



Appeal Decision

Site visit made on 19 November 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2026

Appeal Ref: APP/C3430/W/25/3370094

Clee View, Trysull Road, Wombourne, Staffordshire WV5 8DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Howard Sanders against the decision of South Staffordshire District Council.
 - The application Ref is 25/00461/PIP.
 - The development proposed is up to 7No. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this 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 ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - : Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies.
 - : The effect of the proposal on the openness of the Green Belt.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- : Whether the site is in a sustainable location with regards to access to services and facilities and sustainable modes of transport.
- : 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

Policy Context

5. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028). The Decision Notice refers to Core Strategy Policy GB1 that broadly reflects the provisions of the Framework with regard to development in the Green Belt, and Core Policy 1 of the Core Strategy that refers to the location of development in particular with regards to services and facilities. I consider that these policies are most important for determining the appeal.
6. However, the parties detail in their appeal submissions that the council can only demonstrate an approximately 1.17-year housing land supply. The appellant therefore suggests that the 'tilted balance' detailed in the National Planning Policy Framework (the Framework) paragraph 11 d) ii. should be applied. On the basis of the evidence before me I consider that the short fall is significant and persistent.
7. On this basis I am satisfied that the policies most important for determining the appeal are out of date and where I have found conflict with these policies, I have afforded that conflict very little weight.
8. Nonetheless, paragraph 11 d) refers to instances where the policies which are most important for determining the application are out of date, in this instance due to the absence of a 5-year housing land supply, to granting permission unless: i the application of policies that protect areas or assets of particular importance, such as the Green Belt, provides a strong reason for refusing the development proposed. This is a matter that I shall return to later.

Whether inappropriate development in the Green Belt

9. The parties readily accept that the site is located within the Green Belt.
10. The Framework advises at paragraph 154 that development in the Green Belt is inappropriate unless one of the specified exceptions applies. None of the exceptions listed apply in this case. However, Paragraph 155 goes on to set out circumstances where development on 'Grey Belt' land is 'not inappropriate'. The appellant argues that this is a grey belt site, while the Council take the contrary view.
11. Paragraph 155 of the Framework advises that, as relevant to the appeal scheme, development in the Green Belt should not be regarded as inappropriate where:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
12. The appeal scheme is not major development as defined by the Framework and as such criterion d. is not relevant.

Paragraph 155 a.

13. Grey Belt is defined by the glossary to the Framework 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. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
14. This site is not previously developed land, so the first question is whether the appeal site strongly contributes to any of purposes (a), (b), or (d) in paragraph 143 of the Framework. Those purposes are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - d) to preserve the setting and special character of historic towns.

a. Unrestricted sprawl

15. Planning Practice Guidance² (PPG) identifies that purpose (a) relates to the sprawl of large built up areas and that villages should not be considered large built up areas. The PPG does not offer any definition or matrix to differentiate a village or a town for this purpose.
16. I saw at the site visit that the built form of Wombourne covers a considerable area including large residential estates, commercial estates, services and facilities that are broadly commiserate with a large urban area such as a town.
17. However, Core Policy 1 defines Wombourne as a Main Service Village and the council accepts that the appeal scheme "complies with paragraph 155a"³.
18. On the basis of the evidence before me I am satisfied that, on balance, Wombourne is a village and not a large built up area for the purposes of 155a and thus the appeal site does not make a strong contribution to Green Belt Purpose (a), checking the unrestricted sprawl of large built up area.

b. Merger of towns

19. Again, the PPG states that purpose (b) relates to the emerging of towns, not villages. Following my finding above, I consider that the development of the appeal site does not make a strong contribution to purpose (b).

² Paragraph: 005 Reference ID: 64-005-20250225

³ Paragraph 2.2 **Council's Statement of Case**

d. Setting and special character

20. The Framework and the Green Belt guidance do not introduce a definition of a historic town, while I note the pleasant character and appearance of Wombourne, I consider that, on the basis of the evidence before me, particularly the status of the settlement as a village and the absence of significant and numerous heritage assets, I do not consider that Wombourne or any other relevant neighbouring settlement, is a historic town for the purposes of Green Belt policy.
21. As such, Green Belt purpose (d) is not relevant in this instance.
22. For the reasons detailed above I am satisfied that the site does not strongly contribute to Green Belt purposes a), b), or d) in paragraph 143 of the Framework.
23. As referred to previously, the grey belt definition excludes other land (other than Green Belt) identified at footnote 7 of the Framework, but none is relevant here. Accordingly, I conclude that the site is Grey Belt.
24. Returning to criterion a) of paragraph 155, I have concluded that the site is Grey Belt and that three of the purposes of Green Belt are not compromised. As to the other two purposes, the effect in terms of encroachment of the countryside (purpose c) is small, given the small size of the site in itself and in proportion to the remaining countryside and Green Belt, and there would be no effect in respect of urban regeneration and the recycling of derelict land (purpose e), given availability of such sites elsewhere and the limited scale of the proposal.
25. Accordingly, I find that the development does not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and I find that the appeal scheme is in accordance with paragraph 155 a.

Paragraph 155 b. and footnote 56, unmet need

26. With regards footnote 56 of the Framework, the appeal scheme involves the provision of housing, and it is agreed between the parties that the council cannot demonstrate that there is a five year supply of deliverable housing sites.
27. On this basis and in accordance with paragraph 155 b I am satisfied that there is a demonstratable unmet need for the type of development proposed.

Paragraph 155 c. Sustainable location

28. Paragraph 155 c. of the Framework seeks that development would be in a sustainable location and refers to paragraph 110 and 115 that in turn seek the limiting of the need to travel and offering a genuine choice of transport modes, while acknowledging transport solutions will vary between urban and rural areas, and other specific criteria including the design of streets are to reflect national guidance and ensure highway safety.
29. The appeal site is located outside of and clearly detached from Wombourne, a Main Service Village providing access to a range of services and facilities.

30. In line with the earlier appeal decision,⁴ the appellant notes the nearest bus stop is some 15 minutes walk from the appeal site, and in determining the earlier appeal the Inspector found that the local schools, services and facilities are all at least 15 minutes walk from the appeal site. Moreover, I note that many of the services and facilities of Wombourne are over 15 minutes walk away from the appeal site.
31. However, I saw at the site visit that the road linking the appeal site to Wombourne is unlit and there is not a pedestrian footpath along the road. Furthermore, the carriageway is notably narrow and, in several sections, lacks a marked centre line. It is frequently enclosed by high verges and hedges, which constrain forward visibility. Although traffic levels were not heavy at the time of my visit, vehicle movements were nonetheless regular and travelling at relatively high speeds given the prevailing road conditions referred to above.
32. I note that Wombourne Parish Council raised concerns regarding the absence of a footpath, the narrow and winding access road and the ability of future residents to access essential facilities and the Local Highway Authority noted that the road has a speed limit of 60 mph, that Trysull Road has no footways on either side of the carriageway and that the road is unlit.
33. Such a walking route is extremely unattractive and likely to be considered unsafe by future residents, particularly to younger people accessing the local schools, and I consider it highly unlikely that future residents of the appeal scheme would walk to Wombourne to use public transport options, education facilities or other services or facilities.
34. I acknowledge the guidance detailed in paragraph 110 of the Framework that sustainable transport solutions will vary between urban and rural areas and I weigh this with the criteria detailed in paragraph 115 of the Framework, including the need to provide safe and accessible access to the site for all users and the need to prioritise sustainable transport modes, taking account of the site and its location.
35. Furthermore, I have had regard to the appeal decision⁵ referred to by the appellant but I consider that the proposed developments and site situations are materially different, including the number of dwellings proposed, the presence of a bus route along some of the road and in that instance, evidence from a local resident stating that they regularly walked the route. As such that I do not consider this appeal to be determinative in this instance.
36. In conclusion, the distance from the appeal site to the services and facilities of Wombourne, while not excessive, is at the very upper threshold of what I consider to be walking distance. However, I consider that the poor pedestrian environment would fail to provide safe and suitable access to the site and would result in future residents being dependent on the private motor car.
37. Therefore, in line with the earlier appeal decision, I do not find that the appeal site is a sustainable location for the development proposed with regards paragraph 155 c. of the Framework.
38. Consequently, while I have found that the appeal scheme would comply with parts a and b of paragraph 155 of the Framework, I have found that it does not comply

⁴ App/C3430/W/23/3331733 dated July 2024

⁵ Appeal Decision APP/C3430/W/24/3355879, Decision date: 08 May 2025

with part c and therefore in accordance with the provisions of that paragraph, I conclude that the appeal scheme is inappropriate development in the Green Belt.

Openness of the Green Belt

39. The appeal site is showed on the submitted plans as accommodating a single existing dwelling outbuildings and surrounding garden space. At the site visit I saw that it is open and highly visible from the road, contributing positively to the openness of the Greenbelt.
40. The appeal scheme would develop the site for up to 7 dwellings intensifying built development on the site including associated domestic paraphernalia. While landscaping could reduce the visibility of the appeal site from the road due to the gently sloping nature of the site, rising away from the road, I consider that dwellings would nonetheless be highly visible.
41. As such, appeal scheme represents an encroachment of built form into the countryside location. I therefore find that the appeal scheme would harm the openness of the Greenbelt with regards spatial and visual aspects contrary to the provisions and guidance of the Framework and PPG. I also find the appeal scheme would be contrary to Policy GB 1 of the Core Strategy.

Sustainable Location

42. In reaching my conclusion in respect of *Paragraph 155 c. Sustainable location* I considered the suitability of the site with regards access to services and facilities and found that the site was not a sustainable location due, in particular, to the poor pedestrian access to Wombourne and the resulting dependence on the private motor car. Having taken account of the rural location of the appeal site and the relevant guidance of the Framework, I found that the appeal site is not a sustainable location for the development proposed.
43. For the same reasons I consider that the appeal site is not a sustainable location for the proposed development and thus is contrary to Core Policy 1 of the Core Strategy.

Other considerations

44. I have found that the appeal scheme is inappropriate development in the Green Belt, would harm the openness of the Green Belt and is not in a sustainable location. I afford substantial weight to these harms.
45. Nonetheless, there are considerations that weigh in favour of the appeal scheme. In particular, there is a significant and persistent undersupply of housing, and the appeal scheme would deliver up to 7 dwellings. I afford significant weight to this material consideration.
46. I have had regard to all the other considerations put before me. I consider that taken together, the factors cited in favour of the appeal scheme do not clearly outweigh the harm that the scheme would cause. Consequently, very special circumstances do not exist.

Conclusion

47. The council has confirmed that it cannot demonstrate a 5 year supply of housing land against their housing need, as required by the Framework. In line with paragraph 11 (d) permission should normally be granted unless the application of policies to protect particular areas (including Green Belts) provide a clear reason for refusing development. While I have found that the site is Grey Belt I have found that the appeal scheme would, as a result of the unsustainable location, nonetheless be inappropriate development in the Green Belt, and harmful to the openness. I therefore consider that there is a clear strong (Green Belt) reason for refusing the development in this instance and as such the provisions of paragraph 11 (d) does not apply in this instance.
48. I have found that the proposed development would constitute inappropriate development in the Green Belt and that it would cause harm to the openness of the Green Belt. I have found that the appeal scheme is not in a sustainable location and that it has not been demonstrated that there are very special circumstances in this instance.
49. While I have afforded significant weight to the significant and persistent undersupply of housing land, I do not consider that this and other benefits referred to outweigh the harms in a planning balance.
50. Even if I were to agree with the appellant and apply a 'tilted balance', I consider that the substantial adverse impacts of the appeal scheme significantly and demonstrably outweigh the significant benefits of the development.
51. For these reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR