



Appeal Decision

Site visit made on 16 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 07 October 2025

Appeal Ref: APP/R1845/W/25/3367720

Land off Wilden Lane, Stourport-on-Severn

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Buck against Wyre Forest District Council.
 - The application Ref is 25/0227/FUL.
 - The development proposed is Change of use from agricultural buildings to class B8 storage or distribution.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal proposal was submitted following the refusal of an application for the change of use of 4 agricultural buildings to class B8 storage or distribution, (application Ref 24/0666/FUL), which included the buildings subject of this appeal and 2 other buildings close to the appeal site. Although this appeal is against the failure of the Authority to give notice of its decision on the application within the prescribed period, I have received as part of the Authority's submissions a statement which sets out that, had it been in a position to determine the application, it would have refused planning permission on similar grounds to the previous application, namely, that the proposed development would be inappropriate development in the Green Belt, harmful to highway safety and biodiversity, and that other considerations do not outweigh the identified harm. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2024) (the Framework) and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development upon highway safety;
 - the effect of the proposed development upon biodiversity; 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 proposal.

Reasons

Whether inappropriate development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy DM.22 of the Wyre Forest District Council Local Plan (2022) (WFDLP) allows for the re-use or conversion of buildings in the Green Belt in accordance with Policy DM.10, which permits farm diversification where it does not prejudice the existing farm business and the scale of activities is appropriate to the rural character of the area (criterion d). The policy also allows for the redevelopment of an identified Previously Developed Site (criterion e) and changes of use which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (criterion g).
6. Policy DM.22 predates, and is not entirely consistent with, the revised Framework. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate development unless, amongst other things, it is for the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt (paragraph 154 (g)), the re-use of buildings that are of permanent and substantial construction (paragraph 154 (h)(iv)) and material changes in the use of land such as for outdoor sport or recreation, or for cemeteries and burial grounds (para 154 (h)(v)), providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. I accord greater weight to the Framework.
7. The appellant contends that the proposed development would fall within the exceptions to inappropriate development under paragraph 154 criteria (g), (h)(iv) and (h)(v) of the Framework. The council has offered no opinion on whether the proposal meets the specific exceptions in relation to paragraph 154, other than to suggest that the use of the yard for storage would harm the openness of the Green Belt. It has assessed the proposal against paragraph 155 of the Framework which deals with grey belt land.
8. The proposed development is for the change of use of 2 agricultural buildings for B8 storage. The appellant contends that the buildings are permanent and substantial and would thus fall under the exception in paragraph 154(h)(iv). Given that the Framework does not define permanent and substantial construction, it is a matter of planning judgement.
9. At the time of my visit, the buildings were partially constructed, consisting of a steel frame and concrete panels along the back wall of each building up to approximately half the wall height. The buildings were fixed to the ground and thus can be considered permanent. However, they had no roofs, no walls on three sides, or above the concrete panels on the rear walls, and no doors. The floors were overgrown, and the buildings were not in use, or capable of use, for their original purpose, for agricultural storage. In my view, the buildings whilst permanent are not

of substantial construction and therefore do not fall under the exception in paragraph 154 (h)(iv).

10. The appellant also contends that the proposed development is previously developed land (PDL) and therefore falls under the exception in paragraph 154(g) of the Framework. The Framework definition of PDL is land which has been lawfully developed and is or was occupied by a permanent structure, including its curtilage, but excludes land that is or was last occupied by agricultural or forestry buildings and that has been developed for minerals extraction. As I have noted, the buildings are permanent, albeit incomplete, and my understanding is that the site was lawfully developed under planning permission 22/0273/FUL, which was for the erection of two agricultural units and therefore cannot be considered PDL under the terms of the Framework.
11. The appellant also considers that the proposal would fall within the exceptions in paragraph 154 (h)(v) relating to the material change of use of land. However, given that the application is for the change of use of buildings and the appellant has stated that the associated yard is for parking, and for vehicles coming and going from the site, and not for external storage, I do not consider paragraph 154(h) is relevant to the proposal. I therefore conclude that the proposed development does not fall within any of the exceptions listed in paragraph 154 of the Framework. Notwithstanding my conclusion, for completeness I have assessed the effect the proposal would have on openness, as this is an issue raised by the council.
12. The site is enclosed within high embankments and bunds. The top of the roof frame on the gable end of one building is the only element of the existing development that is visible from outside the site. No additional buildings are proposed. There would be an increase in activity at the site and, notwithstanding the appellant's comments regarding external storage, there would be the potential for the yard to be used for storage. However, such activities would be contained within the site, well screened and have a negligible impact on the visual openness of the Green Belt.
13. Any external storage would erode the spatial openness of the site to some degree. However, an element of external storage of agricultural machinery might be expected of its lawful use. As such, I do not consider potential spatial impacts on openness would be significant and overall openness would be preserved.
14. Paragraph 155 of the Framework 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.
15. 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).
16. Both parties agree that the site does not strongly contribute to Purposes a, b and d. I find no reason to disagree given that the site is small, already partially developed, is not adjacent to the large built-up areas of Stourport-on-Severn and Kidderminster and would not lead to their merging, and does not preserve the

- setting and character of historic towns. The site can therefore be considered grey belt land.
17. 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).
 18. The site is effectively sunk into the side of a hill surrounded and contained by raised land, including embankments, ramped tracks and high bunds, associated with its former use as a motorcross track. The application is for the change of use of buildings and does not involve an increase in the yard area. I see no reason why external storage would spread beyond the site as the council suggest, which as the appellant notes would be a matter for enforcement. The bunds and embankments provide the defensible boundary around the site, which the council claim it lacks, and screen it from outside views. There would be no encroachment into the countryside and consequently no harm to Green Belt Purpose c.
 19. There is no evidence that a suitable site for the proposed development 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 would be minor. Overall, I do not consider that the proposed development would fundamentally undermine the purposes (taken together) of the remaining Green Belt.
 20. Paragraph 155 criterion b) of the Framework requires there to be a demonstrable unmet need for the type of development proposed. The council has provided information on employment land supply. I note the appellant's comments regarding the delivery of sites being mostly before the WFDLP was adopted. However, given that it was adopted 3 years ago, I would expect that to be the case. In the absence of figures regarding the occupancy of B8 units, and identifiable demand, I have no evidence that there is an unmet need for B8 storage and criterion b) has not been met.
 21. 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. Paragraph 115, amongst other things, prioritises sustainable transport modes taking account of the type of development, safe and suitable access and highway safety.
 22. The site is in a countryside location on the edge of Stourport-on-Severn. There is a footway at the site entrance which continues along Wilden Lane and eventually into Stourport-on-Severn. According to the appellant's Transport Statement, there are residential areas in the north of the town which are within acceptable commuting walking distance (2km). There is a bus stop within 350m of the site and most of the Town, and the outskirts of Kidderminster, are within a reasonable cycling distance (6km) of the site. The proposed development would be accessible by foot, cycle and bus and would, therefore, be in a sustainable location. The suitability of the access is dealt with as a main issue below.

23. I conclude on this main issue that the proposed development is not an exception under paragraph 154 of the Framework. Although the site can be considered grey belt land, there is no demonstrable unmet need for the proposed development, and it is not therefore an exception under paragraph 155 of the Framework. The proposed development would, therefore, be inappropriate development in the Green Belt.

Highways safety

24. The appellant's Transport Statement provides a comparison of vehicle movements associated with existing and previous uses at the appeal site against estimates for the proposed development. Notwithstanding the agricultural buildings are not fully constructed and not therefore in use, at the time they were permitted vehicle movements associated with their use were estimated to be approximately 30-35 per day. The site was formerly used for motorcross events estimated at 69 vehicle movements a day. The estimate for the appeal proposal is for 120 vehicle movements per day, exceeding the estimates for the current and former use by between 51 and 90 vehicle movements per day. The council consider that the estimates remain low given that the buildings could be used for storage and distribution but have provided no alternative numbers. Nonetheless, there is no dispute that the proposed development would increase vehicle movements.
25. The site is accessed on a bend in the road. Views to the south towards oncoming traffic are partly obscured by a white wooden gate which sits in front of a sign for Stourport-on-Severn next to a 30 mile per hour (mph) sign and a telegraph pole set further back. Both parties agree that current visibility in this direction is substandard.
26. The appellant claims that, by moving the gate 1m to the side, widening the access and cutting back vegetation, visibility of 70.09m could be achieved. However, according to the council's highways consultants that would fall 18m short of the minimum visibility requirement, assuming a 0.6m kerb line offset. If visibility were measured without accounting for the offset the shortfall in visibility would increase to 38.5m. According to the appellant, the visibility shortfalls are within 'permitted relaxations' in the Design Manual for Roads and Bridges. Nonetheless, given that average speeds of northbound traffic were 37.5 mph with some vehicles substantially exceeding that speed, I consider that there is a real risk that drivers would not be able to adequately see oncoming traffic as they pull out of the junction which could lead to collisions.
27. I appreciate that there is no accident data for the access. However, it could only have been used lawfully for motorcross events for 14 days of the year and, given that the agricultural buildings are incomplete, the existing use of the access is likely to be significantly less than was estimated at the time the buildings were approved. I note that the access was used in association with mineral consent 21/000036/CM to remove materials from the site, but no figures for vehicle movements associated with that activity have been provided to me. Instead, the appellant's figures suggest that the proposed development would substantially increase vehicle movements. Therefore, the absence of accident data does not alter my view that the access, even with the proposed improvements, would not be acceptable. Overall, I consider that the proposed development would conflict with Policy SP.27 of the WFDLP and paragraph 116 of the Framework which seek to ensure development would not have an unacceptable impact on highway safety.

Biodiversity

28. The proposed development would involve some widening of the access and cutting back vegetation to the south along the footway edge to improve visibility. No hedgerow would be removed and consequently there would be no impact on biodiversity or effect on the nearby Site of Special Scientific Interest (SSSI) and no adverse impact on the rural character of the area. Given that the proposal is for the change of use of buildings there would be no impact on existing habitat and the proposal is therefore exempt from biodiversity net gain requirements. There would therefore be no conflict with Policy SP.23 of the WFDLP and Paragraph 193 of the Framework which seeks to protect biodiversity and SSSIs.

Other considerations

29. I note that Policy SP.6 of the WFDLP encourages appropriate farm diversification and the proposed development would supplement the appellant's income from farming, which weighs in favour of the proposal. Also, although the application form indicates that there would be no additional employment on the site, there would be benefits to businesses using the buildings for storage which I accord limited weight.
30. I appreciate the appellant's frustration that correspondence with the council's Development Manager did not indicate objections on Green Belt grounds which have since been raised in the council's statement of case. However, procedural issues such as this must remain a matter between the main parties. More particularly, my remit is limited to assessing the planning merits and impacts of the proposed development, and I have reached my decision on this basis.

Conclusion

31. I find that the proposal would be inappropriate development in the Green Belt. In line with the Framework, I afford substantial weight to the harm caused by reason of inappropriateness. The proposed development would also cause unacceptable harm to highway safety. 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 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