
Appeal Decisions

Site visit made on 15 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal A Ref: APP/R1845/W/24/3352106

Land At OS 381880 279160 Lowe Lane, Wolverley DY11 5QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Newton against the decision of Wyre Forest District Council.
 - The application Ref is 23/0928/OUT.
 - The development proposed is an outline application with all matters reserved bar access for the construction of 3 no. self-build plots.
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Decision

1. The appeal is allowed and planning permission is granted for outline application with all matters reserved bar access for the construction of 3 no. self-build plots. at Land at OS 381880 279160 Lowe Lane, Wolverley DY11 5QR in accordance with the terms of the application, Ref 23/0928/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr M Newton against Wyre Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscaping, layout and scale, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issues

4. There is disagreement between the main parties as to whether the appeal site is within the Green Belt, as such the main issues are:
 - Whether the appeal site is located within the Green Belt;
 - Whether the appeal site is a suitable location for new residential development; and,
 - The effect of the proposal on the character and appearance of the surrounding area and landscape.

Reasons

Whether in Green Belt

5. The appeal site is located on land designated as a Reserved Housing Site (RHS) by Policy SP.8 of the Local Plan 2016-2036 (the LP). It is clear from the policy and its associated Reasoned Justification that these sites have been removed from the Green Belt but, unless one of a number of events occur, should be treated as if they are within the Green Belt for development purposes.
6. As there have been no local or neighbourhood plan reviews and the Council can demonstrate both a five-year housing land supply and that they are meeting the Housing Delivery Test, the site should be treated as if it is within the Green Belt. Nevertheless, the site is not an official part of the Green Belt and so whilst the National Planning Policy Framework (the Framework) is a material consideration, I have assessed the proposal against the LP.

Suitability

7. Policy DM.22 of the LP sets out exceptions where development is not inappropriate in the Green Belt. As the appeal site is for residential development within the settlement boundary for Wolverley, exception iv is particularly relevant. This covers limited residential infilling in villages.
8. The appeal site is a small paddock accessed between two dwellings on Lowe Lane. The proposal would result in three new self-build/custom houses. Given the location of The Croft and The Barn on Lowe Lane and No 16 Attwood Close, I consider that a notable portion of the appeal site sits between development and within an otherwise built-up frontage. As the proposal is at outline stage with all matters other than access reserved for later consideration, the location of the proposed dwellings may not be as they appear on the indicative plans. However, I am content that it would be possible for the proposed development to be so located within the appeal site as to comprise infilling.
9. Given the scale of the development; the provision of three houses with associated works, it would be limited. Therefore, as the appeal site is within the settlement boundary for Wolverley and would be infilling, it complies with LP Policy DM.22 exception iv. The proposed erection of three self-build/custom houses would not, therefore, be inappropriate development on a Reserved Housing Site.
10. In light of the above, the proposal is limited infilling in a village and therefore the appeal site's location on RHS within a settlement boundary would be suitable. The proposal therefore complies with LP Policies SP.8 and DM.22 as set out above. The proposal would also comply with LP Policies SP.2, SP.11 and SP.12 which require proposals to comply with any Green Belt policies where relevant.

Character and Appearance

11. Although at the edge of the settlement, the appeal site would be set amongst and behind the development fronting on to Lowe Lane. In this way the proposed dwellings would be detached from the open countryside and would be read against the built-up development of Wolverley. During the reserved matters stage it would also be possible to suitably layout the appeal site so as to not create a hard edge to the village. As the site drops away from Lowe Lane, the prominence of any dwellings would also be modestly reduced by this change in land levels.

12. Given the scale of the plot, and its relationship with The Barn, and subject to a suitable layout at the reserved matters stage, the proposal would not appear as backland development. In light of the above, the proposal would not result in an incongruous or harmful feature at the edge of Wolverley.
13. The larger field behind the appeal site is cut off from the wider countryside by the dwellings on Lowe Lane, in particular The Barn, and the nearby allotments off Fairfield Lane. Although the development of the appeal site would further separate this field, the existing connection on Lowe Lane is so modest that this erosion would not unacceptably affect the wider Fairfield Sandstone Estate lands landscape.
14. The proposal would not unacceptably affect the character and appearance of the surrounding area and landscape. The proposal therefore complies with LP Policies SP.12, SP.20, SP.22 and DM.24. These collectively, and amongst other matters, require proposals to be of a high quality design that integrates with, and reinforces, the distinctiveness of its surroundings and landscape. It would also comply with the character and appearance aims of the Framework, including as set out under Paragraph 135 which requires developments to be sympathetic to the local character, built environment and landscape setting.

Other Matters

15. It has been suggested that there is no need for self-build/custom housing. Even if there is no need, this does not preclude me from finding the proposal to be acceptable, or that additional self-build/custom housing could be provided.
16. The proposal would make use of an existing vehicular access where vehicular movements to and from the site are already possible. Whilst it will result in an increase in movements associated with the site, this is unlikely to be significant. Moreover, the access is adjacent to the change in speed limits between 30mph and 40mph, it is therefore likely that vehicles will be traveling at 30mph. The proposal would not result in any unacceptable highway safety impacts.
17. Any noise generated during the development would be limited in scale and temporary in nature, it is therefore unlikely the proposal would result in any unacceptable noise impacts on the living conditions of neighbours. I am also mindful that there are controls under other legislation that would provide protection against any unacceptable noise impacts stemming from the construction works.
18. Although the proposal would likely result in the reduction of permeable surfaces, and this could, if not properly managed, cause surface water flooding and run-off, appropriate drainage could be secured at the reserved matters stage.
19. As the layout, appearance and scale of the proposed dwellings are reserved for later consideration, I cannot consider their effect on the living conditions of neighbouring occupiers at this stage. The presence of three dwellings at this site would not in itself result in any unacceptable impacts on the living conditions of neighbouring occupiers, including the loss of privacy.

Conditions

20. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for

certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

21. Given the nature of site and its proximity to the countryside and agricultural fields, it is necessary that protections are put in place, including a construction environmental management plan, to ensure protected species are accommodated during the development works. I also note the concerns that the site is likely to be affected by contamination. A condition requiring testing and, if required, mitigation is therefore necessary to ensure health and safety.
22. At this stage it is not necessary to secure the details of water drainage, renewable energy or external lighting as these are specifically linked to matters reserved for future consideration and should be dealt with at that point.
23. Conditions limiting the water usage for future occupiers would be overly onerous and difficult to enforce. A condition limiting working hours would also be overly onerous, given the scale of the development, and would duplicate other legislation.

Conclusion

24. For the reasons given above, I conclude that the appeal is allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout and scale, (“the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not be occupied until the access and visibility shown on the submitted plan, drawing number 23/601/03 have been provided.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: PL001 and 23/601/03
- 6) No development shall take place, including any vegetation clearance, until a Construction Environmental Management Plan (CEMP) (Biodiversity), has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a. Details of those responsible for the actions and measures set out in the CEMP and what checks and measures will be put in place to assure their effectiveness through the construction phase of the development hereby approved.
 - b. Measures to protect itinerant animals from the effect of the construction works and activities.

- c. A walkover inspection of vehicles and materials prior to works commencing to ensure itinerant animals have not taken up residence.
- d. Confirmation that the construction phase of the development hereby approved can be realised without the use of external lighting. If this is not possible then an ecological study shall be carried out that clearly demonstrates on a site layout plan (to scale 1:100 or 1:200) how the site can be lit without impacting on protected species and these details shall be submitted as part of the CEMP and the lighting shall thereafter be installed in accordance with the details agreed.
- e. Confirmation that no vegetation clearance works shall be undertaken within the bird nesting season, 1st March to 1 September, unless the services of a suitably qualified Ecologist is employed to ensure no harm to nesting birds during this period.
- f. To whom and by who will toolbox talks be delivered and what key subjects will be covered.
- g. What actions, and by who, will be undertaken if a protected species is suspected to have been found in the development area.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 7) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - a. A report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - b. The site has been remediated in accordance with the approved measures and timescale; and
 - c. A verification report has been submitted to and approved in writing by the local planning authority.
- 8) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - a. Additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - b. A verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.