



Appeal Decision

Site visit made on 6 May 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/P1805/W/24/3355790

Land at Backlane Farm, St Kenelm's Road, Romsley B62 0PG

- 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 Michael Hodgetts (Backlane Farm) against the decision of Bromsgrove District Council.
 - The application Ref is 23/01375/FUL.
 - The development proposed is retention of boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for retention of boundary fence at Land at Backlane Farm, St Kenelm's Road, Romsley B62 0PG in accordance with the terms of the application, Ref 23/01375/FUL, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing no: Location Plan 10356-100.

Preliminary Matters

2. I saw from my site visit that the fence had been erected. I have determined the appeal on this basis.

Main Issues

3. The main parties agree that the proposal would be inappropriate development in the Green Belt as it would not fall into any of the categories of development identified in paragraph 154 of the National Planning Policy Framework (the Framework) that can be considered not inappropriate. It would also not accord with the list of exceptions to inappropriate development detailed in Bromsgrove District Plan 2011-2030 (2017) (BDP) Policy BDP4, which is in general alignment with the Framework. On the evidence before me, I see no reason to disagree.
4. The main issues are therefore:
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the area; 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 necessary to justify the development.

Reasons

Openness

5. The Framework identifies that a fundamental aim of Green Belt policy is to keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence.
6. The appeal site lies within the West Midlands Green Belt. The long metal boundary fence runs in three directions along St Kenelm's Road, the car park to an adjacent recreation ground and scout hut, and alongside a public footpath to the rear of the appeal site.
7. The concept of Green Belt openness has both a spatial and visual dimension. The new fence introduces a quantum of built development that did not historically exist on the site, and is a solid, physical boundary treatment. As such it has an impact on the spatial aspect of openness.
8. The fence is located behind mature hedgerows, which incorporate a number of trees. The vegetation serves to significantly screen the fence, which from my site visit I noted was not readily discernible from public vantage points along the road, recreation ground or public footpath. The established greenery serves as a softening effect and assimilates the fence into the surroundings, mitigating its appearance.
9. However, during the winter months glimpses of the fence would be possible through gaps in foliage, and its solid structure would preclude views through it. The proposal would therefore reduce the site's openness both spatially and visually. Due to the existing development at the site and the mature screening the effect on the openness of the Green Belt would be minimal. Moreover, the effect on openness would be localised. Nonetheless, this would be contrary to the Framework which states that an essential characteristic of Green Belts is their openness.
10. The Framework identifies five essential purposes of the Green Belt. One purpose is to assist in safeguarding the countryside from encroachment. The fence surrounds part of the boundary of an already existing agricultural and commercial development in the countryside with buildings, storage containers, stored hay bales and agricultural produce, and parking of vehicles. I do not consider that a fence bounding the developed site would result in a significant extension of the built envelope of the appeal site nor lead to encroachment into the countryside, and it would not conflict with the purposes of the Green Belt.
11. The proposal would however result in inappropriate development in the Green Belt and harm its openness. It would conflict with the Framework and with BDP Policies BDP1 and BDP4 which highlight that development should be restricted in the Green Belt and is normally inappropriate, in line with the criteria detailed in the Framework.

Character and appearance

12. The appeal site is located in the small settlement of Romsley. The nearby surrounding area comprises open fields, residential development and an attractive recreation ground, scout hut and car park. The larger appeal site includes a café, country store and a dwelling house.

13. Due to the significant screening of the fence, which is largely obscured behind established hedgerows and trees, the fence does not appear as incongruous or prominent in its setting. Furthermore, the fence has been powder coated dark green which helps it to blend in with surrounding landscaping. The hedgerows remain dominant, and even during the winter months, when there is likely to be more glimpses of the fence through the foliage, a fence would not be an untypical feature in the locality.
14. Being situated at the rear of mature vegetation, the fence is not intrusive and does not erode an existing open rural vista. Guidance contained within the High Quality Design Supplementary Planning Document (SPD) (2019) states that where a site adjoins public spaces the boundary treatment should be transparent to allow clear views into and out of the site. However, due to the existing mature vegetation, views in and out of the site would not be possible regardless of the design of the fence. Whilst the hedgerows may need to be pruned, particularly those close to the highway, the vegetation is mature and well established and there is no substantive evidence before me that indicates that they are likely to be removed.
15. Consequently, I conclude that the development does not harm the character and appearance of the area. It complies with Policies BDP1 and BDP 19 of the BDP which seek to ensure that development has regard to visual amenity and enhances the character and distinctiveness of the local area, and with the SPD which encourages high quality design. Furthermore, it would accord with the Framework which seeks to ensure that development is sympathetic to local character.

Other considerations

16. Reference has been made to a fallback position, namely the potential construction under permitted development rights of a similar fence. Permitted development rights are available for the erection of fences under Class A Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
17. The permitted development rights allow the erection of fences up to 2.0m height, or 1.0m where adjacent to the highway.
18. There is no definition of the word 'adjacent' within the GPDO but case law referred shows that the meaning of 'adjacent' in the context of the GPDO does not equate to contiguous or abutting. The thrust of case law is that fences can be set back from a highway but still be 'adjacent' to it, as a matter of fact and degree providing that the enclosure is clearly to define the boundary of the property concerned from the highway and, moreover, is perceived to do so.
19. Other than at the access point to the site, vegetation runs the length of the appeal site along St Kenelm's Road in addition to area where the fence has been constructed. My perception when visiting the site was that it was this greenery which defines the boundary of the site from the highway. As such, I do not consider in this instance that the fence clearly defines the boundary of the property and is not perceived to do so, and as such is not adjacent to the highway.
20. The fence could be up to 2m in height under permitted development rights. The evidence suggests that the fence varies in height from approximately 1.9m to 2.20m. At certain points the fencing therefore exceeds the permitted development

limitations. However, I consider that due to the overall screening of the fence, even if the fence was lowered to meet the limitations under permitted development rights, its impact on the openness of the Green Belt would be similar to that which has been constructed. I therefore attribute considerable weight to the fallback position.

21. The appellant has highlighted the necessity of the fence for security purposes. The appellant has detailed that the appeal site has been the subject of a number of attempted and actual robberies, and the fence would prevent unlawful access to the site. Previously, vehicles have been driven through the boundary vegetation. Alternative means of security protection, such as CCTV is already in use, but has not prevented crimes from taking place. Storage of equipment and machinery within locked buildings is not considered to be a feasible alternative, due to the lack of appropriate buildings on site that are available. Whilst additional buildings for storage may be permitted, it is likely that these would also impact on Green Belt openness. Whilst the security of the site may be a personal benefit to the appellant, it is an important consideration as the Framework seeks to create places that are safe, and where crime and disorder and the fear of crime do not undermine the quality of life. I give this consideration moderate weight.

Other Matters

22. Intentional unauthorised development is a material consideration to be weighed in the determination of planning applications and appeals as established by a Written Ministerial Statement dating from December 2015. On the evidence before me there is little to indicate that the appellant intentionally breached planning legislation and I have consequently not given this matter any weight. Moreover, the proposal has to be considered on its individual planning merits and I have found that the proposed development is acceptable for the reasons given above.
23. Any further applications for development at the site would be determined on their own merits.

Green Belt Balance

24. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt. Accordingly, it would be in conflict with relevant local development plan policies and those of the Framework. I have not found harm to the character and appearance of the area. However, an absence of harm is a neutral factor that neither weighs for nor against the proposal.
26. Against this harm, I have placed considerable weight on the proposal's fallback position and moderate weight to the security benefits. I find these other considerations to be cumulatively sufficient such that they amount to the very special circumstances which clearly outweigh the harm to the Green Belt and any other harm, and thus justify the proposal in this instance.

Conditions

27. As the development has already been completed, it is not necessary to impose a standard time limit condition. However, a condition to specify the approved plans is necessary in the interests of certainty.

Conclusion

28. Although there would be conflict with the development plan, the balance of planning considerations in this case indicate that a decision should be made other than in accordance with it.
29. For the reasons given above, I conclude that the appeal should be allowed.

L C Hughes

INSPECTOR