



Appeal Decision

Hearing held on 8 April 2025

Site visit made on 8 April 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/C3430/W/24/3355879

Land at Orton Hall Farm, Flash Lane, Orton, Wolverhampton WV4 4TF

- 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 Mrs Avril Watton against the decision of South Staffordshire Council.
 - The application Ref is 23/00966/FUL.
 - The development proposed is the erection of a dwelling following the demolition of a barn in respect of which planning permission had been granted for conversion to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling following the demolition of a barn in respect of which planning permission had been granted for conversion to a dwelling at Land at Orton Hall Farm, Flash Lane, Orton, Wolverhampton WV4 4TF in accordance with the terms of the application Ref 23/00966/FUL subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
4. The National Planning Policy Framework (Framework) establishes that development in the Green Belt is inappropriate unless one of the exceptions set out at paragraph's 154 / 155 of the Framework apply. This includes the development of homes in the Green Belt provided the development satisfies the criteria set out at paragraph 155.

5. In relation to paragraph 155 a), the main parties agree that the site meets the definition of grey belt provided in the Framework Glossary. This is land in the Green Belt comprising previously development land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143 of the Framework¹. Given the small size of the appeal site, the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. It is also acknowledged by the Council that there is a demonstrable unmet need for housing as set out at paragraph 155 b) of the Framework.
6. Paragraph 155 c) of the Framework requires development to be in a sustainable location. The appeal site is situated in Orton, with the nearest settlement providing a range of facilities, Wombourne, being located to the south. Although this would entail at least a 30-minute walk from the appeal site, this would be mostly along the South Staffordshire Railway Walk, which can be accessed a short distance away along Flash Lane which is lightly trafficked. At the hearing, a nearby resident stated that they regularly used this route as a walking route and the services within Wombourne are also a comfortable cycling distance from the appeal site.
7. To the east of the site, the urban area of Penn would require walking along roads that do not have a separate footway and are unlit, but there is a bus service available along part of this route which provides connections to the centre of Wolverhampton and provides other opportunities to access facilities and services.
8. For some journeys, particularly when carrying heavy shopping, walking or cycling may not be attractive options and there would be some reliance on private vehicles. The Framework does however set out at paragraph 110 that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this regard, I consider the location of the site would provide future occupiers with a choice of a range of transport modes, and future occupants would not be overly reliant on the use of private vehicles. In relation to paragraph 155 c), the development would be in a sustainable location. As the proposal does not relate to a major development, paragraph 155 d) is not applicable.
9. Given the above, I conclude that the scheme would not be inappropriate development in the Green Belt, and it would be compliant with paragraph 155 of the Framework. It would also comply with policies GB1 and Core Policy 1 of the South Staffordshire Core Strategy (Core Strategy), which seek development within the Green Belt to be in line with the Framework.
10. A finding of the acceptability of the proposed development on the openness of the Green Belt and the purposes of including land within it are implicit in a finding of it not being inappropriate development. I am not therefore required to consider this matter further, nor an assessment of the proposal against other exceptions in the Framework, or the need to demonstrate very special circumstances.

Character and appearance

11. The appeal site is situated in the rural area adjacent to a group of buildings that are surrounded by fields and open areas of land. The nearby built form is

¹ but excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

predominantly traditional in style, with the design and materials of the converted agricultural buildings in the vicinity of the site retaining their agricultural character and contributing positively to the rural setting.

12. The proposal would provide a development identical in its design and scale to a planning permission granted previously on appeal². Although it would comprise of a new building, rather than the conversion and extension of the former cattle shed, it was agreed between the main parties at the hearing that the type of materials and other detailing such as the brick bonds, could be addressed by condition to ensure the external appearance of the proposed development reflected that of a converted former agricultural building.
13. The Council has raised concerns on the use of white render, rooflights and the extent of glazing proposed. The previous decision considered the use of render, with the Inspector making clear that its use as a contrasting material with the brickwork would be acceptable, as would the use of rooflights which are features that can be seen on nearby properties. I agree with this assessment, and don't consider the extent or the type of proposed glazing, nor the use of timber cladding would be harmful to the rural character of the area given the use of traditional walling and roofing materials on other parts of the proposed building that will ensure it assimilates with the nearby built form.
14. I therefore conclude that the proposed development would not have an unacceptable adverse effect on the character and appearance of the area. As such, it would comply with policy EQ11 of the Core Strategy, which seeks, amongst other matters, development of the highest quality which respects local character and distinctiveness, including that of the surrounding development and landscape. It would also be compliant with the South Staffordshire Design Guide Supplementary Planning Document and paragraph 135 of the Framework, which seek development that is sympathetic to local character.

Other Matters

15. Reference has been made to an alternative development to form a courtyard boundary and the heritage benefits of the proposal, but it is not necessary for me to consider these further given my conclusions on the main issues.

Conditions

16. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested conditions as appropriate.
17. A condition is needed on the protection of trees and hedges in the interests of the character and appearance of the area. Details of the foul and surface water drainage are required to address drainage matters, and a condition on biodiversity enhancement and a Habitat Management Plan in the interests of protected species and to secure ecological enhancements. A Construction Vehicle Management Plan is required to mitigate potential adverse impacts from construction works on nearby residential occupiers and on the highway network. It is essential for these conditions to be pre-commencement to prevent adverse

² Appeal Ref: APP/C3430/W/22/3293404

impacts in terms of flood risk, on the highway, to protected species and to the living conditions of nearby residential occupiers.

18. I have attached a materials condition in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance, along with a scheme for hard and soft landscaping for the same reason. It is not necessary for these to be pre-commencement conditions, as these details can be agreed prior to work being undertaken above damp proof course level.
19. I have imposed a condition relating to the provision of the parking and turning area, in the interests of highway safety and a condition requiring an external lighting scheme to safeguard protected species and the living conditions of neighbouring residential occupiers. A condition is also necessary to limit the hours of construction works and deliveries in the interests of living conditions of residential occupiers nearby.
20. A condition removing permitted development rights is needed to ensure there is control on any further development to safeguard the area's character and appearance, in the interests of the openness of the Green Belt and the living conditions of neighbouring residential occupiers.

Conclusion

21. I conclude that the proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

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: Amended Location Plan TQRQM23313083612729, Proposed Site Plan 1025.02.1001 Rev B, Proposed Ground Floor 1025.02.1101 Rev B, Proposed Elevations 2 1025.02.1501 Rev B and Proposed Elevations 1025.02.1502 Rev B.
- 3) No development shall commence until any trees and hedges on the site have been protected by strong fencing, the location and type of which have been submitted and approved in writing by the Local Planning Authority (LPA). The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- 4) Before the development hereby approved is commenced, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter retained for the life of the development.
- 5) No development above damp proof course level shall take place until a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, has been submitted to and approved in writing by the LPA. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the LPA.
- 6) Before the development hereby approved is commenced, including any site clearance works, a Construction Vehicle Management Plan (CVMP) that includes details of the site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development, shall be submitted to and approved in writing by the LPA. The approved scheme shall thereafter be implemented in accordance with the approved details and maintained throughout the construction period.
- 7) Before the development hereby approved is commenced, a scheme of biodiversity enhancement and Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the LPA. The biodiversity enhancement measures shall be provided prior to the first occupation of the dwelling hereby approved and retained/managed in accordance with the HMP for the lifetime of the development.

- 8) No development above damp proof course level shall commence until details of all external facing materials, including the colour, size, texture, the brick bond/mortar joints, and the boundary treatments have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 9) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. 1025.02.1001 Revision B for car parking and turning, and that space shall thereafter be kept available at all times for those purposes and retained as such for the life of the development.
- 10) Prior to the installation of any external lighting, full details of the lighting including its design, appearance and luminance levels shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved lighting details and thereafter retained as such for the life of the development.
- 11) During the period of construction of any part of the development hereby approved, no works, including deliveries, shall take place outside the following times: 07:30am – 19:00pm hours Monday to Friday and 08:00am – 13:00pm hours on Saturdays and at no time on Sundays, Bank and Public holidays (other than emergency works).
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) other than the details expressly authorised by this permission, the dwelling hereby approved shall not be enlarged or extended and neither shall any windows, dormers or other openings be created in the dwelling, nor shall any buildings, gates, fences, walls or other means of enclosure be erected within the curtilage of the approved dwelling without the prior written permission, on application, to the LPA.

End of conditions

APPEARANCES

FOR THE APPELLANT:

Jessica Allen	Counsel, No5 Barristers' Chambers
Christopher E Timothy	Director, CT Planning
Phoebe Farrell	Head of Heritage & Conservation, Berrys

FOR THE LOCAL PLANNING AUTHORITY:

Tom Nutt	South Staffordshire Council
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INTERESTED PARTIES:

John Grant	Local Resident
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