



Appeal Decision

Site visit made on 1 October 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/V4630/W/24/3345120

219 Stonnall Road, Aldridge, Walsall WS9 0NQ

- 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 Anthony Walters against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 24/0103.
 - The development proposed is change of use application to Children's Residential Home registered with Ofsted.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There have been changes to the National Planning Policy Framework (the Framework) since the determination of the planning application. Having reviewed them, I am satisfied that as far as their substance relates to the main issues of the appeal, further consultation with the main parties would not be necessary since they would not materially affect or subsequently prejudice their respective cases. I have proceeded on this basis, with reference to the 2024 version of the Framework.

Main Issues

3. The main issues are a) whether the appeal scheme would be inappropriate development in the Green Belt; and b) whether the appeal site would be a suitable location for the proposal having regard to transport links.

Reasons

Inappropriate Development

4. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraph 154, sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Amongst other things, it explains that the re-use of buildings, provided that the buildings are of permanent and substantial construction, is not inappropriate provided that they preserve openness and do not conflict with the purposes of including land within the green belt.
5. The appeal proposal is to reuse existing buildings and there are no proposed additions, extensions or changes to the boundary treatments. An area of

hardstanding close to the buildings is already in place and no further changes to parking areas or additional hardstanding are proposed. The buildings are of a permanent and substantial construction.

6. As the building would be used to accommodate up to four children it is not likely that any domestication and paraphernalia would be over and above that expected from the current use of the building as a single dwelling. I am therefore satisfied that there are no elements of the proposals that would reduce openness. It would therefore be preserved. I therefore see no conflict with the Framework in that the appeal scheme would not be inappropriate development in the Green Belt.

Accessibility

7. The appeal site is in a rural location outside of and some distance from the nearest settlement. It is accessed from Stonnall Road. The speed limit is 30, but there are no segregated footways or streetlighting in the vicinity of the proposal. There is no indication of public transport options. As a single dwelling it strikes me, with the above in mind, that the appeal site is most likely accessible mostly or solely through the use of the private car.
8. The use of the property as a care home will be for up to 4 children and 3-4 members of staff which the appellants state would have similar vehicle movements to a residential use of the building. It is a substantial building suitable for use as a family home. Even if this were the case, the members of staff would change over shifts several times a day and possibly during the night and there are likely to be other reasons for additional vehicles to visit the site to support the care and wellbeing of the children such as deliveries or visitors over and above that of a family home. There may also be social activities near to the proposal such as swimming, bowling and opportunities for outdoor play that residents might access and/or field trips that may be enjoyed.
9. There is very limited evidence in the submissions to substantiate how the numbers, types and frequency of journeys to and from the proposed use and what they would entail in comparison to the existing use. Since the existing use, with the above in mind, is remotely located from the nearest settlement and its local infrastructure does not appear to be sustainable transport mode friendly or safe, I can only conclude that the proposed development would, in similar terms, be mostly accessed by the private car. The proposal would therefore conflict with Policies GP2 and T7 of the Walsall Unitary Development Plan 2005 which together and amongst other matters seek to ensure that development is accessible by a choice of means of transport.
10. The Council's case in regard to this main issue also refers to Policy T13 which deals with car parking standards for different types of development. As there is large area of space suitable for parking vehicles within the appeal site, the proposal would comply with this policy. This lack of harm would however be a neutral matter that would not be capable of weighing against the harm I have found above.

Other Matters

11. The site is within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC) where mitigation is required. As the proposal would not result in an increase in residential units it would not meet the

threshold to result in harm to the SAC and no impact is anticipated on the international protected site. Consequently, this is a neutral factor.

12. The Council express substantive concerns about the potential uses of all of the rooms within the proposal and thus that are unable to properly assess the impacts of the scheme since they were not fully aware of what their end use would be. Be this as it may, I cannot see why knowing further information in this regard would materially change things. The evidence explains the nature of the proposed use and the intended number of people involved therein. This has subsequently allowed me to come to a view on the main issues without needing to be aware of this additional detail. I have not therefore considered this matter, in isolation, any further.

Planning Balance and Conclusion

13. Even though I have found that the proposal would not be inappropriate development in the Green Belt, it would not accord with the development plan in regard to its location and accessibility. I would ascribe this matter substantial weight given its nature and scope. With this and the above in mind, it is clear that there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

H Senior

INSPECTOR