



Appeal Decision

Site visit made on 18 March 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/P1805/W/24/3350913

Appletrees, Hanbury Road, Bromsgrove, Worcestershire B60 4AF

- 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 Tav Biran, of Biran Homes Ltd, against the decision of Bromsgrove District Council.
 - The application Ref is 23/00898/FUL.
 - The development proposed is Proposed 2 No. detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 relevant development plan policies including the effect of the proposal on the openness and purposes of the Green Belt,
 - 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

Suitable location

3. Policy BDP2 of the Bromsgrove District Plan 2011-2030 adopted January 2017 (BDP) seeks to focus new development in locations in accordance with the district's settlement hierarchy shown in Table 2, in order to promote sustainable communities, patterns of development and reduce the need to travel. Policy BDP1 of the BDP states that for new development consideration will be had, amongst other things, to accessibility to public transport. Also, Policy BDP16 of the BDP, seeks amongst other things, a modal shift away from the car to move towards more environmental and sustainable travel, in part, to reduce the impact on air quality, noise and carbon emissions.

4. The appeal site is located outside the settlement of Stoke Prior, which is classed as a 'small settlement' in the BDP. As such, the proposed development is within the open countryside.
5. Paragraphs 110 and 115 of the Framework state amongst other considerations that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and 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.
6. There is a business park, a public house and a café within walking distance of the appeal site along a continuous footpath. However, the nearest bus stops are 1.3 kilometres (km) away and the services and amenities of Stoke Prior, which include a school, a GP surgery, and local shops, are much further away at approximately 2km from the appeal site. For these reasons, the prospect of future occupiers of the proposed development walking to access public transport and the services and amenities in Stoke Prior is less likely, due to the distances involved. This would particularly be the case during the winter months due to inclement weather conditions and the hours of darkness, with limited streetlighting along the road. Equally, people with restricted mobility would also find the distances challenging.
7. In these circumstances, notwithstanding the distance to potential employment opportunities, and the location of the public house and café, the future occupants would be highly dependent on the use of private cars, including electric vehicles, for their day-to-day needs. These journeys would be frequent, despite the availability of home-based employment, as well as online medical appointments and on-line shopping services, which are not universally available.
8. Although I accept that access to services and facilities would be no worse than the existing detached bungalows granted planning permission recently (the existing development), the Council highlight that there were other material considerations, including a fallback position, in that case.
9. My attention has also been drawn to a previous appeal decision (the previous appeal)¹, which has been allowed. While a copy of the previous appeal has been submitted, the full details and plans have not. Nonetheless, that development was concluded to be infill development within a settlement with access to services and amenities within a reasonable walking distance of the site. As such, the evidence suggests that the circumstances of that case were materially different to the appeal scheme before me. Given this, the schemes are not comparable, and the adjacent planning permission and previous appeal elsewhere does not add weight in favour of the scheme. Therefore, as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits.
10. Having regard to all these matters, and given the small scale nature of the proposal, the appeal site would not promote sustainable transport or walking and cycling. As such, it is not clear to what extent the proposal could support the day to day needs of the future occupiers and how it would enhance or maintain the vitality of the nearby community.
11. For the above reasons and on the evidence before me, I conclude that the proposal is not in a suitable location having regard to local and national policies and access

¹ Reference: Appeal Ref: APP/P1805/W/22/3309821 - The Gables, Ash Lane, Hopwood, Alvechurch B48 7TT

to services and facilities. It therefore fails to accord with Policies BDP1, BDP2 and BDP16 of the BDP, as well as the aims and objectives of the Framework.

Whether inappropriate development

12. The appeal site is within the Green Belt, and it is suggested that it previously formed part of a wider site which included the existing development.
13. The Framework establishes that development in the Green Belt is inappropriate other than for specified exceptions that are set out in paragraph 154. One such exception, paragraph 154(g), is limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
14. Policy BDP4 of the BDP sets out that development of new buildings in the Green Belt is considered to be inappropriate, except in specific circumstances. One of the specific circumstances listed in Policy BDP4.4 is similar to paragraph 154(g) of the Framework. As such, Policy BDP4 of the BDP is broadly consistent with the Framework.
15. The site is located adjacent to the existing development. However, there is no other built development beyond the other three boundaries of the site, which largely comprises dense tree coverage or open fields. As such, even if I were to accept that the construction of two dwellings would be considered a limited number, the proposed development would not infill a gap between existing buildings or other built development. Thus, the proposal would not represent limited infilling.
16. The site contains a number of storage containers, dilapidated structures and skips dispersed across the land, as well as building materials. The appellant claims that the land has a commercial storage use, and the existing containers and structures are lawful development. However, the relevant method of establishing such a position is through a Certificate of Lawful Existing Development (Certificate) under Section 191 of the Town and Country Planning Act 1990.
17. While the main parties consider that the site meets the definition of previously developed land, without a Certificate or other substantiated evidence, the existing use of the land and any lawful structures, is not clear. As such, I cannot be satisfied that the site meets the definition of previously developed land (PDL), as detailed within Annex 2: Glossary of the Framework. As such, I attach limited weight to the benefits of removing the containers.
18. Furthermore, even if I concluded that the site is PDL, for it to benefit from the provisions of paragraph 154(g), it must also not cause substantial harm to the openness of the Green Belt.
19. 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.
20. The construction of two detached bungalows with generous footprints, each with a garage, as well as the main access drive and the domestication of the site would

inevitably lead to additional built mass and a reduction in the openness of the Green Belt.

21. Additionally, even with some screening opportunities from trees and woodland, the proposed development would be visible from the adjacent public right of way and various vantage points along Hanbury Road. Therefore, even though the bungalows would have a single storey height, concentrated along the proposed access road, with a simple modern design, designed to follow the character of the approved development, there would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt. As a result, there would be substantial harm to openness. Accordingly, the proposed development would not meet the exception set out in paragraph 154(g) of the Framework.
22. 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.
23. 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. That is a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns from merging into one another; and d) to preserve the setting and special character of historic towns.
24. 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.
25. 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.

Other considerations

26. 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.
27. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites, which is suggested to be at 3.23 years. The appellant has also highlighted the latest Housing Delivery Test (HDT) results, which indicate that the Council's delivery of housing was 50% over the previous three years. Therefore, the construction of two additional dwellings on a windfall site that is currently underused would make use of the site. The proposal could also be delivered relatively quickly and would contribute to boosting the supply of new

housing, as referenced in the Framework. The provision of two bungalows would also add to the existing bungalows and the mix of housing on offer in the area. Furthermore, the construction of two new dwellings would also provide both short and long term associated social, economic, and environmental benefits during construction and following occupation. Nonetheless, it is likely that the above benefits would be limited in the context of a development for two houses, thereby attracting modest weight.

28. The appellant suggests that the proposed dwellings would help to obscure the views of the large employment site and that no objections have been raised with regards to the design of the proposed development, including the building to plot size ratio. However, good design is a requirement of planning policy, thus I attach limited weight to these matters.
29. In the absence of a Certificate, I attach limited weight to the removal of the containers and other structures on the land and the possible benefits that the cessation of the commercial use would result in on neighbouring living conditions and visual amenity.

Green Belt Balance and Conclusion

30. 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. I therefore place substantial weight on the harm by inappropriateness and harm to openness of the Green Belt that I have identified. The proposed development would also not be a suitable and sustainable location for new housing and collectively I attach substantial weight to these matters.
31. I have given some weight to the other considerations in favour of the proposal, including 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 BDP1, BDP2, BDP4 and BDP16 of the BDP.
32. The lack of a five year housing supply and the latest HDT results 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.
33. In contrast with the previous appeal, the proposed development is inappropriate development within the Green Belt and 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.
34. 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.

35. For the above reasons, the appeal should be dismissed.

N Bromley

INSPECTOR