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## Appeal Decision

Site visit made on 25 February 2025

**by Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

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**Appeal Ref: APP/C3430/W/24/3351106**

**8 The Hayloft, Brinsford Lane, Slade Heath, Wolverhampton, West Midlands  
WV10 7PR**

- 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 Craig Gandy against the decision of South Staffordshire District Council.
  - The application Ref is 24/00219/FUL.
  - The development proposed is described as 'add to use of storage to classic vehicle restoration/repair. Original use of business storage is still in place. Small extension to the rear of the building to store filtered and heated extraction unit, along with a compressor/air generator'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on the implications of this policy change in relation to the appeal. Any comments provided have been taken into account in this decision.
3. The description in the heading above is taken from the application form but I have had regard to the amended version that was agreed prior to determination by the Council: 'change of use to storage purposes to include classic vehicle restoration/repair; and rear extension for the storage of filtered and heated extraction unit and a compressor/air generator'. The appeal relates to development that has already taken place and is determined on that basis.

### Main Issues

4. The main issues are:
  - whether the appeal site is grey belt land and whether the appeal scheme is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
  - whether the location of the appeal scheme is acceptable having regard to its accessibility by sustainable transport modes;
  - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the appeal scheme.

## Reasons

### *Grey belt and whether inappropriate development*

5. In order to comprise grey belt, the land must not strongly contribute to Green Belt purposes (a), (b), or (d) in paragraph 143 of the Framework. As the appeal site contains a former agricultural building, it does not strongly contribute to purpose (a) of checking the unrestricted sprawl of large built-up areas. Also, as it is separated from built settlements by open fields, it does not strongly contribute to purposes (b) or (d) of preventing neighbouring towns from merging, or preserving the setting and special character of historic towns. Furthermore, it is not submitted that a strong reason for refusal would be provided by the application of policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt). Accordingly, for the purposes of this appeal the site comprises grey belt.
6. Paragraph 155 of the Framework identifies that commercial development in the Green Belt should not be regarded as inappropriate where relevant criteria apply. The appeal site is in a rural area, outside of any settlement boundary. The appeal scheme uses an existing building but brings a commercial use onto a former agricultural site. This includes a small rear extension and hard surfacing around the building. Although visits from the public are said to be by appointment only, it is likely that customer and staff vehicles regularly park outside of the building. Whilst only a snapshot in time, around 16 vehicles were parked on site during my site visit.
7. It may be possible for a condition to be imposed to remove external storage buildings and also to control the number of vehicles parked within its boundary to a certain extent. However, the number of spaces that would be needed has not been specified. Given the nature of the business, it appears highly likely that regular parking of a reasonable number of vehicles outside the building would remain necessary for the business to operate effectively. No substantive evidence indicates otherwise. As such, the combination of its increased building footprint, hardstanding and the consistent need for external parking would still undermine the Green Belt purposes of safeguarding the countryside from encroachment (c). Furthermore, although not wholly remote from built development, the site is in a rural rather than urban location. Consequently, the appeal scheme does not assist in urban regeneration (purpose (e)).
8. Accordingly, the appeal scheme undermines the Green Belt purposes (taken together) across the area of the plan, contrary to Framework paragraph 155 criterion a.. Furthermore, no substantive evidence is before me to indicate that the appeal scheme satisfies a demonstrable unmet need for this type of development (criterion b.). As a result, the exception to inappropriate development under paragraph 155 does not apply to the appeal scheme.
9. Framework paragraph 154.h) sets out other forms of development that are not inappropriate in the Green Belt. This includes the re-use of buildings of permanent and substantial construction (criterion h).iv.), provided they preserve its openness and do not conflict with the purposes of including land within it. As noted above, the appeal scheme comprises a small increase in the building's footprint through the rear extension. Given its limited scale and position adjoining the building, the effect of this on Green Belt openness here is very limited. However, the appeal scheme also requires hardstanding around the building and its use for parking.

These further reduce Green Belt openness. As noted above, although a condition to restrict parking is suggested by the appellant, the limit on the number of parked vehicles that would be feasible is not specified. As such, and given the number of employees and the need for customer/visitor spaces, I am not persuaded that a condition to allow only very limited parking outside the building would be reasonable.

10. Consequently, the appeal scheme results in a small degree of harm to Green Belt openness. Also, for the reasons given above, it conflicts with the purposes of including land within the Green Belt. The exception to inappropriate development under paragraph 154.h) therefore does not apply. The appeal scheme comprises inappropriate development.

#### *Location of development*

11. The appeal scheme is located outside of any settlement boundary where Core Policy 1 of South Staffordshire Council's Core Strategy Development Plan Document (December 2012) (Local Plan) seeks to restrict development to certain types. This includes support for development in such locations where it contributes to the rural economy. As a rural business that employs four people, the appeal scheme can thus be said to be contributing to the local economy through its employment and supply chain.
12. Core Policy 7 of the Local Plan also offers support for the re-use of rural buildings for employment use, where they are consistent with Core Policy 9 and other local planning policies. Core Policy 9 of the Local Plan provides support for the social and economic needs of the rural community, including through diversification of the agricultural economy. It also includes a requirement that development does not conflict with other local planning policies, including environmental policies. However, with respect to this main issue, the principle of the appeal scheme accords with Core Policies 7 and 9.
13. Local Plan Policy EV5 also supports employment development outside development boundaries where certain criteria are met. It has not been robustly demonstrated that the development could not be accommodated within a village (criterion c). Also a business case demonstrating its contribution to the local economy has not been submitted (criterion d). However, the appeal scheme is relatively small scale (criterion a). It reuses an existing rural building of a suitable construction (criterion b). No substantive evidence is submitted to indicate it would harm the economy of local villages (criterion e). Given the nature of the use, customers will inevitably need to travel to the site in their vehicles. However, there are opportunities for staff to travel to the site by sustainable transport modes and local roads are capable of accommodating associated traffic (criteria f and g). Consequently, the appeal scheme accords with the policy as a whole.
14. Therefore, the location of the appeal scheme is acceptable having regard to the development plan strategy and its accessibility by sustainable transport modes. With respect to this main issue, it thus accords with Core Policies 1 and 7, and Policy EV5 of the Local Plan. Furthermore, the Framework acknowledges that sites to meet local business needs in rural areas may be outside of existing settlements.

### *Other considerations*

15. The appeal scheme will be contributing to the local economy and is said to provide a specialist restoration service for classic and race cars. Given the modest scale of the business this attracts moderate weight. There is scope for landscaping improvements and associated benefits to biodiversity within the appeal site. However, the nature and scale of such enhancements appear limited and very little detail is provided. As such, this attracts only modest weight. That the appearance of the building is acceptable is a neutral consideration.
16. The Council submits the appeal site was last occupied by agricultural buildings. Moreover, the appellant describes the appeal building as a former agricultural building. Therefore, the site does not satisfy the Framework definition of previously developed land, which excludes land that was last occupied by agricultural buildings.
17. The appellant refers to the provision for change of use of rural buildings to commercial premises under Class R of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. That applies whether or not a site is in the Green Belt. It demonstrates in principle support for such conversions, subject to compliance with its relevant conditions and limitations. However, in some cases it requires an application to the local planning authority for a determination as to whether prior approval will be required. As such, considerable uncertainty remains as to whether it may have been possible to deliver the proposal under Class R. In any event, permitted development cannot be granted retrospectively and the development has already taken place. Therefore, as there is no real prospect of that fallback position being implemented under the present circumstances, it does not alter my reasoning.

### **Conclusion**

18. The appeal scheme is inappropriate development in the Green Belt. Even with the potential to remove storage buildings and restrict parking to a certain extent, it results in a small degree of harm to Green Belt openness. It also harms Green Belt purposes. In accordance with the Framework this harm to the Green Belt attracts substantial weight. The economic benefits of the appeal scheme attract moderate weight and it could lead to modest landscape and biodiversity enhancements. Notwithstanding some local objection, there is also some local support for the appeal scheme.
19. However, the benefits of the scheme are insufficient to clearly outweigh the totality of the Green Belt harm. Accordingly, very special circumstances do not exist. Consequently, it conflicts with Policy GB1 of the Local Plan in relation to development in the Green Belt. It also conflicts with the approach to development in the Green Belt in the Framework. Therefore, the appeal scheme is contrary to the development plan as a whole.
20. For the reasons given, the appeal should be dismissed.

*Rachel Hall*

INSPECTOR