



Appeal Decision

Site visit made on 28 July 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

Appeal Ref: APP/K3415/W/25/3360606

Bromley Hayes Garden Centre, Shaw Lane, Rileyhill, Lichfield WS13 8HW

- 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 Land and Water against the decision of Lichfield District Council.
 - The application Ref is 24/00999/FULM.
 - The development proposed is for the proposed demolition of the existing building consisting of a retail garden centre (Class E) to facilitate the redevelopment of the site to provide a mixed use of offices, plant storage and ancillary industrial and Research and Development uses (Resubmission of Planning Application 22/01126/FULM).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal was previously dismissed for the redevelopment of the site for mixed use consisting of offices, storage and ancillary industrial uses (the dismissed appeal). This was a similar scheme to the current proposal. Its main differences appear to relate to the height of the buildings with the workshop being reduced from 10 metres to 9 and the office being altered from two-storey to single-storey. Also, timber cladding to the buildings, the further retention of tree and hedge planting, a wetland science centre and a large pond is now proposed. Whilst I have considered the appeal on its own merits, I have paid regard to the previous appeal decision as a material consideration in my assessment of the proposal the subject of this appeal.
3. Additional noise related information has been provided that seeks to address the previous Inspector's concerns with respect to the effect of the proposal on residential occupiers within the adjacent marina. Also, a Flood and Drainage Strategy has been submitted that seeks to address the objection raised by the Lead Local Flood Authority (LLFA).
4. Also relevant to this appeal is a certificate of lawfulness which confirms that the previously approved scheme (20/01836/COUM) has been lawfully commenced, through the creation of an access. This was for the change of use of the site to mixed use offices (Class E), storage (Class B8) and ancillary industrial (Class B2). This was for the use of the site as an office and plant storage headquarters, included the provision of 540sqm of additional floorspace, creating a total floorspace of around 4,500m². This establishes an important fall-back position that demonstrates the scale of development that could take place if no further consent was given.

Background and main Issues

5. The proposed office building and workshop would be located in a rural location, close to but outside of Kings Bromley. Core Policy 1 of the Lichfield District Local Plan Strategy [2015] (LP) seeks to locate new development in the most accessible and sustainable locations. The site is located in the parish of Kings Bromley, a small settlement that is defined as an 'other rural' settlement in the LP where only conversions or infill development would be acceptable. Furthermore, the site is around 2kms from the village centre, placing it within the open countryside. The LP directs employment development to Lichfield and Burntwood with Fradley defined as a focus for new employment activity. However, the Council did not refuse the scheme on the basis that it would conflict with LP Core Policy 1.
6. Moreover, the principle of the type of development now proposed is clearly established by the extant consent. Therefore, despite its rural location, taking into account its planning history, the scheme would not conflict with LP Core Policy 1.
7. Furthermore, the Council has indicated that, despite not raising this policy in its reasons for refusal, it finds that the scheme would be contrary to policy NR1 concerning countryside management. This policy explains that the countryside is to be valued in its own right and will be protected but recognises the important economic role of the countryside. It supports countryside-based enterprises and activities and does not therefore establish a clear conflict with the proposal which would generate employment activity in the countryside on previously developed land.
8. Accordingly, the main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including the effect on trees,
 - The effect of the proposal on the living conditions of adjacent residential occupiers of the marina, with particular respect to noise, and
 - Whether the proposal would result in adverse flood risk effects.

Reasons

Character and appearance

9. The site consists of a former garden centre, now semi-derelict, and extensive associated land. It is within the open countryside, with a small hamlet of dwellings found to the north and a marina and small workshop buildings to the south. The appeal site occupies a large corner plot, alongside both the A515 and Shaw Lane, the latter of which provides access into the site. The buildings on site occupy a northern most section of the site, with the Trent and Mersey Canal conservation area running along its southwest boundary. The buildings on site are low-key and subdued and whilst elements can be seen from the A515, these are fleeting only. The existing buildings maintain the open and rural character of the site and its surroundings. Consequently, the site makes a positive contribution to the rural character and appearance of the area.
10. The proposed development includes the creation of a new access onto the A515. This would connect to a considerable area of hardstanding, with the workshop and office evident to its northern side, with a total floorspace of around 2,700m². The

workshop would be around 9 metres in height, including its shallow pitched roof and would include a living wall on the gable end facing the office block. The office block would be single storey, but would include mono-pitched roofs, with a cantilevered central section providing a glass wall that would overlook a proposed large pond.

11. The workshop would be substantially taller than the existing buildings on site. Furthermore, the office element, whilst having been reduce from two-storeys, would remain a strident and significant building on site due to its tall mono pitched roof design, creating in part a two-storey presence overlooking the large pond. Therefore, due to the proposed height of the workshop and the obtrusive roof features associated with the office, the proposed buildings would not sit comfortably within this rural setting. This is especially noting that the existing buildings are low-key and single storey in character. Consequently, the combination of the proposed buildings, together with the large area of hardstanding, would create a quantum of development that would substantially extend into the open countryside with a strident form of development.
12. Although noting that the quantum of floor-space of buildings on site would be less than the extant consent, the new buildings would be taller. This is evident in the appellant's elevation comparison drawings showing the low-key nature of the existing on-site buildings. In contrast to the extant consent, the proposed office, workshop and hardstanding area, when taken together, would substantially encroach into previously undeveloped parts of the site.
13. I concur with the dismissed appeal decision that the proposed development would not be visible in the wider area or for prolonged periods when travelling along the A515. Nonetheless, whilst hedge and tree screening would be retained along the roadside boundary of the A515, views would be obtained into the site from the highway by transient receptors.
14. The submitted photomontages provide views of the site from 11 viewpoints (VP) along the A515, to illustrate where the scheme would be seen along this route. These are unverified views, are slightly distorted and show trees in leaf with new hedging matured. These factors erode some of the usefulness of this submission as it does not take a 'worst case scenario' of the site's perception following development. Nonetheless, the images show that from VP7 to VP11, the roadside hedge provides screening that would prevent views of the development. VP6 shows the access into the site, VP5 shows no change in the view and VPs 4-1 show various parts of the office building, most notable in VP1 and 2. The views from transient receptors (VPs1-4) would provide partial views of the office building.
15. The proposed access would remove boundary planting and create a wide area of hardstanding adjacent to the highway. At VP6 this would enable views into and through the site. The proposed office building would be especially strident in VP6 due to its scale and height, which would be overbearing and obtrusive in views. Proposed planting to the side of the office would help screen the building, but this would be modest and ineffective. This would partly be due to the extent of proposed tree and plant removal to the side of the proposed office required to create the large pond. This clearance would inevitably create an open setting, with only occasional ornamental trees proposed to enclose the space, opening views of the site from VP1-4, which may also in reality be greater than shown by the photomontage views. Whilst a condition requiring additional planting may diminish

this effect, I cannot be satisfied due to the position and size of the pond, that sufficient space remains to create adequate screening.

16. Also, the retained conifer group to the side of the hardstanding may not adequately screen the exterior plant storage area. The image of VP6 only looks to the north, southbound road users at this point may gain strident and wide views of the compound, which may create further adverse visual effects.
17. The provision of hardstanding would be substantially greater than the extant consent. Its provision would also enable many commercial vehicles to attend and park and for plant to be stored on the hardstanding. The attendant activity associated with the hardstanding would create a further degradation of the open and rural character of the site. Therefore, the extensive area of hardstanding to the south of the proposed buildings, whilst being relatively well enclosed by existing (retained) plant screening, would nonetheless represent an extensive encroachment into the open character of the site.
18. In terms of trees, the proposal would result in the loss of 65 trees, two tree groups and several hedgerows. The loss of mature tree cover would degrade the verdant character of the site. It is acknowledged that the extant consent also resulted in the removal of trees, but additional trees and groups would be required to be removed to deliver the proposed layout. Some of this tree loss would enable the provision of the large pond and other losses would be mitigated by proposed replacement planting. Also, most additional trees requiring removal are within the middle of the site and are of limited value being category C trees. However, replacement planting would take a considerable period to mature to adequately mitigate the proposed loss and provide effective screening. As such, taking the above into account, the loss of the high quantum of trees from the site would cause further, albeit moderate, harm to the character and appearance of the area.
19. The appeal site is adjacent to the Trent and Mersey Canal Conservation Area. Due to the extensive boundary screening between the site and the canal the proposal and its attendant activity would not be visible by users of the canal. As a result, the proposal would not result in harm to the setting of the conservation area.
20. Consequently, whilst the proposal would result in the redevelopment of previously developed land, it would also cause long term residual harm to the character and appearance of the area, most notably to the site's character. This harm would manifest as an adverse visual impact from several viewpoints and an adverse effect on the site's rural character through the extent of development and the loss of trees. Accordingly, the scheme would conflict with LP Core Policy 3, and policies BE1 and NR4, the Council's Sustainable Design SPD and its Design Code with respect to character and appearance. These seek, among other matters, for development to protect and enhance the character of Lichfield District, encourage the re-use of buildings and be of a scale and nature that is appropriate to its locality.

Living conditions

21. The site is close to residential properties both within housing to the north and the marina to the south of the site. It is clear upon review of the evidence that it is undisputed that the proposal would result in no harm to the neighbouring properties to the north. However, the Inspector highlighted in the dismissed appeal

that the marina included residential moorings and that occupiers of the moorings are deemed to be residents for the duration of their stay.

22. The appellant's Noise Assessment, dated February 2024, aims to address the likely effects of the proposal on residential occupiers of the marina. This explains that noise monitoring equipment was placed on the boundary between the marina and the site and found that the dominant noise source was attributed to road noise from the A515. This found that background noise levels created a typical background sound level of 46dB_{LA90,15min} in the daytime and 38dB at night.
23. It has been anticipated that the highest noise levels would be generated by certain activities within the buildings and through attending vehicles. These have been predicted to be generated by the mechanic workshops (74dB(A)), the wash bay with pressure washer (80dB(A)) and the two air conditioning units (48dB(A)). The sound reduction values have reduced these sound levels to 47dB, 32dB and 20dB respectively, as some of these activities would take place inside buildings. Also, vehicles likely to operate on site would consist of forklift trucks (75dB) and lorries (107dB).
24. The predicted noise model demonstrates that the predicted specific sound level would be 41dB(A) at the closest point within the marina. This has been adjusted, with tonality and impulse corrections, to 46dB. The proposed use would only operate during the daytime (09:00-17:00) and on this basis noise levels generated would not exceed daytime background noise levels. The conclusions of this assessment have not been disputed by the Council, and I find no reason to not accept these findings, which appear reasonable.
25. Consequently, the evidence demonstrates that the living conditions of residential occupiers within the marina would not be adversely affected by the operation of the proposal. Accordingly, the proposal would comply with LP policies CP3 and BE1 with respect to noise impacts. These seek, *inter alia*, for development to protect the amenity of residents and to avoid development that would cause disturbance through unreasonable noise.

Flood matters

26. Most of the site is within flood zone 1. However, small parts of the western areas of the site are within flood zones 2 and 3, adjacent to the Bourn Brook. The Surface Water Flood Map shows that minor ponding occurs on parts of the site. The areas that flood would not encroach into the parts of the site proposed for buildings or hardstanding. In undertaking a sequential approach to development in flood areas, the proposed use, of general industry, storage and distribution is regarded by the Planning Policy Guidance (PPG) as being uses that are deemed to be 'Less Vulnerable' to flooding where an exception test would not be required.
27. Furthermore, all proposed buildings and hardstanding areas would be within flood zone 1, with the access also being within this flood zone. As such, the flood risk to users of the proposed facility would be minimal and the sequential test is passed. Furthermore, the scheme would not result in the loss of flood plain storage.
28. The previous appeal decision found that the submitted flood and drainage information was not sufficiently comprehensive to give adequate certainty that the proposed development would not increase flood risk. Furthermore, the objection of the LLFA appears to be based on an absence of evidence of the site's suitability

for infiltration, details of a sustainable urban drainage system, evidence of permission to outfall and revised hydraulic modelling calculations.

29. The appellant's Flood and Drainage Strategy identifies that the site is generally flat, and its geology is sedimentary. This has a low permeability layer that can store and yield limited amounts of groundwater. Infiltration testing has shown very poor rates of infiltration and hence disposal of surface water via infiltration is not viable.
30. In terms of the surface water drainage strategy, the Strategy explains that surface water drainage would include a new attenuation pond, swales and pipework to then discharge into the Bourne Brook. The site has been divided into three catchments, with the proposed car park consisting of permeable paving being excluded from the drainage strategy. Discharge into the Bourne Brook will be restricted to green field run-off rates to prevent down-stream run-off rates. Hydrological calculations demonstrate that greenfield run-off rates would not be exceeded. These calculations also take into account the effects of climate change to achieve betterment.
31. Furthermore, the Strategy demonstrates that, as only greenfield run-off would be directed to the Bourne Brook, the agreement of the LLFA to this connection seems reasonable. I do not have any submission from the Council to dispute this assertion. A maintenance schedule has also been included showing that Land & Water Estates would be responsible for the management of the drainage scheme.
32. As a result, the Strategy concludes that the scheme would be at low risk of flooding and that a suitable surface water flood plan would be provided to prevent off-site flooding risk. Consequently, the appellant's flood related evidence provides sufficient detail to demonstrate that the proposal would not raise substantive flood related matters. Furthermore, any residual drainage related matters could be adequately secured through the imposition of suitable conditions, had I been minded to allow the appeal.
33. Accordingly, I am satisfied that no adverse flood effects would occur, subject to the implementation of the identified mitigation measures of the Strategy. As a result, the proposal would comply with LP Core Policy 3 with respect to flood matters. This requires development to minimise and manage water, to give priority to utilising ground infiltration drainage techniques, include sustainable drainage and to provide a flood risk assessment where the site is within a flood risk area.

Other Matters

34. The site is within the 15kms zone of influence of the Cannock Chase Special Area of Conservation. I note the Council, in undertaking a Habitat Regulations Assessment, has concluded that no mitigation would be required to address any impacts on the integrity of the SAC. As I am dismissing the appeal for other reasons, I do not need to consider this matter further.
35. The proposal would provide a new headquarters for the Land & Water Group, delivering substantial socio-economic benefits, including the provision of around 60 FTE posts. The proposal would attract new employment and business opportunities to a previously developed site. The appellant has indicated that the extant consent would deliver similar benefits, but the proposal would be preferred as it would deliver a working environment with the provision of high-quality

architectural spaces, commensurate with the quality and importance of the company. Also, it appears that the existing buildings would be required to be upgraded as some include polycarbonate roofs and some may have poor structural integrity. Nonetheless, as a fall-back position exists, that the evidence suggests would deliver a similar range of uses and therefore socio/economic outputs, these benefits would be of only modest weight in favour of the proposal.

36. The proposed wetland science centre would consist of a “living laboratory” that would include a reedbed system. A supporting letter from WSC UK demonstrates that the proposed wetland facility would provide a system of 6 experimental and fully adaptable wetland units, laboratory and training centres as a “living laboratory” which would be the largest of its kind within the UK. The proposal would include four tennis court sized wetland units, equating to 400m³ of additional flood storage capacity, which would be lined, filled and planted with different wetland plants; the living laboratory would be used to investigate the most current issues involving the use of wetland habitats as Nature-based Solutions. This element would deliver socioeconomic benefits, and being for nature-based science, would also deliver wider environmental benefits. These benefits attract modest weight in favour of the scheme.
37. The proposed building would incorporate green principles, including living walls. Also, retained vegetation and new proposed planting would ensure, in combination with the living walls, that the proposal would make positive contributions towards the ecological value of the site. However, the appellant’s biodiversity net gain (BNG) calculation shows that 6.82% habitat units would be lost, despite also finding a 11.72% hedgerow gain. The Council’s ecologist, in recognising the BNG deficit, has commented that to achieve the statutory 10% BNG, the appellant would need to either purchase units from the habitat bank or pay for Natural England Credits. Accordingly, whilst it appears that the Council is content that a 10% gain can be achieved, the ecological measures offered as part of the proposal would be of limited overall biodiversity benefit to the scheme.
38. The proposed solar panels would deliver the ability for the site to generate renewable energy, which weighs in favour of the scheme to a modest extent.

Planning balance and conclusion

39. The proposal would harm the character and appearance of the area, raising conflict with policies LP Core Policy 3, and policies BE1 and NR4.
40. In contrast, the scheme would deliver some socioeconomic benefits through the provision of a new employment use and making efficient use of previously developed land. However, I have applied only modest weight to this benefit as it is not clear why the previously approved scheme, which makes use of existing buildings and is extant, could not be provided which would also deliver similar benefits but would not cause the identified harm of this scheme. Further benefits would be gained through the provision of the wetland area, and in the provision of solar panels attracting modest weight in favour of the proposal.
41. Furthermore, the appellant asserts that the additional flood capacity created on site, through the provision of the reedbeds, should be afforded substantial weight. However, I have only attributed limited weight to this, being a relatively small area of additional flood capacity and therefore having only a negligible benefit to flood capacity in the area.

42. Consequently, the noted benefits of the proposal would not outweigh the conflict found with the development plan. Accordingly, the proposal would not accord with the development plan, when taken as a whole, and there are no material considerations of sufficient magnitude to indicate that the appeal should be determined other than in accordance with the development plan. As such, the appeal is dismissed.

B Plenty

INSPECTOR