



Appeal Decision

Site visit made on 27 May 2025

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/C4615/W/25/3362441

Stewarts and Lloyds Pavilion, Stewarts Road, Halesowen, Dudley B62 8ND

- 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 A Price, for Coombswood Sports and Social Club, against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/1123.
 - The development proposed is elevation changes to the club house, erection of a new garage/store and the relocation and enlargement of an existing store.
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Decision

1. The appeal is allowed and planning permission is granted for elevation changes to the club house, erection of a new garage/store and the relocation and enlargement of an existing store at Stewarts and Lloyds Pavilion, Stewarts Road, Halesowen, Dudley B62 8ND in accordance with the terms of the application, Ref P24/1123, subject to the conditions set out in the attached Schedule.

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;
 - ii) The impact on the local landscape, which is designated as an Area of High Historic Landscape Value (AHHLV) by the Council; and
 - iii) 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. The application site is an existing sports and social club on the edge of the town and in the Green Belt, with a cricket pitch and a bowling green. Buildings include a main clubhouse with an attached garage used for storing mowers and other plant, a bowls building next to the bowling green, for storage and shelter, plus 3 small, open timber shelters on the other sides of the green. The sports club site is mainly an area of levelled ground on a hillside that slopes down from the town into an undeveloped, wooded valley with well used public footpaths.

4. The proposal is for the conversion of the existing garage to provide extra changing facilities, provision of a new storage garage on the other side of the cricket pitch and the replacement of the existing bowls building with a larger, but still single storey, building to be sited on the opposite side of the bowling green. A wheelchair accessible path would also be provided, around the bowling green.
5. 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: (b) provision of appropriate facilities including buildings for outdoor sport and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; and (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. Policy S23 of the Dudley Borough Development Strategy (DS) similarly states a presumption against inappropriate development in the Green Belt. It sets no specific criteria, deferring to national policy in this respect.
7. The change of use of the existing garage to changing facilities would not increase the size of that building or materially change its overall use, so raises no Green Belt issues. The Council does not object to this part of the appeal proposal.
8. The proposed bowls building would replace an existing building which evidently does not benefit from planning permission. Although the appellant refers to evidence that the existing structure is lawful through having been in place for more than 4 years, that has not been legally confirmed and the evidence is not sufficiently clear cut for me to make a judgement on this within the scope of this appeal. I therefore treat the proposed bowls building as a new structure rather than as a replacement, so that it does not fall within the scope of Framework paragraph 154(d). Both the bowls building and the garage therefore fall to be considered under Framework paragraph 154(b). I have no doubt that the proposal would enhance the cricketing and bowling provision at the site, meeting the requirement of being for appropriate facilities for outdoor sport and recreation. The key question here is the impact on openness and Green Belt purposes.
9. The proposed new buildings, though fairly small and low in height, would still be of significant scale and would spread built development across the site, closer to the open countryside. Despite their proximity to the site boundaries, however, they would largely be screened by the land form and existing hedging in views from the local public footpath network, even in winter. They would mainly be seen from the nearby street and houses. Improving facilities like this could also be expected to add to the general level of activity at the site.
10. There would therefore be a spatial (physical) effect on openness and to a lesser extent a visual effect. Overall, there would be minor but not insignificant harm to openness. This harm would be lessened if the presumably redundant bowling facilities building on the north-east side of the bowling green was demolished prior to the new building being brought into use. This matter can be dealt with by condition.
11. Such a small scale recreational development within an existing site would not, on the other hand, have any significant effect on the Green Belt purposes set out at

Framework paragraph 143. The proposal would not contribute towards urban sprawl or the merging of neighbouring towns, would not encroach into the countryside and would not affect the setting of the town.

12. Although there would be no material harm to Green Belt purposes, the limited harm to openness here means that the proposal does not meet the exception set out at Framework paragraph 154(b). It therefore constitutes inappropriate development in the Green Belt and is by definition harmful to the Green Belt. I give this harm substantial weight in determining this appeal, in accordance with paragraphs 153 and 154 of the Framework.

Landscape

13. Black Country Core Strategy (CS) policy ENV2 aims to protect and enhance aspects of the historic environment, including those recognised as being of special landscape quality. The appeal site is within the designated Coombswood AHHLV. DS policy S13 resists any development that would be harmful to the character, quality or historic integrity of these landscapes. The Council's Historic Environment Supplementary Planning Document (SPD) refers to a 2016 Borough-Wide Urban Historic Landscape Characterisation Study, which describes this AHHLV as being a prominent and steep landscape feature which is very important ecologically, historically and archaeologically as well as making a very important contribution to the scenery of the Borough.
14. The SPD confirms that AHHLVs are considered to be non-designated heritage assets. Framework paragraph 216 advises that decisions affecting non-designated heritage assets should be balanced judgements having regard to the scale of any harm or loss and the significance of the asset.
15. The Sports and Social Club sits in an elevated position near to the top of the steep hillside. As noted above, however, it is not a prominent feature due to the screening of views by the land form and hedge planting. Both of the new buildings would be low in height and would sit on the lower part of the site where they would be less visible than the existing clubhouse. Their modest, functional character would fit in well with the recreational nature of the site. The garage would be grouped together with a set of cricket nets, so that it would not establish a new development area, and the bowling building would sit within the manicured bowling green area. The main site would remain green and open and the wilder areas of surrounding countryside would not be affected. The impact on the local landscape would therefore be reasonably negligible.
16. The Council also objects on the basis that insufficient information has been provided to adequately demonstrate how the proposed development would impact upon the significance and setting of the AHHLV. I consider that the information provided is adequate for this purpose, bearing in mind the small scale of the proposal and its location within an existing developed site.
17. I find that the proposal would not harm the character, significance or setting of the landscape of the AHHLV. The proposal accords in this respect with CS policy ENV2, DS policies S7, S8, S13 and S19, the SPD, the Framework and Historic England guidance, which aim to secure high quality design that protects and enhances heritage assets, local character and local distinctiveness.

Other matters

18. The appellant raised an additional Green Belt policy issue in final comments - regarding the site's potential status as 'grey belt land', with reference to paragraph 155 of the December 2024 version of the Framework. Final comments, however, must not be used to raise wholly new issues. As the grey belt was not mentioned in the appellant's earlier submissions I cannot take it into account in this decision.
19. The Council advises that the 3 existing timber shelters around the bowling green are (also) unauthorised. Again, the appellant argues that they have been in place for long enough that they could now be confirmed as lawful. As the status of these very small, open fronted buildings is not clear, I leave them to one side for the purposes of this decision. They would not be crucial to my assessment in any case.
20. This area is of high value for nature conservation. Surrounding land is designated as the Coombswood Wedge Site of Importance for Nature Conservation (SINC). The application site and the surrounding land is proposed to be part of the Stour Valley Nature Recovery Core Landscape as defined in an emerging draft plan. This small scale proposal within a developed site should not, however, have any significant negative effect on nature conservation, subject to appropriate conditions. Biodiversity Net Gain (BNG) provisions would apply, securing an overall 10% net gain in biodiversity value. The submitted BNG calculation shows that the proposal would cause a minimal 0.2% decrease in biodiversity value, so that measures would be required for a 10.2% overall increase. This would preferably be provided on-site, but provision might need to be off-site in this case. Biodiversity is a neutral factor in my assessment.

Whether very special circumstances exist

21. The proposed new buildings represent inappropriate development in the Green Belt and would cause some limited harm to openness. These factors weigh strongly against allowing this appeal. The effect on Green Belt purposes, the landscape of the AHHLV and biodiversity are neutral factors.
22. More positively, the proposal would significantly enhance outdoor sports and recreational provision for the local community. I give this factor substantial weight, especially in light of the local support for the proposal. The appellant has advanced a good case for these improvements, including better changing facilities for women and disabled people, separating the plant storage area from the heavily used public area next to the clubhouse for safety and the provision of better storage and shelter for the bowling green. These amount to strong public benefits that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness, thus amounting to the very special circumstances required by Framework paragraph 153.

Conditions

23. I impose a condition listing the approved plans, in the interest of clarity. Two conditions requiring tree protection measures are necessary in light of the importance of the existing hedges and trees to the local landscape. These measures need to be put in place before development begins, to protect existing landscape features during the development.

24. As above, a condition requiring the demolition of the existing bowling facilities building is needed to minimise the impact on the Green Belt. Conditions requiring approval of building and hard surfacing materials are necessary to protect local character and appearance.
25. The permission will be subject to the standard BNG condition requiring submission of a BNG plan¹, though this is not listed in the Schedule of conditions. A further condition is necessary to secure the provision of a Habitat Management and Monitoring Plan (HMMP) to ensure that BNG is well looked after for the required 30 year period. Depending on the type of BNG provision, it might be necessary for the appellant and the Council to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in order to meet the statutory BNG requirement and the terms of the BNG conditions. This will depend on the specific BNG enhancements proposed. I note that the Council has not put forward the lack of a Section 106 agreement as a reason for refusal of the application.
26. The submitted site specific ecological information confirms that the main biodiversity feature of value on the appeal site itself is modified grassland, and that the proposed development would not significantly affect that habitat type. I consider that the Council's suggested conditions regarding review of the biodiversity information and submission of a Construction Environmental Management Plan are not necessary for this small scale development that should not directly affect any important habitats or have any undue impact on neighbours.

Conclusion

27. I find that, although the proposal would represent inappropriate development in the Green Belt, the very special circumstances necessary to justify such development do exist in this case. The proposal therefore accords with the Framework and the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

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: CWCC/0903/01A, CWCC/0903/02 and CWCC/0903/03A.
- 3) No development shall commence as part of the development hereby permitted until details of the tree protection measures on site have been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be erected/installed prior to the commencement of the development (including any tree felling, tree pruning, demolition works, soil moving, temporary access or access widening for construction or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down, moved

¹ Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990

or amended in any way without prior written approval of the Local Planning Authority. The tree protection details shall include:

- a) A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b) A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c) A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
 - d) Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
- 4) No development shall commence as part of the development hereby permitted nor shall any other operations commence on site or in connection with the development hereby permitted (including any tree felling, tree pruning, demolition works, soil moving, temporary access or access widening for construction or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- a) Implementation, supervision and monitoring of the approved Tree Protection Plan;
 - b) Implementation, supervision and monitoring of the approved Treework Specification;
 - c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan; and
 - d) Timing and phasing of arboricultural works in relation to the approved development.
- 5) The new buildings hereby permitted shall not be brought into use until the existing bowling green facilities and stores building on the north-east side of the bowling green has been demolished and the resulting materials cleared from the site.
- 6) Prior to the commencement of any above ground works as part of the development hereby permitted a written schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 7) The new buildings hereby permitted shall not be brought into use until hard surfacing has been provided in accordance with details of the extent, types, colours

and textures of the materials to be used in the hard surfacing for the development first submitted to and approved in writing by the Local Planning Authority. The approved provision shall be retained for the lifetime of the development.

- 8) The new buildings hereby permitted shall not be brought into use until a suite of artificial faunal provisions has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority, and the approved provisions shall be retained thereafter. The following provisions shall be provided:
- a) A total of 2 woodcrete bat boxes;
 - b) A total of 2 integrated artificial nesting boxes suitable for house sparrows;
 - c) A total of 2 integrated artificial nesting boxes suitable for bird species such as swallows, house martins and swifts;
 - d) A total of 2 invertebrate boxes;
 - e) A total of 2 hedgehog boxes; and
 - f) A total of 4 hedgehog passes within boundary fencing constituting a gap or raised section measuring at least 13 x 13cm.
- 9) The new buildings hereby permitted shall not be brought into use until a Habitat Management and Monitoring Plan (HMMP), using the relevant template developed by Natural England and in accordance with an approved Biodiversity Gain Plan (BGP), has been submitted to and approved in writing by the Local Planning Authority. The habitat retention, creation and enhancement specified within the HMMP shall then be implemented in full and managed for a period of at least 30 years in accordance with the agreed HMMP from completion of the habitat creation and enhancement works, of which the Local Planning Authority must be notified and evidence provided in writing in order to establish a start date for management and monitoring. Monitoring reports shall be submitted to the Local Planning Authority, using the relevant template developed by Natural England, in accordance with the monitoring intervals set out in the agreed HMMP.