
Appeal Decision

Site visit made on 24 April 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/R1845/W/25/3359910

4 Honeybrook Cottages, Bridgnorth Road, Kidderminster DY11 5RR

- 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 J Tucker against the decision of Wyre Forest District Council.
 - The application Ref is 24/0767/FUL.
 - The development proposed is the change of use of land to form extended domestic curtilage and erection of garage extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would amount to inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework), relevant development plan policies, the effect on openness and the purposes of the Green Belt; and
 - if the development is inappropriate, 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 required to justify the development.

Reasons

3. The appeal site lies within an area of Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. In support of the application for the construction of the four dwellings at the site, the land was considered to meet the definition of previously developed land. Nevertheless, since this the land has been completely redeveloped, with the appeal site forming part of the boundary of No 4 Honeybrook Cottages and the adjoining land. During my site visit I noted that the land adjoining No 4 has been laid to grass and had the appearance of an agricultural field. As the land has been redeveloped and there is no evidence of previous buildings, I consider that it no longer meets the definition of previously developed land.
5. Wyre Forest District Local Plan (LP) Policy DM.22 states that within the Green Belt, development will not be permitted except in very special circumstances, or it

meets one of the exceptions set out. These exceptions include the limited infilling or redevelopment of an identified previously developed site, and the change of use with preserves the openness of the Green Belt.

6. Paragraph 154 of the Framework establishes that new development in the Green Belt would be inappropriate unless it would meet a listed exception. Paragraphs (a) to (g) relate to specific types of development that would be deemed to be not inappropriate. Paragraph 154 h) v. includes an exception for the material change in the use of land where it preserves openness and does not conflict with the purposes of including land within the Green Belt.
7. The Courts have held that matters relevant to the openness of the Green Belt are a matter of planning judgement, and the openness can have both a visual and spatial aspect. In terms of visual the appeal site is located in a secluded area, with only the occupiers of the residential development and neighbouring property being able to view the site. Views from nearby roads are restricted by intervening landscaping. As such, in visual terms the impact of the proposed development is limited. In spatial terms, the change of use of land and construction of a garage extension would remove an area of land that is currently open. This would lead to a noticeable reduction of openness, extending built form into an area of open land and would fail to preserve the openness of the Green Belt.
8. Framework paragraph 155 states that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where the site falls within the definition of 'grey belt', and where various other criteria are met. Grey belt is defined as either previously developed or other land that does not contribute strongly to the Green Belt's purposes as set out at Framework paragraph 143 (a), (b) and (d). The other criteria in paragraph 155 include that the development would not fundamentally undermine the purposes of the remaining Green Belt; and that there should be a demonstrable unmet need for the type of development proposed; and that the site is in a sustainable location, having regard to the relevant Framework policies.
9. The appeal site is in a fairly secluded location, adjoining existing built residential development, and with limited visual prominence in the wider area. Consequently, as a result of its small size and its relationship to the surrounding development, the appeal site contributes little to the Green Belt's purposes of restricting sprawl or preventing the merging of towns. Nor does it appear to play any role in preserving the setting of any historic settlements. The site therefore fulfils the Framework criteria to be regarded as grey belt land.
10. For development not to be regarded as inappropriate all criteria within Paragraph 155 of the Framework need to be fulfilled. One criterion being that development should also not be regarded as inappropriate where there is a demonstrable unmet need for the type of development proposed.
11. I have not been provided with any evidence regarding the appeal proposal fulfilling a demonstrable unmet need. The dwellings benefit from planning permission and the proposed development would only provide additional garden space and a garage. In the absence of any cogent evidence, a demonstrable unmet need for the type of development, has not been identified. The proposed development would not therefore meet criteria (b) of Framework paragraph 155.

12. I have had regard to the appellants comments that extensions and hardstanding could be constructed under permitted development rights. Whilst I have not been provided with any plans of such works, these would all need to take place within the residential curtilage of the dwelling. The proposed development would extend the residential curtilage and built form into an area of open space. I cannot therefore conclude that the developments that could be undertaken using permitted development rights would be more harmful than the proposed development.
13. The proposed development would have a harmful impact on the openness of the Green Belt, it would not therefore comply with paragraph 154 h) v. or paragraph 155 (b) of the Framework or LP Policy DM.22. The proposed development would be inappropriate development. I have not been provided with any very special circumstances that would outweigh the identified harm.

Conclusion

14. For the reasons given above, and having considered all other matters raised, I conclude that the proposed development is contrary to the development plan as a whole and material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The appeal should be dismissed.

Tamsin Law

INSPECTOR