



Appeal Decision

Site visit made on 1 April 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/H1840/W/24/3353628

Moorlands Farm Coarse Fisheries, Manor Lane, Waresley, Hartlebury DY11 7XN

- 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 & Mrs Grant Albutt of Moorland Fisheries against the decision of Wychavon District Council.
 - The application Ref is W/23/01785/FUL.
 - The development proposed is the construction of four timber holiday chalets.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of four timber holiday chalets at Moorlands Farm Coarse Fisheries, Manor Lane, Waresley, Hartlebury DY11 7XN in accordance with the terms of the application, Ref W/23/01785/FUL, subject to the conditions in the attached schedule.

Main Issues

2. 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; 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

3. Paragraph 153 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 also states that substantial weight should be given to any harm to the Green Belt and that 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.
4. Subject to a number of exceptions, as listed in Paragraph 154, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include the limited redevelopment of previously developed land which would not cause substantial

harm to the openness of the Green Belt. Policy SWDP2 of the South Worcestershire Development Plan seeks to protect the openness of the Green Belt and relies, in so far as it is relevant to the matters of the appeal before me, on the exceptions set out within the Framework.

5. The appeal site covers a small area within the larger fishery. At the time of my visit the appeal site was being used for the storage of what appeared to be items associated with the fishery and building materials. Otherwise, the site is laid out to lawn and contained some planting. The wider unit contains six pools, a café, and a toilet block, connected by tracks. From the information before me, and my observations on site, the appeal site comprises previously developed land given its close relationship and association with the wider unit. Therefore, the proposal is covered by the exception set out under Framework Paragraph 154(g) and I must consider whether it would cause substantial harm to the openness of the Green Belt.
6. Given the existing nature of the appeal site, it contributes positively towards the openness of the wider Green Belt. By way of erecting four lodges, creating access tracks, parking areas and amenity spaces, the proposal would erode this contribution to both the spatial and visual aspects of openness. The proposed use of the lodges would have the potential to lead to the proliferation of domestic and leisure paraphernalia. This would have a further adverse effect, both spatially and visually, on the openness of the Green Belt.
7. Although the lodges are of a timber construction, given their size, design and the nature of the permission sought, it is unlikely that they would be temporary or that the development would be readily reversible. I have, therefore, considered their impact as being permanent, akin to a more traditionally constructed building.
8. The Council have suggested that the use of caravans, instead of lodges, may have a lesser effect on the openness of the Green Belt. However, I must consider the scheme as it is before me, not potential alternatives. As such, this matter has not been determinative in my considerations.
9. Although the proposal would result in harm to the openness of the Green Belt, given its small scale in relation to the Green Belt as whole, the harm to its openness would only be limited. The test under Paragraph 154(g) requires a proposal to not result in 'substantial' harm, and therefore, this scheme complies with this part of the exception as well.
10. The proposal is for the partial redevelopment of previously developed land that would not result in substantial harm to the openness of the Green Belt and, as such, is not inappropriate development in the Green Belt. The proposal therefore complies with the DP Policy SWDP2 and the Framework as set out above.

Conditions

11. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
12. In the interests of protecting biodiversity and protected species at the site, a condition is needed for a precautionary working method statement. This statement would need to be submitted prior to the development commencing so as to ensure

that no harm is caused during any initial works. Conditions are also needed requiring bat and bird boxes, and controlling external lighting, to protect and enhance biodiversity at and around the site.

13. For the purposes of proper drainage and protecting against surface water flooding, a condition is necessary requiring the submission of drainage details. As the commencement of works may prejudice drainage options, the details must be submitted before works begin.
14. The appellant, in their final comments, has responded to each of the Council's suggested conditions. I am mindful that they have not objected to the use of the above pre-commencement conditions.
15. To ensure the safe and proper parking of vehicles at the appeal site, it is necessary that a condition is attached requiring the parking and turning areas be provided prior to the lodges' first use.
16. As the appeal site is within a countryside location where new residential development is not normally supported, it is necessary that conditions are attached limiting and monitoring their use to visitor accommodation only.
17. However, it is not necessary for further details to be provided covering the proposed external materials as the approved plans already suitably identify these. It is also not necessary, for purposes of drainage and permeability, that the proposed parking is moved to an alternative location.
18. Additional planting would not, therefore, be required to protect the rural character and appearance of the surrounding area.
19. Given the proposal's scale, and that the lodges would be used in combination with the fishery, it is unlikely that there would be any significant increase in vehicular journeys to and from the business. Therefore, requiring a transport plan would be overly onerous.
20. A condition securing the removal of the lodges should the fishery close would be overly onerous and is not suitably justified by the policies referenced by the Council.

Conclusion

21. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 12/2021/01h Rev B, 12/2021/01h Rev A, 12/2021/01c, 12/2021/01d, 12/2021/01e, 12/2021/01f, and Preliminary Ecological Appraisal.
- 3) No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles, amphibians, and great crested newts has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.
- 4) Notwithstanding the submitted drainage details, no development shall commence until a full drainage strategy including detailed design drawings and calculations for surface water and foul water drainage based on infiltration testing and the use of package sewage treatment plants has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and the approved facilities shall be retained operational.
- 5) The holiday lodges hereby permitted shall not be occupied until access, parking and turning facilities have been provide in accordance with the approved plans. The approved parking spaces shall thereafter be retained available for these purposes.
- 6) Prior to the first occupation of the site, details of 4 no. bat and 4 no. bird boxes shall be submitted to the Local Planning Authority and agreed in writing. The details shall include the specification of the biodiversity enhancement feature and the proposed siting of the feature. The agreed features shall be made available in perpetuity.
- 7) Prior to installation, a lighting plan for the operation phase of development, shall be submitted to and approved in writing by the Local Planning Authority. All lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. Submitted lighting plans should be accompanied by contour diagrams that demonstrates minimal levels of lighting on receptor habitats, including trees and hedges. Development shall be carried out in accordance with the approved details and retained thereafter.
- 8) The lodges hereby permitted shall be occupied for visitor purposes in connection with the use of Moorlands Farm Coarse Fishery only, and shall not be occupied as a sole, or main place of residence.
- 9) The owners/operators of the visitor accommodation hereby approved shall maintain an up-to-date register of the names of all guests of each lodge. This register shall be made available within one calendar month of a written request by the Local Planning Authority.