



Appeal Decision

Site visit made on 5 February 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 March 2025

Appeal Ref: APP/V4630/W/23/3329014

Mill Green Farm, Back Lane, Aldridge, Walsall WS9 0LR

- 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 Phil Hoskison against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 22/0673.
 - The development proposed is change of use of stables to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have sought views from main parties on this. I have had regard to comments received and the latest version of the Framework in reaching my decision.
3. A S106 Legal Agreement, in the form of a Unilateral Undertaking¹, has been submitted in support of the proposal. This would provide a financial contribution to address the mitigation sought by the Council in regard to the integrity of the Cannock Chase Special Area of Conservation (SAC).

Main Issues

4. The main issues are:
 - Whether the existing building would be suitable for conversion,
 - Whether the proposed development would be inappropriate development in the Green Belt, and its effect on the openness of the Green Belt, having regard to the Framework and any relevant development plan policies,
 - whether the proposed development would affect the integrity of the Cannock Chase SAC, and
 - if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

¹ Unilateral Undertaking, by Phillip Hoskinson, date 5 September 2023

Reasons

Suitability for conversion

5. The proposed development seeks to convert the existing building to residential use. As it is contested between parties as to whether the building is suitable for conversion and this matter has a material bearing on the case, this matter requires consideration as the first main issue.
6. The existing building, whilst described as being in use for the storage of hay and for stabling, was instead being used for the storage of materials and agricultural equipment during my visit. The building has a concrete base and a steel portal frame that displays no obvious signs of structural distress or corrosion. The central section of the structure appears to have been built originally, with later additions of the steel frame extending out to both sides. The building is clad in a combination of blockwork and timber weatherboarding and a metal profile roof, supported by timber purlins. The building includes several openings, including barn doors in its front elevation.
7. The appellant's structural report has been undertaken by a suitably qualified structural engineer. This report found that the steelwork was in good condition and had no visible signs of distortion or defect. It found that the external walls were plumb and true, displaying no overall signs of movement. No details of the proposed construction were available. Nonetheless, the author noted that in the event that the roof required replacement with composite roof panels and strengthening timber purlins, the steel structure would be able to carry the minor increase in loading. In conclusion, the report found that the external wall coverings, the floor structure and the foundations could be retained in any conversion.
8. Although the Council suggests that the proposed development may create greater loading on the steel frame than anticipated by the structural report, it has not provided a contrary technical assessment of the building or specifically questioned or challenged findings of the report. Furthermore, there is no clear reason why the addition of a first-floor deck would place further loading pressure on the building's frame. Such structural additions would be likely to be only ground supported and these could be of lightweight construction. As such, based on the conclusions of the structural report, and my own assessment of the building and the proposed plans, I find that the building would be structurally capable of conversion.
9. Accordingly, the building is deemed to be of permanent and substantial construction and suitable to be converted.

Inappropriate development

10. The development plan for the district includes the Unitary Development Plan [2005] (UDP) and the Walsall Site Allocation Document [2019] (SAD). UDP saved policy 3.3 seeks to safeguard the Green Belt against inappropriate development. SAD Policy GB1 explains, at (c), that the reuse of redundant buildings (that are of permanent and substantial construction) for economic development will be preferred, provided this does not conflict with other policies of the plan. It also states that conversion to residential use may be more appropriate in some locations and for some types of building. This policy also states that such development will be assessed in accordance with the Framework.

Re-use of buildings

11. Paragraph 154, of the Framework, establishes that new development would be inappropriate unless it would meet a listed exception. Paragraphs (a) to (g) relate to specific types of development that would be deemed to be not inappropriate. Paragraph 154(h) relates to other forms of development that would be not inappropriate provided they would preserve the openness of the Green Belt. Part (iv), of this paragraph, supports the re-use of buildings provided that the buildings are of permanent and substantial construction.
12. The openness of the Green Belt has both spatial and visual dimensions. The appeal site consists of a plot of land within the countryside, with the stable building to the rear portion of the site and a yard area in front. The site is adjacent to a range of fields and opposite a country lane and it is therefore within the open Green Belt. The proposed development includes the laying of new hardstanding, creating a driveway and parking area to accommodate up to four vehicles, and new boundary planting.
13. The addition of boundary planting to the perimeter of the site would prevent views through this currently relatively open plot. Also, the addition of domestic car parking and hardstanding would increase activity on site. Although the appellant suggests that vehicular movement associated with the proposed use would be reduced in comparison to the existing use, this is not supported by surveys or predicted traffic data. Nonetheless, it seems unlikely that a busy residential activity would be less intensive than the existing use of the site based on my own site observations and the submitted evidence.
14. The appellant asserts that the site is not isolated and is close to a variety of uses. These are shown to be a motorcross track and Druids Heath Golf Club to the west and a collection of kennels, catteries and dwellings to the east. However, most of the local activities and associated build form are in a loose linear form of development along Chester Road. Moreover, the noted motocross track, whilst showing signs of human intervention on the landscape, retains its open character. As such, the proposal would be in a remote location in comparison to nearby activity and the site would become enclosed and more 'built-up' by the proposal.
15. Furthermore, the proposed use would result in the addition of typical residential paraphernalia including garden equipment, play areas and small garden buildings that would further alter the current open character of the site. I am also unconvinced that conditions could be imposed to prevent such an effect, especially as most typical garden equipment would be unlikely to be regarded as 'development'. As such, the activity associated with the residential use of the site and the external alterations to the building, would result in an adverse visual and spatial effect, albeit modest, on the openness of the Green Belt.

Previously developed land (PDL)

16. The proposal would result in the re-use of PDL. This is a consideration that is addressed at paragraph 154(g), of the Framework, which relates to limited infilling or the partial or complete redevelopment of previously developed land. However, as the site is remote from other forms of development it would not result in infilling. Furthermore, as the proposal is for the re-use of a building rather than the site's partial or complete redevelopment, paragraph 154(g) fails to apply.

17. Paragraph 155 of the Framework relates to the development of 'grey belt' land. This establishes that the development of homes, among other types of development, would not be regarded as inappropriate development where it would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt, where it would meet a demonstrable need, would be in a sustainable location and (where applicable) meets the 'Golden Rules'.
18. Whilst I have found that the proposal would erode the openness of the Green Belt and result in encroachment, these effects are localised only and would not harm the remaining Green Belt across the area of the plan. Nevertheless, it has not been demonstrated that the proposal would meet an unmet need for housing in the area or that the site is within a sustainable location, in addressing parts (b) and (c) of paragraph 155. Consequently, the proposal would not meet the relevant provisions of paragraph 155, where it is required for all parts of this paragraph to be met.

Summary of 'inappropriate development' considerations

19. Accordingly, whilst the building has been deemed to be permanent and of substantial construction in the first main issue, the proposed conversion and its associated use would result in moderate harm to the openness of the Green Belt. Consequently, the proposal would not comply with paragraph 154(h)(iv) of the Framework. Furthermore, the proposal would also not be regarded as a suitable reuse of PDL in satisfaction of paragraph 155. The proposal would therefore amount to inappropriate development in the Green Belt.

Character and appearance

20. The appeal site consists of a large stable building and shed, set within a level plot alongside various fields and Back Lane. The site is bound by post and rail fencing. Whilst the stable building has a relatively large footprint it has low eaves and limited openings, presenting itself as a simple low-lying building. It is therefore a simple building that can be regarded as typical of the appearance of agricultural buildings found within the surrounding countryside. The site is on a gradually sloping hill with distant views evident from the site in most directions. Views are especially distant to the south and partially to the east through hedging alongside the lane. The site has a rural character that complements its setting and as such makes a positive contribution to the surrounding verdant open countryside.
21. The proposal would be accessed from Back Lane, an unmetalled track. This route connects on to Hobs Hole Lane and then Chester Road. As a result, the site is remote from other built form and residential uses. The scheme includes the creation of a range of doors and windows and several rooflights. Some of these would replace existing doors but most would be in addition and collectively would fundamentally alter the rural appearance of the building, eroding its existing character. The first-floor windows, proposed on the front and rear elevations, would be especially overt and harmful to the building's existing simple design, resulting in a poorly designed scheme. Therefore, whilst no extensions are proposed and the existing materials would be retained, the proposed changes would reinforce the domestic character of the building, both in the day and at night-time.
22. Furthermore, the proposed development would include the provision of parking and a driveway on the frontage. Also, boundary planting would be placed around

the sides and rear of the site to form a private garden. The addition of common residential paraphernalia, and new planted and built features, would demonstrably erode the rural character of the site. The amalgamation of these features would introduce residential related material and activity that would be in conflict with the site's countryside setting.

23. Accordingly, the proposal would fail to complement the character and appearance of the surrounding area and would result in substantial harm to the rural setting of the site. Consequently, the proposal would conflict with policies ENV2 and ENV3 of the Black Country Core Strategy [2011], UDP saved policies GP2, ENV7 and ENV32 and policy DW3 of the Designing Walsall SPD [2013]. These seek, among other matters, for development to preserve local character and for the Council to refuse development that fails to take account of the context and surrounding area. UDP policy 3.3 relates to the Green Belt and is not therefore relevant to the effect of development on the character and appearance of an area.

Cannock Chase Special Area of Conservation

24. CS Policy EQ2 states that development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the Cannock Chase SAC. It states that housing development, within the Zone of Influence, should mitigate the anticipated adverse effects of recreation and visitor pressure.
25. The site is located within the influence of the Cannock Chase SAC. The proposal for a new dwelling would increase the number of residents in the area and this could lead to additional residential impacts on the SAC, designated for its nature conservation importance. I have therefore assessed the impact on the integrity of the SAC within the framework of an 'appropriate assessment' under the Conservation of Habitats and Species Regulations 2017 as amended.
26. The Council has explained that potential adverse effects from increased recreational pressure can be relieved via the provision of mitigation measures targeted at mitigating impacts arising from the increase of residents within the zone. This requirement is established in the Council's 'guidance to mitigate the impact of new residential development' [2012]. Such mitigation is secured from developer contributions in respect to individual planning applications as has been provided in this case. Recreational effects would, therefore, be mitigated.
27. Therefore, following appropriate assessment, I am satisfied that the proposal, in combination with other schemes, will not lead to adverse effects on the integrity of the SAC. As competent authority, I am satisfied that there would be no conflict with CS policy EQ2 that seeks to prevent any adverse effects to the SAC.

Other Considerations

28. The Framework seeks to boost the supply of housing. The proposal would result in the creation of a new dwelling which would make a contribution, although small, to the Council's supply of housing. The scheme would provide employment opportunities during construction and provide some local investment. These benefits weigh in favour of the proposal, albeit to a limited extent.
29. The site is within walking distance of the outskirts of Aldridge, which provides access to a range of goods and services. However, routes to these for cyclists and

pedestrians would involve travelling along Hobs Hole Lane which is unlit and has no dedicated footpath, which would dissuade many from using this route. The appellant also identifies that a bus stop is around 750 metres from the site providing access to local towns. Nonetheless, the bus stop is some distance from the site and the frequency of the bus service is not identified. As a result, the evidence does not demonstrate that the site would enable future occupiers to access goods and services through sustainable travel means.

30. The appellant considers the proposal to be of good design. It is recognised that the proposal would make use of the existing building without alteration to its overall form. The scheme would also retain the existing external materials and infill existing doorways with domestic doorways to reduce the provision of new doors and windows. Nonetheless, the proposal includes the introduction of extensive new openings, including at first-floor and with the additional rooflights. These features together would fundamentally alter the appearance of the building. As I have found that the design would not complement the surrounding area, this would not be a benefit of the proposal.

Whether there would be Very Special Circumstances

31. Paragraphs 142 and 143 of the Framework set out the general presumption against inappropriate development within the Green Belt. Paragraph 153 explains that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
32. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would cause moderate harm to the openness of the Green Belt and substantial harm to the character and appearance of the area. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
33. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

34. The proposed development would not accord with the development plan, when taken as a whole, or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

B Plenty

INSPECTOR