



Appeal Decision

Site visit made on 11 August 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/C3430/W/25/3363660

Pennwood Farm, Pennwood, Wolverhampton WV4 5JN

- 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 E C Millington against the decision of South Staffordshire District Council.
 - The application Ref is 24/00725/FUL.
 - The development is described as 'Temporary siting of 28 storage containers only for Use Class B8 use on part of Pennwood Farm yard.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, I saw that the storage containers had been installed. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:

- Whether the development is inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (2024) (the Framework) and any relevant development plan policies; and,
- if there would be harm by reason of inappropriateness, and any other harm, whether the harm would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The Framework has been updated since the application was refused. Paragraph 155 allows for commercial development on grey belt land subject to meeting certain criteria and provided it would not undermine the purposes of the remaining Green Belt.
5. Grey belt land is defined in the Framework as land in the Green Belt comprising previously developed land or any other land that, in either case, does not strongly contribute to the purposes of the Green Belt set out in paragraph 143, relating to preventing urban sprawl between large built up areas (Purpose a), the merging of neighbouring towns (Purpose b) or preserving the setting and special character of

- historic towns (Purpose d). Both parties agree that the site is not previously developed land and does not strongly contribute to Purpose d.
6. The containers are sited along the side of a gravel yard in front of a mature hedge that forms the boundary with the neighbouring Penn Golf Course carpark. The yard is part of Pennwood Farm, which comprises substantial agricultural sheds on the opposite side of the yard, a menage and training paddock, and pasture with horse shelters to the south and a farmhouse to the east. There is a cluster of buildings associated with Pennwood Cottage opposite the entrance to the site. Access to the site from Pennwood Lane is shared with the Golf Club and Barley Mow Public House. A public footpath runs to the side of a gravel track along the northern edge of the site.
 7. The site is part of a 117.7ha parcel of land (s69) identified in the South Staffordshire Green Belt Study (2019) (SGBS) as strongly contributing to Green Belt purposes in terms of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another and safeguarding the countryside from encroachment.
 8. I have had regard to Planning Policy Guidance on Green Belts which identifies features that weaken the contribution that land makes towards those Green Belt purposes. The site is a small part, 0.17ha, of parcel s69, assessed in the SGBS. It is not adjacent to the large built-up areas of Wolverhampton which lies approximately 300m to the north, or Sedgely which is approximately 500m to the southeast. It is separated from them by intervening fields, hedgerow and mature tree boundaries and existing tracks and footpaths. The site is also partially enclosed by existing development, comprising a track and footpath, agricultural sheds, a car park and residential buildings. Consequently, the development is physically and visually separate from both built-up areas and, in this context, the site does not strongly contribute to Purpose a.
 9. The installed containers have increased development between the neighbouring towns. However, given the small scale of the development, the sites previous use for storing agricultural machinery and materials, its position within an existing cluster of development, and that the proposal would be temporary and would not lead directly to the merging of the towns, the site does not strongly contribute to Purpose b.
 10. Overall, I conclude that the appeal site does not strongly contribute to purposes (a), (b), or (d) in paragraph 143 of the Framework and can be considered grey belt land.
 11. Regarding whether the development fundamentally undermines the purposes (taken together) of the remaining Green Belt, I have assessed the development against the remaining Green Belt purposes, namely, to assist in safeguarding the countryside from encroachment (Purpose c) and to assist in urban regeneration by encouraging the recycling of derelict and other urban land (Purpose e).
 12. Aerial images indicate that between 2017 and 2022 the yard was extended south on to part of a field, and, at the time of my visit, containers had been sited there, as shown on the block plan, which accurately reflects the existing development. The development has therefore led to encroachment into the countryside. However, the extension did not significantly increase the size of the yard. It would be screened from the neighbouring car park by the boundary hedge. Although visible from

longer views, from the rear of houses on Northway, it would be seen in context of the buildings and development nearby including the farm buildings, Golf Course carpark and storage units, Barley Mow Pub and Pennwood Cottage and would not be seen as a significant encroachment into the countryside and consequently the harm to Green Belt Purpose c would be minor.

13. There is no evidence that a suitable site is not available in an urban area. Nonetheless, the contribution that such a small-scale development of this type would make to urban regeneration would be small such that the harm to the purpose of the remaining Green Belt in this regard is minor. Overall, I do not consider that the development has fundamentally undermined the purposes (taken together) of the remaining Green Belt.
14. On the issue of whether there is a demonstrable need for the development, in accordance with paragraph 155 criterion b) of the Framework, the appellant has submitted letters from customers stating that the storage containers meet their needs, particularly in terms of the distance from their homes and businesses.
15. I note that the Self-Storage Association UK, 2023 Annual Report, submitted by the appellant, identified convenience and ease of access as an important consideration for customers. The report also referred to 62% of customers travelling less than 15 minutes to access their storage unit. The appellant has identified 4 storage sites within that travel time from the appeal site, Storage World, Wulfrun Self Storage, Gornal Self Storage and Wombourne Self Storage. There is no evidence that these alternative sites could not meet the appellant's customers' needs and that there is a shortfall in the supply of storage units within the area. Therefore, it has not been demonstrated that the development meets an unmet need and the development therefore conflicts with paragraph 155 criterion b) of the Framework.
16. Paragraph 155 criterion c) of the Framework requires development in the grey belt to be in a sustainable location with reference to paragraphs 110 and 115. Paragraph 110 encourages significant development to locate in sustainable locations, acknowledging that sustainable transport options will vary between urban and rural areas and that this should be taken into account in decision-making. Paragraph 115, amongst other things, prioritises sustainable transport modes taking account of the type of development, safe and suitable access and highway safety.
17. The site is in the countryside with no footway or cycleway links and no access to public transport and is not therefore a sustainable location. Nonetheless, the aim of paragraph 110 appears to be to direct development that generates significant vehicular traffic to sustainable locations. The appellant estimates there are 14 travel movements to and from the site daily to access the containers. This level of traffic will have little impact on the highway capacity or safety, and the Highway Authority has not objected to the development.
18. I am satisfied that the access is suitable and safe as are the Highway Authority. Given the type of development, it is not practical to expect customers to transport goods for storage by public transport or other sustainable transport modes such as walking or cycling. Therefore, I do not consider the development conflicts with the aims of criterion c) of paragraph 155 of the Framework.

19. On this issue, I conclude that the development is inappropriate development of grey belt land, because there is not a demonstrable need for it, and the scheme therefore fails to meet all the relevant criteria of paragraph 155 of the Framework.
20. The appellant submits that the development accords with Policy GB1 of the South Staffordshire Council Core Strategy (2012) (CS). Policy GB1 predates the revised Framework and the establishment of grey belt land but still requires compliance with national Green Belt policy and sets out exceptions that are not considered inappropriate development. It includes proposals for a change of use of land providing it does not materially affect the openness of the Green Belt or the fulfilment of its purposes. This is consistent with paragraph 154h) of the Framework which allows changes of use of land in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
21. Both parties agree that the lawful use of the site is for agricultural and equine uses. According to the appellant containers have been used for storing equipment associated with the equine business, approved 15 January 2014. However, no details of that permission have been provided to me to verify whether storage containers formed part of that permission, although the appellant has stated that that no more than 17 were used for storage for livery purposes and that number has reduced since 2017.
22. There are 28 containers stationed on the land now, which substantially exceeds the number that, according to the appellant, were associated with its lawful use. Aerial photographs of the site for the years 2013, 2016, 2017 and 2022 show the number of containers and the area of the yard that they covered increased over the years. In 2022 there was an additional line of containers in the centre of the yard. According to the appellant, some were removed, and the rest reconfigured into the line of 28 containers subject of this appeal. The appellant has stated that farm machinery and materials were also stored on the site. It is difficult to discern them from the images provided and, in any case, they would not have remained in the same position and their impact on openness would have been less consistent and harmful than the 28 containers stored there now.
23. The containers are mostly screened from the golf course car park by the boundary hedge, and storage sheds and containers on the car park side of it. There are views of the containers from a public footpath as it crosses close to the site access. Although these views are transitory, the containers run along the full length of the farmyard, which has been extended to accommodate the development, and along most of the length of the hedgerow boundary between the appeal site and neighbouring car park. Consequently, they are more visually intrusive than would have been the case with the smaller number of containers stored at the site over the last 10 years.
24. Similarly, the increased number of containers, and the encroachment of the hardstanding on to the adjacent field, has eroded the visual openness when viewed from the rear of houses on Northway and in transitory views between them when travelling down the road approximately 1km southeast of the site. Although the development is seen within the context of the existing farm buildings and Pennwood Cottage to the rear, the containers are clearly visible. The development has therefore failed to preserve the visual openness of the Green Belt.

25. Each container is 2.44m wide, 6.10m long and 2.59m high. As noted above, the development has added a significant number of containers to that which the appellant stated was necessary to operate the livery business, increasing the footprint and volume of development within the Green Belt and extending into the countryside thus failing to preserve the spatial openness of the Green Belt. The development is therefore inappropriate development contrary to paragraph 154h) of the Framework and Policy GB1 of the CS.

Other considerations

26. The appellant contends that the development is necessary to diversify the farm to ensure its continued viability, following the end of payments formerly made under the EU Common Agricultural Policy. Figures have been provided for the level of income that has been lost, the contribution that it made to mortgage repayments and an estimate of the income derived from the containers. However, there is no evidence demonstrating that without this income the business would become unviable, or that acceptable Green Belt land uses could not provide an alternative source of income, other than general assertions over a lack of demand for outdoor sport or recreation, the investment in time and money needed to provide them and potential conflicts in the use of land. As such, I accord the matter limited weight.
27. There are other storage sites relatively close to the appeal site, most of which are outside the Green Belt and thus in more appropriate locations. I therefore attach minor weight to the benefits of providing storage for local residents and businesses.
28. The appellant asserts that despite being outside a settlement boundary the development is in Penn Village and thus complies with Policy EV5 of the CS. However, Policy EV5 requires development to be for the conversion or reuse of existing buildings and that the use is not suitable, or there are no available sites, within a village development boundary. The development does not use existing buildings, is outside of a settlement boundary and no assessment of the availability of alternative sites has been provided. Therefore, the development does not comply with Policy EV5 of the CS, and I attach significant weight to this conflict with the Development Plan.
29. Even if a certificate of lawful development was issued for the 4 containers that the appellant states have been on the site for more than 10 years, that would be a small proportion of the existing development and as such does not weigh in favour of the development and carries little weight.
30. The appellant has referred to the absence of other harms, in terms of the effect of the development on the character and appearance of the area and positive environmental benefits arising from the increase in biodiversity associated with the hedgerow screening proposed. However, these are policy requirements and therefore to be expected.
31. The suggested benefits to customers of fresh air and access to countryside are similarly available on the nearby Penn Common and from the public footpath that runs along the northern edge of the site and as such I accord them negligible weight.
32. I note that the appellant applied for temporary permission for 5 years and recognise that the harm to openness would be less than if the development was permanent.

Nonetheless, the courts¹ have held that temporary development can be inappropriate, in which case the harm to the Green Belt would still be substantial.

33. I have had regard to the appeal decisions referred to by the appellant. In the decision relating to land off Chapel Hill² the Inspector concluded that the proposed development would meet unmet need for battery storage, necessary to assist mitigating climate change and achieving Government net zero targets. In the appeal relating to land at Prestwood Drive³ the development involved the re-use of part of an existing industrial site for commercial development and was not inappropriate development. Therefore, neither example is comparable with the appeal development.
34. Representations raised concerns over the site being used for housing development in the future, the potential for increased surface drainage and chemical toilet leakage, the impact on wildlife, and noise. There is no evidence to suggest that the development has negatively impacted on wildlife, pollution, drainage or noise levels and the development is for storage, not housing, and as such these matters carry little weight.

Conclusion

35. The development is on grey belt land, but there is not a demonstrable unmet need for it, and it is a change of use of land that has not preserved the openness of the Green Belt. It does not accord with paragraphs 154 and 155 of the Framework and is therefore inappropriate development in the Green Belt. I afford substantial weight to the harm caused by reason of inappropriateness. The other considerations described above do not clearly outweigh the totality of the harm I have identified. Accordingly, the very special circumstances necessary to justify the development do not exist. The development does not accord with the development plan and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should be dismissed.

P D Sedgwick

INSPECTOR

¹ Europa Oil and Gas Limited v SSCLG, Surrey County Council, Leath Hill Action Group [2013] EWHC 2643 (Admin)

² APP/V4630/W/24/3347424

³ APP/C3430/W/23/3326541