
Appeal Decision

Site visit made on 13 January 2026

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/P1805/W/25/3374801

Primrose Nurseries, Fairfield Road, Bournheath, Worcestershire B61 9JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Banham against the decision of Bromsgrove District Council.
 - The application Ref is 25/00595/PIP.
 - The development proposed is the erection of up to 6 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There was no site address on the application form, so I have taken it from the Council's decision notice, which the appellant uses on the appeal form.
3. The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second stage ('technical details consent') is when the detailed development proposals are assessed. Planning permission does not exist unless both the permission in principle and the technical details consent are approved. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application, if permission in principle is granted.
5. The amount of residential development must be expressed as a range, indicating the minimum and maximum number of dwellings. In this case, permission in principle is sought for a maximum of 6 dwellings.

Main Issues

6. The main issues in the appeal are:
 - Whether the proposal would be in a suitable location for housing, having regard to the local development strategy for the area and proximity to services and reliance on private motor vehicles;
 - Whether there is appropriate infrastructure to support access to services and facilities;

- The effect of the proposed development on the character and appearance of the area;
- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and any relevant development plan policies; and
- If the proposed development constitutes inappropriate development in the Green Belt, 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 proposal.

Reasons

Whether a suitable location for housing and appropriate infrastructure

7. Policy BDP1 of the Bromsgrove District Plan 2011-2031 (the District Plan) is a broad-brush policy setting out sustainable development principles, similar to those in the Framework. It states that for new development consideration will be had, amongst other things, to accessibility to public transport options.
8. District Plan Policy BDP2 seeks to focus new development in locations in accordance with the district's settlement hierarchy and lists the villages in each settlement type. The approach seeks to ensure that development contributes to the regeneration priorities for the area, preserves the attractiveness of the environment, reduces the need to travel, and promotes sustainable communities based on the services and facilities that are available in each settlement, and will assist villages to remain viable and provide for the needs of the catchment population they serve.
9. These policies are broadly consistent with the Framework's aims of promoting sustainable patterns of development including for the location of housing; to seek opportunities to promote walking, cycling and public transport, and by limiting the need to travel and offering a genuine choice of transport modes, whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (para 110). The Framework also seeks to ensure that sustainable transport modes are prioritised and safe and suitable access to the site can be achieved (para 115).
10. Policy BDP2 identifies Bournheath as a 'Small Settlement'. Within the defined settlement boundary appropriate development will be limited to suitable infill plots, reflecting the limited services and facilities available. The appeal site lies some 30 metres outside the defined settlement boundary and is therefore contrary to Policy BDP2.
11. Bournheath is a small village that has a number of public houses and a community hall/play area but does not have day-to-day facilities such as a shop or a school. Framework paragraph 83 recognises that in rural areas, where there are groups of smaller settlements, development in one village may support services in a village nearby. The small settlement of Fairfield to the north has a First School, a church and recreation/football ground. There is no evidence before me to suggest that the services and facilities in either Bournheath or Fairfield are under threat from lack of patronage such that the proposal is vital to keep them open.

12. Not all settlements can have a full range of services and facilities. Existing and future residents would need to leave the village to access higher order services and facilities such as secondary schools, health and medical facilities, certain leisure activities, shops and places of employment. Bromsgrove, about 3 miles away, is the main town providing the majority of services.
13. There is a limited bus service through the village. Despite some discrepancy as to whether services operate on a Saturday, there are bus stops on Doctors Hill and the top of Bournheath Road (near Fairfield) that offer a once-a-day service to Bromsgrove. There are other limited bus services from the Plough & Harrow PH in Catshill (by walking along Claypit Lane) to Halesowen and Stourbridge. The appellant states these stops are between 643 metres and 804 metres away from the site entrance, so this would in fact be further to walk as the houses would be up the private track. The distance to the bus stops exceeds Worcester County Council's Streetscape Design Guide recommendations for average walking distances of 400m to a bus stop, or 800m where a high quality, direct and level route is provided. People are more likely to walk further for employment purposes or to bus stops to catch buses to work if times are appropriate.
14. Service frequency and distance to walk are not the only factors to consider, as the nature and type of route to bus stops will also have an effect on their suitability and likelihood of them being used. Bournheath has sporadic pedestrian footpath provision. There are some stretches of pavement along Fairfield Road from the junction of Claypit Lane (the turning to the Community Hall) and Dodford Road, and in the other direction a footpath resumes along Bournheath Road as one approaches Fairfield. However, there are no pavements to or from the appeal site in either direction for over 200 metres and no streetlighting. There are also no pavements or streetlighting along the narrow Claypit Lane.
15. Hence all routes to the bus stops would involve walking along lanes without pavements and lighting. Whilst some people could walk to the bus stops to access other services and facilities elsewhere, and some presumably do as the bus service operates, the bus stops are beyond the recommended distances. The appeal site is outside the settlement boundary, and the proposal would introduce 6 more households to the village that has poor access to public transport.
16. The Fairfield First School is over 1 km away and walking without a pavement for part of the route would not be conducive to encourage walking, especially with children and pushchairs. To walk to Fairfield First School, the appellant suggests that it would take only 2 minutes 26 seconds to walk from the site to the pavement on Bournheath Road, and 2 minutes 44 seconds to get to the pavement on Dodford Road, assuming an average walking speed of 1.4 m/s, and hence this would not expose road users to a protracted lane walk.
17. Even if the area is a low-traffic environment and there are no reported accidents (which does not include near-misses or unreported incidents), children and pushchairs would walk more slowly and be exposed to road walking for longer. Walking in the road to the school with young children would not be an attractive or safe proposition.
18. A grass verge is not a footway, and with long grass, mud and inclement weather would not be conducive to use. I noticed there was a bend north of the site that would limit visibility for pedestrians walking in the road and vehicle users. From my

observations, walking in the road to facilities in Fairfield or Bournheath and for more than the recommended distance to bus stops would not serve to encourage use of public transport. Cycling along the lanes would be do-able for those who are fit and confident, but not for those unable to do so, or taking children to school or bringing back shopping.

19. I also walked part of the public right of way that runs alongside the access track and the northern boundary of the site and adjacent fields to New Road and Stourbridge Road. Whilst this might not be a problem for recreational walkers with boots and rucksacks, it would be unsuitable to access the bus stops or services and facilities in Bromsgrove or carry bags of shopping, particularly for those with mobility issues and in inclement weather. Hence this route is unlikely to be a realistic walking option that future occupiers would use to access services and facilities.
20. The Highways Authority has not raised an objection in principle and acknowledged that the visibility of the access onto Fairfield Road can be resolved at the technical details stage. However, the Highways Authority does draw attention to the fact that no bus stops, amenities or facilities are located within an acceptable walking distance, and that due to the unattractive nature of the pedestrian route and lack of pedestrian infrastructure future residents would most likely use the private car. This reinforces my concerns regarding the safety and suitability of the pedestrian routes
21. I accept that there are villages and country areas where there are no pavements and residents have to walk in the road, much as the existing residents of Bournheath currently have to do. However, the proposal would exacerbate the situation. During my site visit I saw dog walkers and ramblers walking through parts of the village in the road. But ramblers and dog walkers can choose or alter their routes, whereas routes to bus stops and schools are fairly fixed and these journeys would be made regularly
22. Overall, the nature of the local road network, the distances involved and only semi-frequent bus services would not be conducive to encourage walking or the use of public transport to access day-to-day local services and facilities elsewhere. Hence the appeal site is not well served by, or accessible to, public transport or safe pedestrian routes to access day-to-day services and facilities. As a result, future residents would not have a genuine choice of sustainable modes of transport to access such services and facilities and consequently would be heavily reliant on private vehicles, even if trips to nearby towns and centres were relatively short or were linked with other trips.
23. I therefore conclude that the appeal site is not a suitable location for housing with regard to local and national policies and would undermine the Council's spatial strategy and efforts to direct housing to the most suitable settlements to encourage sustainable patterns of development and reduce the need to travel. Accordingly, it would be contrary to District Plan Policies BDP1 and BDP2, whose aims are outlined above.
24. The proposal would also conflict with District Plan Policy BDP16 which seeks, amongst other things, to ensure that infrastructure of pedestrians and cyclist will be provided, that development should reduce the need to travel, and where travel is necessary, increasing the use of sustainable transport modes. Developments that

would worsen walking and cycling access and exacerbate motor vehicle dependence should not be permitted.

25. It would also be contrary to the Framework's aims of promoting sustainable development, limiting the need to travel and offering a genuine choice of sustainable transport modes.
26. The appellant draws my attention to the Parish Hill appeal¹ for 2 dwellings on a site nearby, which I saw has not been built. It was considered against the Green Belt Framework exception for "limited infill in villages". It was not a permission in principle application and access to services and facilities was not a requirement of that assessment. Nor did it rely on the site being within settlement boundaries - merely on being within a village based on the situation on the ground. It can often be the case that identified settlement boundaries, which are a planning tool to guide the location of development, do not necessarily coincide with the administrative limits of the village. As that site was found to constitute "limited infill in a village" the development was deemed not inappropriate in the Green Belt and was allowed. The issue of accessibility to services was not a determinative factor of the decision for Parish Hill. That Inspector did refer to a previous scheme for 6 dwellings on the appeal site before me. However, they found, rightly, that the two sites were not comparable as each had a different relationship to the village and were for a different quantum of development. The Parish Hill permission is therefore not directly comparable to the appeal before me and does not set a precedent. In any event, I must determine the appeal on the facts and circumstances of the case and on its own merits.

Character and appearance

27. The site lies within the National Character Area: Arden, and the Worcestershire Landscape Character Assessment identifies the site as being part of the Principle Settled Farmlands Landscape Character Type. This latter character type is broadly characterised by a rolling landscape and a dispersed pattern of farmsteads, hamlets and wayside dwellings, rather than strongly nucleated villages. Field patterns are sub-regular of small to medium sized hedged fields.
28. I saw that Bournheath was a settlement centred broadly on three roads - Fairfield Road, Doctors Hill and Dodford Road. It comprises a mix of housing styles, sizes, ages and designs. The prevailing pattern is for built form to front the roads. Due to the gently undulating topography and the inter-section of the roads, views across the village from Claypit Lane and Parish Hill show an organic and somewhat ad hoc collection of built form that was dispersed along each of the roads rather than being of a strongly nucleated form.
29. The appeal site is a commercial site set back from the road along a private track on gently raised land. The site is bounded and partly screened and therefore occupies a somewhat visually and physically contained site. However, walking along the footpath along the site's northern boundary, and looking from Claypit Lane, the existing buildings on the site can be seen through the hedge, although when trees are in leaf some views would be lessened. However, some of the conifers are intended to be removed, and the boundaries planted with more suitable species. This would leave the site highly visible on raised land and would take a number of years before any new planting provided any meaningful landscaping.

¹ APP/P14805/W/23/3332459 dated 26 September 2024

30. The proposal would see some unattractive utilitarian buildings replaced with dwellings, which could offer some visual improvement. However, as the site is currently screened, this would have little positive effect. As the application is for permission in principle, the designs and appearance of any dwellings would be addressed at the technical details stage. I have no reason to doubt they would not be built to a high quality and could be suitably designed to reflect the local vernacular. That said, the development of this site would result in a cluster of up to 6 dwellings on a relatively compact site, set back from the road. This would be at odds with the prevailing pattern of roadside, or wayside, development that is largely typical of the village and the Principle Settled Farmlands Landscape Character Type.
31. For the reasons above I conclude that the proposal would conflict with District Plan Policies BDP19 and BDP21. Collectively these seek to ensure that development protects and enhances the distinctive landscape character of Bromsgrove and the local area and takes account of the Worcestershire Landscape Character Assessment. It would also be contrary to the Framework that expects development to be sympathetic to local characteristics, including the surrounding built development and landscape setting.

Green Belt issues

32. Framework paragraph 142 states that the Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The five purposes of Green Belts are listed in paragraph 143. The Framework 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. Development in the Green Belt is inappropriate unless one of the exceptions listed in paragraphs 154 and 155 applies.
33. District Plan Policy BDP4 seeks to protect Green Belt from inappropriate development unless the development falls within the exceptions listed in the Framework. The Policy provides a greater level of detail than what is provided within the Framework to aid the Council's decision-making. However, I am satisfied that Policy BDP4 is broadly consistent with the Framework.
34. The appellant considers the site is grey belt land and hence not inappropriate development when judged against the criteria in paragraph 155.

Whether the site is grey belt land

35. The Framework Glossary provides the definition of 'grey belt' as "*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143*".
36. The appeal site comprises a number of buildings and structures and hardstanding. These would need to be demolished/removed to facilitate the erection of up to 6 dwellings across the site. From the evidence and my observations, the appeal site would comprise previously developed land in accordance with the definition in the Framework Glossary.
37. Turning now to the purposes of the Green Belt, purpose (a) is to check the unrestricted sprawl of large built-up areas. Purpose (b) is to prevent neighbouring

towns merging together and purpose (d) is to preserve the setting and special character of historic towns. The Planning Policy Guidance (the PPG) makes clear that large built-up areas, the merging of towns, and historic towns do not relate to villages. Based on these circumstances, the appeal site does not contribute to Green Belt purposes a), b) and d). Hence the appeal site can be considered as 'grey belt'.

38. However, for the proposal to be considered as not inappropriate development in the Green Belt, it must also satisfy all of the criteria a. to d. in Framework paragraph 155.

Whether inappropriate development

39. To fulfil criterion a. of paragraph 155, the development should utilise grey belt land and not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The PPG states that when considering whether a proposal would undermine the purposes taken together of the remaining Green Belt across the area of the plan, authorities should consider whether, or the extent to which, the release or development of Green Belt land would affect the ability of all of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.
40. The impact on purposes (a), (b) and (d) has already been considered above, and there would be no conflict with them.
41. Green Belt purpose (c) is to assist in safeguarding the countryside from encroachment. The site is a discrete parcel of brownfield land currently bounded by fencing and boundary trees and hedgerows and abuts the adjacent horse stable development. Whilst the form of the proposed development might differ on the site, the appeal site would not extend further than the existing development and site boundaries and so would not amount to an encroachment into the countryside, and remaining Green Belt would still adequately serve all its purposes in a meaningful way. Purpose (e), which is to assist in urban regeneration by encouraging recycling of derelict land and other land, is not particularly relevant here given the appeal site is in a rural area. Consequently criterion a. of paragraph 155 would be met.
42. In terms of criterion b. the Council has a 2.24-year supply of deliverable housing land and therefore cannot demonstrate a 5-year supply. There is, therefore, a demonstrable unmet need for the housing proposed. Hence criterion b. is met.
43. Criterion c. requires the development to be in a sustainable location, with particular reference to Framework paragraphs 110 and 115. I have already considered the site's location and its suitability, and I have found it is not in a sustainable location. Hence criterion c. is not met.
44. It follows that as criterion c. is not met, then all the criteria in paragraph 155 are also not met. Consequently, the development is inappropriate development in the Green Belt, even though the appeal site is grey belt land. As already stated, any harm to the Green Belt, including any harm to its openness, should be given considerable weight and inappropriate development only approved in exceptional circumstances.

Openness

45. The Framework describes that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the Framework or the development plan, but the courts have established that openness has both a spatial and a visual aspect and consideration of the impact or harm, if any, wrought by the change. Assessment of openness is a matter of planning judgement based on the specific facts of the case.
46. There are existing buildings and structures and areas of hardstanding on the site, and hence the site is not undeveloped. The buildings currently occupy space on the ground and have volume and height, bulk and massing. However, being a planning in principle application there are no plans showing how up to 6 dwellings would be arranged across the site. Nor are there any plans showing the design and appearance of the dwellings and thus their size, volume, bulk and massing.
47. From my observations I find it highly likely that the proposed 6 dwellings would have different footprints, volumes, shapes, bulk and massing compared to the existing sheds and structures currently on site, some of which are small and single storey. There would also be the creation of 6 gardens, associated boundaries and domestic paraphernalia, and garaging or areas for parking. Hence, I find it likely that the openness of the Green Belt would be substantially diminished by the appeal scheme.

Conclusion on Green Belt issues

48. The proposal would not fall within the Green Belt exceptions in Framework paragraph 154. Whilst the site can be considered grey belt, it nonetheless does not meet all of the criteria in paragraph 155. Hence the proposed development constitutes inappropriate development in the Green Belt for the purposes of the Framework. I also find it likely that there would be a reduction in the openness of the Green Belt.

Other Considerations and Green Belt Balance

49. The proposed development represents inappropriate development in the Green Belt and there would likely be harm to its openness. Framework paragraph 153 requires that substantial weight is given to any harm. Therefore, inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
50. I have found the site is not in a suitable location for housing, such that future occupiers would be unduly reliant on the private car to access day-to-day services and facilities contrary to the Council's spatial strategy that guides the location of housing to more sustainable locations. There is also a lack of infrastructure, such as pavements and streetlighting, such that pedestrians would have to walk in the carriageway, creating increased pedestrian vehicle conflict to the detriment of highway safety. There would also be harm to the character and appearance of the area. These are serious planning objections.
51. There are a number of other considerations in favour of the proposal. There would be some associated short-term socio-economic benefits from jobs and the supply chain during the demolition and construction phase, and some longer-term

spending by future occupiers, at least some of which would be spent in the local area and support nearby local services to a modest degree. The provision of 6 new dwellings would also go towards reducing the Council's housing deficit. The proposal would also utilise previously developed land.

52. However, while the other considerations are significant, they do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist
53. The lack of a 5-year housing land supply triggers Framework paragraph 11d). However, footnote 7 provides that planning permission should not be granted where Framework policies protecting areas or assets of particular importance, such as Green Belt, provide a strong reason for refusing the proposed development. I have found this to be the case in this appeal. Hence the 'tilted balance' in paragraph in 11d) is disengaged.
54. Even if the development proposal was considered under Framework exception 154g) for "*limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt*", this would not change the outcome of my decision.

Conclusion

55. The proposed development would conflict with the development plan as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Accordingly, for the reasons given, the appeal is dismissed and permission in principle is refused.

K. Stephens
INSPECTOR