



Appeal Decision

Site visit made on 11 March 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/P1805/W/24/3352558

Sunny Bank Farm, Stoney Lane, Alvechurch, Worcestershire B48 7DG

- 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 Meryll Properties Limited against the decision of Bromsgrove District Council.
 - The application Ref is 24/00270/FUL.
 - The development proposed is described as “Construction of 2 dwellings and demolition of existing barn approved for residential conversion (approved under application ref. 23/01098/CUPRIO)”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The existing agricultural building on the appeal site benefits from prior approval¹ under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If implemented, the approval would convert the existing building into two dwellings (the Class Q scheme). The Class Q scheme has not been implemented but it is a material consideration in the determination of this appeal.

Main Issues

3. The main issues are:
 - whether the proposal is in a suitable location having regard to local and national policies and access to services and facilities;
 - 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 non-designated heritage asset; 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.

¹ Reference: 23/01098/CUPRIO - Proposed change of use from agricultural building to two C3 dwelling and associated operational development.

Reasons

Suitable location

4. The appeal site is occupied by an agricultural building, located in the open countryside. The site is accessed from Stoney Lane by a long track. The wider surrounding area, with open fields, agricultural and equine buildings, is remote and rural in character. Dwellings of varying design are also apparent within the wider landscape, but they are generally sporadic, and many relate to farms.
5. The existing building would be demolished and replaced with two detached dwellings. Policy BDP1 of the Bromsgrove District Plan 2011-2030 adopted January 2017 (BDP) states that the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development, and that for new development consideration will be had, amongst other things, to accessibility to public transport. Policy BDP2 of the BDP seeks to focus new development in locations that are in accordance with the district's settlement hierarchy, as shown in Table 2, in order to promote sustainable communities, patterns of development and reduce the need to travel.
6. The Framework highlights, at paragraph 83, that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. The Framework also states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In addition, the Framework states at paragraph 115, amongst other things, that it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location.
7. The main parties have not identified the nearest settlement to the appeal site, but the surrounding area has a prevailing rural character, which is physically remote. Indeed, the roads in the area have a rural character with no pavements or street lighting. Occupiers of the proposed dwellings would also need to travel down the long track to access the roads.
8. There is no substantive evidence to suggest that there is a regular bus service within easy reach of the site. As such, the site is highly inaccessible and future occupants would be heavily dependent on the use of private cars to access services and amenities to meet their day-to-day needs. For these reasons, the proposed development would not be in a sustainable location and would not prioritise sustainable transport modes.
9. I have had regard to the Court case cited by the appellant and the implications of this judgement, which has not changed my reasoning here.
10. Consequently, for the above reasons, I conclude that the proposal is not in a suitable location having regard to local and national policies and access to services and facilities. It is therefore contrary to Policies BDP1 and BDP2 of the BDP, as well as the aims and objectives of the Framework.

Whether inappropriate development

11. The appeal site is located within the Green Belt. It is proposed to replace the existing agricultural building with two detached houses. The existing building is a permanent structure on land in agricultural use.

12. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraphs 154. Policy BDP4 of the BDP also lists a number of exceptions. However, none of the listed exceptions apply to the proposed development and it is not for affordable housing, and it is not previously developed land.
13. Paragraph 155 of the Framework states that development of homes in the Green Belt should not be regarded as inappropriate where all of the following apply: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and d) where applicable, the development would meet the Golden Rules requirements set out in the Framework.
14. Grey belt land is defined in the Framework as land in the Green Belt comprising previously developed land and / or any other land that, in either case, does not strongly contribute to three of the five purposes of Green Belt, as set out in the Framework.
15. The site is within the open countryside, and I have concluded that the proposal is not in a sustainable location. Therefore, even if I were to find that the site was grey belt land, the proposal would nonetheless conflict with paragraph 155(c) of the Framework.
16. For these reasons, the proposal would not meet the exceptions listed in paragraphs 154 and 155 of the Framework. It would therefore be inappropriate development, which is, by definition, harmful to the Green Belt.

Openness

17. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 of the Framework further states that when considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness.
18. The Planning Practice Guidance provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
19. Due to the distance of the existing building from the road, and the undulating topography of the land, there are minimal views of it from public vantage points. Indeed, views are restricted to the vehicle access onto Stoney Lane. As such, the replacement of the existing building with two storey dwellings, in the same part of the site, would have a modest impact on the visual openness of the Green Belt.
20. The volume and floor areas of the proposed dwellings would be relatively comparable to the existing agricultural building. However, the proposals would result in a change to the position and spread of the buildings on the site, with a small gap between the two dwellings. There would also be domestication of the site with the introduction of the garden areas, including the requirement for engineering works on part of the site due to the topography of the land. As a result, the proposal

would have a greater impact on the spatial openness of the Green Belt, even though the harm would be modest.

21. For these reasons, the appeal scheme would have a greater impact on the visual and spatial openness of the Green Belt than the current building and it would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Non-designated heritage asset

22. Sunny Bank Farm comprises a small cluster of residential dwellings and agricultural buildings located within the open countryside. The Council identify that the buildings form a nineteenth century historic farmstead, which they consider to be a non-designated heritage asset (NDHA).
23. Even though the original farmhouse has been replaced and the other former agricultural buildings have been converted to residential, the group of buildings, laid out in a courtyard arrangement, retain their agricultural appearance. From the road, the farmhouse and an 'L' shaped, single storey brick-built barn (the barn) are noticeable, and the buildings are viewed as a traditional farmstead. As such, I do not find the designation of the farmstead as a NDHA unreasonable.
24. The traditional appearance of the barn and farmhouse, and the layout of buildings are the main visual qualities of the farmstead as a NDHA, despite the associated works to convert the buildings. Additionally, the open, agricultural nature of the land around the buildings contributes positively to the setting of the NDHA.
25. One of the proposed dwellings would be located to the side of the barn, positioned much closer than the existing building to be replaced. It would introduce a modern building onto the land that is currently undeveloped. In addition, the engineering works and domestication of the site would be a noticeable physical change to the land also.
26. The juxtaposition of the proposed dwelling with the barn, as well as the contrasting modern appearance, would be at odds with the more authentic farmstead buildings. Furthermore, the proposed dwellings would alter the grouping and arrangement of the buildings, resulting in a more linear pattern along the landscape. The proposed development would therefore be unacceptably harmful to the character and appearance of the barn, as well as the cluster of buildings within the farmstead. I attach significant weight to the harm to the significance of the NDHA.
27. For the reasons outlined above, I conclude that the proposed development would cause unacceptable harm to the non-designated heritage asset, such that it would negatively affect its significance. Therefore, it would conflict with Policies BDP19 and BDP20 of the BDP.

Other considerations

28. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It goes on to state that substantial weight is 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 resulting from the proposal, is clearly outweighed by other considerations.

29. The appellant has submitted the Class Q scheme as a fallback position. I have had regard to the submitted information in respect of this issue, including the case of *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, and appeal decisions (previous appeal decisions)² submitted by the appellant.
30. The Class Q scheme allows for the change of use of the existing building into two dwellings. As such, even though the appeal scheme could be more financially desirable, there is a greater than theoretical possibility that the Class Q scheme might take place as a fallback position should this appeal fail. The Class Q scheme is, therefore, a realistic prospect and constitutes a fallback position.
31. For significant weight to be afforded to a fallback position it would also need to be equally or more harmful than the appeal scheme.
32. Both the Class Q scheme and the appeal scheme would introduce two additional dwellings into the countryside. Therefore, despite the unsustainable location of the site, the appeal scheme would be no more harmful when compared with the Class Q scheme in respect of the number of dwellings to be provided and the associated vehicle trips to access services and amenities.
33. The appellant has submitted plans and details of the Class Q scheme. The Class Q scheme works incorporate a recessed glazed rain screen but overall, it would be a subtle conversion of the existing agricultural building, retaining its form and appearance, as well as its position within the site. The Class Q scheme conversion would therefore ensure that the building would remain as a simple, unassuming building within the landscape which would have a neutral visual effect. The submitted plans also demonstrate that the external spaces around the building would also not be changed and there would be minimal domestication of the site.
34. In contrast, despite attempts to replicate “barn style” buildings, the proposals, with their modern appearance, incorporating more contemporary features into the fabric of the building, including glazed balconies and solar panels, would have the appearance of two new houses. As such, I am not persuaded that the appeal scheme offers a better, higher quality development overall or provide visual enhancement to the landscape, when compared to the Class Q scheme.
35. In addition, the form and arrangement of two new detached dwellings, and the domestication of the site with the introduction of the proposed garden, patio and parking areas would also be markedly different compared to the Class Q scheme. As a result, the appeal scheme would have a greater impact on the openness of the Green Belt and the setting of the NDHA, when compared to the conversion of the existing agricultural building. Consequently, I afford the fallback position limited weight in support of the appeal scheme.
36. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. Therefore, the construction of two energy efficient family homes would contribute to boosting the supply of new housing, and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, there would be similar benefits should the Class Q scheme proceed, and two additional

² Appeal Ref: APP/Z1510/W/17/3189624 and Appeal Ref: APP/C3430/W/21/3283085

dwelling would be a small contribution to housing supply. As such, I attach limited weight to these benefits.

37. The ground floor level accommodation would be suitable for occupation by the elderly and persons with mobility concerns or allow for multi-generational living. Nonetheless, I do not share the view that people within these demographics would necessarily wish to gravitate to a dwelling in such a remote location, devoid of adequate access to day-to-day services. I also note that the Class Q scheme had similar accommodation or could be adapted to provide the same ground floor accommodation.
38. The appellant has highlighted that the provision of an electric vehicle charging point and space for secure cycle parking for each dwelling can be secured, as well as landscaping and biodiversity enhancements for the site. Nevertheless, it is not clear why the Class Q scheme could also not provide similar benefits and enhancements.
39. I acknowledge that there are no concerns regarding drainage, highways safety, parking provision, the effect on neighbouring occupiers or the effect on ecology and biodiversity. However, these are requirements of planning policy and carry limited weight.

Green Belt Balance and Conclusion

40. The proposed development would be inappropriate development in the Green Belt which in line with Paragraph 153 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight. The proposed development would also harm the significance of the NDHA and weighs against the proposal.
41. Given that the number of dwellings proposed would be no greater than those approved within the Class Q scheme, the harm in respect of the location of the site is neutral.
42. I have given some weight to the other considerations in favour of the proposal, including the fallback scheme and the contribution to the area's housing supply, as set out above. However, taking all these factors together, they do not clearly outweigh the harm arising from the proposal. Consequently, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework. It also conflicts with Policies BDP4, BDP 19 and BDP 20 of the BDP.
43. The lack of a five year housing supply means the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained, there would be harm to the Green Belt that would not be clearly outweighed. This provides a clear reason for refusing the proposed development. Therefore, the proposal would not benefit from the presumption in favour of development in this instance.

44. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
45. For the above reasons, the appeal is dismissed.

N Bromley

INSPECTOR