



Appeal Decision

Site visit made on 27 May 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/C3430/W/25/3361197

Land rear of 20 Farleigh Road, Perton, Staffordshire WV6 7RH

- 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 Balwant Singh Dhaliwal against the decision of South Staffordshire Council.
 - The application Ref is 24/01010/COU.
 - The development proposed is a change from agricultural to garden land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, including assessment of the impact on openness and Green Belt purposes; and
 - ii) If the development is inappropriate, whether the 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

Whether inappropriate in the Green Belt

3. 20 Farleigh Road is a large detached house sitting within an estate of similar properties. It has a modestly sized garden to the rear, beyond which is a much more extensive area of mown grass surrounded by tall evergreen hedges that is also used as garden space and is located within the designated Green Belt. The Council advises that this extended garden area is unauthorised. The appeal proposal is for its use as part of No 20's garden.
4. Paragraph 153 of the National Planning Policy Framework (the Framework) advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 explains that development in the Green Belt is inappropriate unless one of the listed exceptions applies. These exceptions include: (h)(v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Policy GB1

of the South Staffordshire Council Core Strategy (CS) makes much the same allowance for changes of use as Framework paragraph 154(h)(v).

5. The appeal site is part a strip of land forming a narrow gap between Wolverhampton and Perton. This gap is so narrow, in fact, that further erosion of its open character could effectively merge the 2 settlements. Although the proposal would not cause any major change in the character of the land, it would allow for the spread of residential activity and paraphernalia – whether or not any permanent structures are added. As the Council says, this potential for increased domestic use and activity could not be effectively controlled by a planning condition.
6. The main area of the site is visually enclosed by the existing evergreen hedge, so that it is only really visible through a gateway. The visual and physical impact on openness of the Green Belt would therefore be minimal. More importantly, however, the change of use would harm the Green Belt purpose of preventing neighbouring towns merging into one another, as set out at Framework paragraph 143(b). The proposal would therefore not meet the exception for changes of use of land set out at Framework paragraph 154(h)(v).
7. No other Green Belt exceptions apply here. I conclude that the proposal represents inappropriate development in the Green Belt, in conflict with the above-mentioned policies.

Whether very special circumstances exist

8. I recognise that the use of the land as garden is beneficial to the family's health and well-being. This weighs significantly in favour of the proposal. Although this is a large area of land for a garden, it is also a small area of land for agriculture, so that a normal farming use would not likely be viable. Nevertheless, agriculture appears to be its permitted use and it could be put to that purpose, for instance for growing fruit and vegetables. Finally, I understand that the appellant purchased the house on the understanding that this land was part of its garden. This is unfortunate, but is a private matter which is outside the scope of this decision.
9. Taking all matters raised into account, I find nothing here that would that would clearly outweigh the harm to the Green Belt by reason of inappropriateness plus the impact on the separation of settlements. The very special circumstances required by Framework paragraph 153 therefore do not exist in this case.

Conclusion

10. I find that the proposal conflicts with the development plan and the Framework. For the reasons set out above, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR