



Appeal Decision

Site visit made on 20 May 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/R3705/W/24/3353194

Wishaw Hall Farm, Grove Lane, Wishaw, Warwickshire B76 9PJ

- 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 Middleton Tree Services Ltd against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2024/0054.
 - The development proposed is described as equipment store associated with arboricultural and forestry works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to relevant development policies and the National Planning Policy Framework (the Framework);
 - The effect of the proposal upon openness and the purposes of the Green Belt; and
 - The effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The provision of new buildings is considered inappropriate save for a number of specified exceptions.
4. The appellant contends that the development proposed falls within the provisions of two such exceptions. One being buildings for agriculture and forestry and the second being the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt. Policy LP3 of the North Warwickshire Local Plan (2021) (LP) echoes paragraphs 153 and 154 of the Framework.
5. The Framework does not set out a definition of the term 'forestry', therefore, it is a matter of planning judgement for the decision maker based on the merits of the

case. The dictionary definition of forestry is ‘the science or practice of planting, managing and caring for forests’.

6. As the Council point out the appellant operates a tree surgery business relating to the general felling, removal and maintenance of trees and hedges rather than undertaking ‘the science or practice of planting, managing and caring for forests’. Reference has been made to the appellant undertaking tree planting schemes previously and the intention to do so in the future, but no further information has been provided. Whilst the appellant contends that the proposal would be a ‘forestry related use’ this claim is not substantiated with any evidence. Consequently, based on the limited evidence before me I am not satisfied that the proposal constitutes a building for agriculture and forestry.
7. Now turning to the second exception, the Glossary of the Framework sets out the definition of ‘previously developed land’. I acknowledge that the site is laid out to hard surfacing. However, the Council contend that the appeal site is agricultural land and have drawn my attention to a number of planning applications which refer to the site as being within an agricultural use. I am also not aware that planning permission has been granted for an alternative use on the site, despite its appearance. As such, I am not satisfied that the site is previously developed land.
8. The appellant states that the site is only just inside the West Midlands Green Belt. Even so, as it is I must assess the proposal against relevant local and national Green Belt planning policies. It would be amiss of me to do otherwise.
9. I conclude that the development constitutes inappropriate development as set out in paragraphs 153 and 154 of the Framework and LP Policy LP3.

The effect upon openness and the purposes of the Green Belt

10. The appeal site comprises an irregular parcel of land predominantly laid out to hard surfacing and neighbours an arable field extending to the northwest and two commercial units, separated by a vegetation belt, to the south. During my site visit I observed a large tent containing wood work and miscellaneous items located at one end of the site and logs, metal containers and machinery scattered across a large area of the site. The site is set lower down than Grove Lane with trees and thick vegetation screening the site from the road and neighbouring commercial units.
11. Whilst the site is laid out to hardstanding the proposed development would lead to the encroachment of built form into open countryside contrary to one of the purposes of the Green Belt.
12. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
13. The proposed development would be screened from Grove Lane on account of its elevated position above the site and the thick vegetation belt present along the roadside. Whilst a public footpath extends across the surrounding agrarian landscape it is not well tread and the building would only reveal itself in localised views, filtered by intervening vegetation. In these views the proposal would appear as an agricultural building typically found locally and conditions relating to

landscaping would also further serve to mitigate the impact. That said, the building would be sizable extending over a considerable area of the site, and the introduction of built form and storage bays into an otherwise undeveloped and open area would impact upon openness in spatial terms.

14. On this basis, I find that the proposed development would lead to a moderate reduction to the openness of the Green Belt contrary to one of the aims of the Framework.

Safe and efficient operation of the local highway network

15. Access into the site would be via the existing ramped access leading off Grove Lane and that currently serves the existing commercial units. Grove Lane is a single carriage road subject to a 60mph speed limit. At the time of my site visit I observed damage to the existing kerb indicating an overrunning of the verges by vehicles.
16. I acknowledge that commercial uses are operating from the site. However, the development would result in the intensification of the access due to increased vehicle movements associated with the individual businesses. The increased number of vehicles using the access and its limited width would likely lead to conflict between vehicles entering and leaving the site and those travelling along the road.
17. Based on the limited evidence before me and my observations during the site visit given the ramped nature of the route in and out of the site, I cannot be satisfied that the package of works, suggested by the appellant, would aid vehicle movements so as to prevent conflict with vehicles entering and exiting the site. In addition, there is nothing before me to indicate that satisfactory visibility splays could be achieved in both directions along Grove Lane, even if the access is to be widened.
18. The issues regarding the public right of way are not a matter for me in consideration of this appeal.
19. As such, the proposed development would adversely affect the safe and efficient operation of the local highway network. It would be contrary to LP Policy LP29 (6) which requires new development to provide safe and suitable access to the site for all users.

Other Matters

20. I acknowledge that the proposed development would provide a convenient location for the appellant and his employees and would consolidate operations to one site. Notwithstanding the appellant's comments there is no suggestion that the proposal is required to safeguard existing jobs.
21. Reference has been made to the lack of availability of suitable premises locally. I have not been provided with any information including in respect of size requirements, locations or search parameters. There is nothing to suggest that the proposal would diversify operations at Wishaw Hall Farm or assist with its viability. As such, I give these aspects of the appellant's argument limited weight in coming to my decision.
22. I note that the proposal would not unduly affect the living conditions of nearby occupiers in respect of noise. The backing of Wishaw Parish Council counts neither

for nor against the proposal. As such, these matters are of neutral consequence in coming to my decision.

23. I acknowledge that the Framework encourages economic growth, productivity and expansion. However, it also attaches great importance to Green Belts and the fundamental aim to keep land permanently open. These factors individually or cumulatively do not lead me to reach a different conclusion that the appeal should be dismissed.
24. The appellant has commented that significant amounts of development are planned nearby. However, based on the information provided this is clearly of a materially different scale and not comparable to the appeal scheme before me. In any event every application and appeal must be considered on its own merits, as I have done. This factor does not lead me to reach a different conclusion in respect of the appeal.

Balancing Exercise

25. In line with the Framework the proposal would be inappropriate development within the Green Belt. It would lead to moderate effects upon the openness of the Green Belt and would cause harm because of the conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. In accordance with the Framework, I give substantial weight to this harm.
26. 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. I have given the arguments advanced by the appellant careful consideration, however, these factors in this case would not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

28. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR