent Council decision¹ relating to the redevelopment of a site for dwellings and I note the comparisons made. I have not been provided with the full details and facts of this application and decision. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.
35. I am mindful of the local support, including the petition, which has been submitted for the proposal. However, the presence of support does not in itself preclude me from assessing the proposal, or from finding differently to the comments.

Conclusion

36. I note that both parties agree the Council cannot demonstrate a five-year housing land supply. However, the Framework provides a clear reason for refusing the development, as it is inappropriate development within the Green Belt, and therefore the proposal does not benefit from the presumption in favour of sustainable development.
37. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

¹ Planning reference: 22/01436/FUL