

Appeal Decision

Hearing held on 10 May 2006

Site visit made on 10 May 2006

by **Mr J P Sargent** BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date

Appeal Ref: APP/R1845/A/05/1174964

Chaddesley Driers Site, Longmore, Chaddesley Corbett, Nr Kidderminster, DY10 4RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Henwick Homes (L Hiley) against the decision of Wyre Forest District Council.
- The application Ref WF.1212/04, dated 8 November 2004, was refused by notice dated 17 December 2004.
- The development proposed is the demolition of the existing grain drier and manufacturing shed, and the erection of 2 detached dwellings.

Summary of Decision: The appeal is dismissed.

Planning Policy

1. The appeal site lies within the West Midlands Green Belt, and national guidance relating to development in such areas is contained in Planning Policy Guidance Note 2 (PPG2) *Green Belts*. This states that, unless it is for a number of specified purposes, the construction of a new building inside the Green Belt is inappropriate. It is then for the Appellant to show why permission should be granted for such development, by demonstrating that very special circumstances exist that clearly outweigh the harm arising from inappropriateness and other harm. Policies D.12 and D.39 in the *Worcestershire County Structure Plan 1996-2011* and Policies GB.1, GB.6 and H.2 in the *Wyre Forest District Adopted Local Plan* broadly reflect this national advice.

Main Issues

2. I consider that there are 3 main issues in this case. The first is whether the development would be inappropriate in this Green Belt location, and the second issue is whether it would give rise to other harm. If the scheme would constitute inappropriate development, the third issue is whether any very special circumstances exist that would clearly outweigh the harm arising from inappropriateness and other harm.

Reasons

Issue 1 – Inappropriateness

3. The proposal would not accord with any of the specified purposes given in paragraph 3.4 of PPG2. Accordingly, I agree with the parties and conclude it would constitute inappropriate development in this Green Belt location. Having regard to paragraph 3.2 of PPG2, the proposal would therefore, by definition, be harmful to the Green Belt and I attach substantial weight to such harm in reaching my decision.

Issue 2 – Other harm

4. Although the main building now on site is of an industrial nature, it is nonetheless relatively low. Given its height and taking account of the tall hedging around, views of it are therefore restricted. From the part of the lane where it can be seen, its set-back and its sloping roof mean it is not particularly dominant. Similarly, the yard area and boundary treatments are screened when looking from the wider landscape, and when closer to the site, the limited views mean these aspects are not unduly apparent. Finally, whilst the hopper might be the tallest feature now present, its slender nature means its impact on the character of the area is limited. Therefore, in my judgement the development and activity currently on the site does not intrude unduly into surrounding landscape or significantly affect the openness of the Green Belt.
5. The ridgelines of the 2 proposed dwellings would be roughly 2m above the ridge of the existing main building, and they would also have higher eaves. In my opinion, these houses would therefore appear significantly taller than the industrial shed now present, and so they would not be as well screened by the surrounding vegetation. Moreover, House 1 would be closer to the front of the site whilst House 2 would offer a sizeable partially-hipped gable to the lane, and together, when seen from here, they would fill substantially more of the plot than the existing structures. Consequently, in my opinion the proposed development would be far more dominant than what is now present, causing notably more harm to the most important attribute of the Green Belt, namely its openness.
6. In reaching this view, I accept that the buildings to the north are tall, but, to my mind, this does not offer a reason to allow additional development of this scale and height on the appeal site. I also acknowledge that lowering the pitch of the roof could prevent the use of clay tiles, but I consider that there are other ways of reducing the overall height of the buildings that need not necessarily mean suitable tiles could not be used.
7. Concerns were also raised about the drainage of the site. However, the parties informed me that this has now been overcome, and I have no reason to disagree with this view. Consequently, I consider the scheme would not cause harm in this respect.

Issue 3 – Very special circumstances

8. Three matters were cited that the Appellants considered, either individually or collectively, constituted very special circumstances sufficient to outweigh any identified harm.
9. With regard to the first of these, I accept that the existing site is not attractive. However, for the reasons stated above the buildings, the fencing and the activities within the yard are not particularly prominent in the wider landscape. Furthermore, the limited footprints of the structures now present ensure the site has a certain openness. Consequently, I consider any visual benefits that may arise by replacing the current activity are not sufficient to outweigh the harm to the Green Belt that would be caused by 2 houses of the height and scale now proposed.
10. Secondly, although it appears that the grain drying operation has been limited over recent years, it was accepted by the parties that this use could resume and it would be uncontrolled by planning conditions. The Appellants contended that this would give rise to significant noise, principally from the driers but also from associated lorry movements. Moreover, no such planning controls existed in relation to the general industrial (B2) activity at the main

building. Consequently, the use of the site could well detract from the living conditions of neighbouring residents by reason of its noise, and this was accepted by the Council, in relation to the B2 operations at least.

11. However, few specific complaints concerning noise from the driers were brought to my attention, and I was given no firm evidence to show whether the complaints I was told about were considered to be justified by the Council's environmental health section.
12. With regard to B2 uses in the building, the Appellants acknowledged that the existing business relating to horseboxes was of a relatively low intensity, and would generally be confined to the conventional working day. I accept that if the industrial operations within the unit changed then it is possible, but not certain, that there could be an increase in noise. However, no likely new uses were brought to my attention, and, taking account of the building's condition, its relatively isolated location and the possible need for it to be used jointly with the drier operation, I consider the attractiveness of the site for such activity would be limited.
13. I am aware that many of the adjacent houses would be screened, to some degree, by the garage block along the site boundary. Furthermore, if any noise nuisance did arise from activity at the site, then, as was stated in correspondence, there could well be opportunity for it to be addressed under environmental health legislation. Whilst the Appellants contended that the Council's environmental health officers had said this was not so, I was given no written confirmation of this and, if such comments had been made, I was not informed of the circumstances to which they referred.
14. Therefore, I acknowledge that noise nuisance could occur from the existing uses on the site or from new uses being introduced without the need for further planning permission. However, I cannot be confident that the effect of such noise on the living conditions of those adjacent would be so great as to mean that the benefit arising from the cessation of the uses would clearly outweigh the harm I have identified above.
15. The third very special circumstance offered by the Appellants was with regard to vehicle movements. I accept that the site is accessed by narrow winding lanes that are also used by pedestrians and horse riders, and I appreciate that possible future usage of the premises could generate an increase in heavy traffic. I have noted as well the views expressed in the petition, though I am unclear as to where all the signatories live, or how they are so certain that traffic associated with these premises is the cause of their inconvenience.
16. However, if I dismiss the appeal then the site need not necessarily generate an unacceptable increase in levels of traffic, as any future operation may result in fewer movements than the Appellants fear. Moreover, given its position in the countryside there is a possibility, albeit small, that an agricultural use could be introduced that could give rise to more localised traffic flows. Therefore, even though the grain drier operation or the B2 use could be sited within an urban area, I consider the issue of possible vehicle movements is not, in itself, sufficient to outweigh my more certain and permanent concerns relating to the inappropriateness of the development and its effect on openness.
17. In assessing these circumstances, I accept that the uses of the site, if now proposed, would be likely to be inappropriate under the terms of PPG2, but as the proposed use is similarly inappropriate then the weight I can afford this is limited.

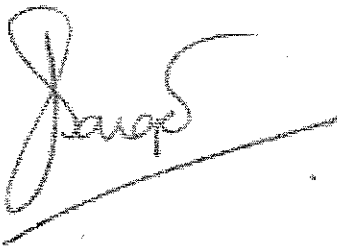
18. I have had regard to the various other cases referred to by the Appellants. However, I am unaware of their full details, and I am mindful that each proposal should be assessed on its own merits. In my judgement this specific proposal before me would harm the Green Belt for the reasons stated, and, in the light of the information submitted, I consider that these other schemes do not offer me a basis to change that view.
19. Therefore, I am of the opinion that the factors raised by the Appellants do not, individually, constitute very special circumstances that clearly outweigh the harm that would arise from the inappropriateness of the development and its effect on openness. Moreover, I also consider that any benefits these circumstances offer, when taken together, are not sufficient to outweigh this certain and permanent harm.

Conclusions

20. Accordingly I conclude that the proposal would constitute inappropriate development in this Green Belt location that would harm its openness. Moreover, in the absence of very special circumstances that, either individually or collectively, clearly outweigh the harm arising from inappropriateness and other harm, I also conclude that the proposal would be contrary to Policies GB.1, GB.6 and H.2 in the Local Plan, Structure Plan Policies D.12 and D.39, and advice in PPG2.
21. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

22. I dismiss the appeal.



INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr C Robinson
BTech(Hons) MPhil MRTPI

CDS Development Services Limited, Swift House,
164 Sandy Hill Road, Solihull B90 2EX

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Wigglesworth
BSc(Econ) Hons DipTP MRTPI

Senior Development Control Officer with the Council

INTERESTED PERSONS:

Mr J Yardley
Swanbrook Bungalow, Swanbrook, Pirton Worcestershire
WR8 9EL

DOCUMENTS

- Document 1 List of persons present at the Hearing
- Document 2 Copies of the Council's letters of notification
- Documents submitted to the Hearing by the Appellants*
- Document 3 Letter from the Council to Mr J Yardley dated 7 August 2003
- Document 4 Letter from the Council to Mr J Yardley dated 16 April 2004
- Document 5 Letter from the Council to Mr F Yardley dated 22 April 2004
- Document 6 Letter from the Council to Mr J Yardley dated 24 August 2005
- Document 7 Photograph of site at Bluntington before redevelopment
- Document 8 Photograph of site at Bluntington after redevelopment had commenced



Appeal Decision

Site visit made on 8 June 2006

by **David Fitzsimon BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for
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Date: 13 July 2006

Appeal Ref: APP/R1845/A/06/2010169

42-44 Lorne Street, Kidderminster, Worcester DY10 1SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Norgrove Homes against the decision of Wyre Forest District Council.
- The application (Ref 06/0005/OUTL), dated 12 October 2005, was refused by notice dated 9 February 2006.
- The development proposed is 9 no two bed town houses and car parking.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application is accompanied by drawing number 1827-02, which shows a detailed site layout. However, the application form indicates that all details, including siting, design, external appearance, means of access and landscaping are reserved matters. Outline planning permission has, in fact, already been granted on 29 December 2005 for the development of the site for 9 houses (ref WF.655/05). However, on that occasion, siting and means of access were not reserved matters. In effect, the present appeal scheme seeks permission for different siting and access only. Both the grounds of appeal and the Council's rebuttal focus on these matters alone. I will therefore consider this appeal in the light of these particular aspects only, and on the basis that there is no disagreement over the principle of the development of the site for the number of dwellings proposed.

Main Issues

2. From the foregoing, the representations and my inspection of the site, I consider the main issues to be the effect of the layout of the proposed development on the character and appearance of the area and the implications for traffic safety.

Planning Policy

3. The development plan includes the Wyre Forest District Local Plan (LP). Policy D.1 indicates that new development should, where appropriate, front onto existing buildings, concentrate the most active uses on main thoroughfares or focal points, maximise the use of corner plots, contribute to local distinctiveness, complement the characteristics of the site and its surrounds and maximise natural surveillance. Policy D.3 is consistent with this theme and also seeks to incorporate existing trees and landscape features within new developments. Policy D.10 requires boundaries to be designed to a high standard whilst Policy D.11 explains that new development must include a high quality landscape scheme. Policy TR.9 indicates that adequate visibility must be available for vehicles turning into and out of development sites, and proposals which would lead to a deterioration of highway safety will not be allowed.

4. I have been referred to the Council's adopted Supplementary Planning Guidance (SPG) titled 'Design Quality'. It advises that car parking should not drive layout, and large blocks of car parking at the front of developments are unacceptable. It states that car parking should not dominate the street scene unduly and explains that the design of corner plots requires a particularly sensitive response. As the guidance contained within the SPG is consistent with policy D.1 of the LP, I attach significant weight to it.

Reasons

Character and appearance

5. As with the permitted scheme, the proposal seeks to retain two dwellings located on the site frontage, and introduce two dwellings in the gap between 41 and 42 Lorne Street. The introduction of 7 dwellings to the rear of the site would involve substantial alterations to an attractive wall which defines its rear boundary. However, appropriately designed houses in this location would add interest to the street scene, and would compensate for any loss of character. Nevertheless, the introduction of dwellings across the whole of the rear of the site, as proposed, leaves the corner of Lorne Street and Lorne Grove as the only place available for off-street parking.
6. In my view, this corner is the most prominent and important part of the site. Although relatively open and green, it accommodates a garage and does not perform an important function as a 'green lung', as suggested by the appellant. Nor does the land make a positive contribution to the character of the street scene, which is heavily influenced by rows of traditional terraced houses. Its redevelopment provides an opportunity for a more interesting and active frontage, as offered by the recently permitted scheme.
7. In contrast, the appeal proposal would see the corner of the site dominated by a car park. Despite being tidied and landscaped, it would remain as an uninteresting frontage in this prominent position within the street scene. The visual impact of the car park could not be successfully mitigated by greater screening due to the need to provide appropriate visibility at the adjacent junction. In any event, this would not lead to the frontage becoming any more vibrant.
8. I understand that the positioning of new houses on this part of the site would have to be stepped back from the road in order to safeguard appropriate visibility at the nearby highway junction. This would not be typical of existing properties in the local area which generally front the footpath. However, there is no reason why it would not result in an interesting, attractive and active street frontage. I do not dispute that the design of the proposed car park would be more efficient and would offer greater natural surveillance than that of the permitted scheme. However, this does not outweigh the concerns I have identified. I therefore find that the design of the proposal would not be appropriate for this corner plot. It would therefore be contrary to policies D.1 and D.3 of the LP and the SPG.

Traffic safety

9. The proposed access to the development would be located off Lorne Grove, which is effectively a cul-de-sac. Although it would be closer to the junction with Lorne Street than the access of the permitted scheme, this section of Lorne Grove is very straight and offers good visibility in both directions. Lorne Grove was very quiet at the time of my visit. It is unlikely to be heavily trafficked even at its busiest periods, as it serves a limited number of

dwellings. Furthermore, its restricted length limits the speed at which cars may travel along it. Given these factors, I consider that the proposed access to the development would not create a highway danger. It would therefore be compliant with policy TR.9 of the LP.

Conclusions

10. Although the proposal would not create a highway danger, this does not alter its inappropriate layout. For these reasons and having regard to all other matters raised, I conclude that the appeal should fail.

Formal Decision

11. I dismiss the appeal.

David Fitzsimon

INSPECTOR



Appeal Decision

Site visit made on 8 June 2006

by **David Fitzsimon BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 18 July 2006

Appeal Ref: APP/R1845/A/06/2010108

5 The Ridgeway, Stourport DY13 8XT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by F.E. Burgess against the decision of Wyre Forest District Council.
- The application Ref WF.05/1045/FULL, dated 17 October 2005, was refused by notice dated 12 December 2005.
- The development proposed is a boundary fence.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal property lies within a fairly modern housing estate. The surrounding houses and bungalows are of differing styles and external finishes, with front boundaries defined by a mix of walls, hedges, railings and chain link fences, of various heights.
3. The application was made in retrospect as the wooden fence has already been erected. It encloses both the front and side of the property, and is up to about 1.8 metres in height in parts. I consider the size, colour and specification of the fence makes for an unduly dominant feature on this prominent corner plot. Its appearance is completely alien to the boundary treatments of nearby properties. Although as a natural material, the fence would weather in time, and could even be stained, I do not consider that either would materially alter its visual impact. Despite some local support for the boundary fence, I find that it detracts from the street scene. I therefore consider that the fence harms the character and appearance of the area and conflicts with policies D1, D3 and D10 of the Wyre Forest District Local Plan (LP).
4. The appellant contends that the fence is set back 3 metres from the highway. From my site visit, I agree with the Council that the fence is set back about a metre from the footpath along the 'front' boundary of the appeal property as approached from Woodbury Road, and almost abuts the footpath along the 'side' boundary. According to Worcestershire County Council's highway standard, an 'X' or 'set back' distance of 4.5 metres is required from the junction of The Ridgeway. At this point, the Council considers that the position of the fence impedes highway visibility in the north westerly direction. However, when using this junction, I could see almost to the bend where The Ridgeway meets Woodbury Road, due to the restricted length of this section of the highway. Given this constraint, most vehicles are likely to travel along this section of the highway at a low speed. I therefore consider that

the retention of the fence would not constitute a highway danger. On this basis, it is compliant with policy TR.9 of the LP. This does not, however, alter the visual harm caused by the fence.

5. The appellant has put forward both his heart condition and his wife's illness as reasons for requiring the fence. Although I fully sympathise, I do not find that this argument outweighs the harm I have identified.

David Fitzsimon

INSPECTOR



Appeal Decision

Site visit made on 8 June 2006

by **David Fitzsimon BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for
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Date: 11 July 2006

Appeal Ref: APP/R1845/A/06/2010401

The Pound Stables, Drayton Road, Bluntington, Chaddesley Corbett DY10 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr & Mrs Martin Harvey against the decision of Wyre Forest District Council.
- The application (Ref WF.801/05), dated 21 June 2005, was refused by notice dated 5 October 2005.
- The development proposed is the construction of single garage with associated garden storage.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider the main issues in this case to be the following:
 - whether the proposal would amount to inappropriate development in the Green Belt;
 - whether there would be any other harm to the Green Belt;
 - the effect of the proposal on the character and setting of the existing dwelling; and
 - whether the proposal has benefits that clearly outweigh any harm to the Green Belt and any other harm, thereby justifying the development on the basis of very special circumstances.

Planning Policy

2. The development plan includes the Worcester County Structure Plan (SP) and the Wyre Forest District Local Plan (LP). Policy D38 of the SP defines the general extent of the Green Belt in the County. Policies D.39 of the SP and GB.1 of the LP indicate that planning permission will not be given, except in very special circumstances, for development other than those set out in Planning Policy Guidance Note 2 (PPG2): Green Belts. Policy GB.6 of the LP states that proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design. Policies CTC.1 of the SP and LA.1 of the LP require that proposals for development must demonstrate they are informed by, and sympathetic to, the landscape character of the area in which they would take place. Policy D.3 of the LP advises that development must pay appropriate regard to local character. This is supported by the detailed criteria of policy D.5 which, amongst other matters, requires proposals to respect the landscape character of the site, be positioned adjacent to existing buildings rather than in isolated positions and be constructed of materials that harmonise with their surroundings. Policy RB.5 indicates that the erection of new curtilage buildings created through the re-use and adaptation of rural buildings will not be permitted.

Reasons

Green Belt

3. The proposal would introduce a garage and store within the curtilage of a dwelling which is a converted agricultural building. The dimensions of the structure are somewhere between those of a single garage and a double garage. PPG2 indicates that the construction of new buildings inside a Green Belt is inappropriate, but for a number of exceptions. One of these is the limited extension or alteration of existing dwellings, provided that it does not result in disproportionate additions over and above the size of the original building.
4. The proposed detached structure would not be an extension or alteration of the existing dwelling. It therefore does not fall with this particular exception. On this basis, the proposal constitutes inappropriate development in the Green Belt, which by definition, is harmful. Whilst it may not be an unreasonable expectation for a dwelling such as this to have a garage or store, this particular proposal would introduce a substantial and conspicuous structure to a prominent, undeveloped area of the garden. I therefore consider, despite a position close to the garage of a neighbouring property, that the structure would reduce the openness of the Green Belt. Accordingly, the proposal would be contrary to policy D39 of the SP and policies GB.1 and GB.6 of the LP.

Character and setting of existing dwelling

5. The timber finish and Scandinavian style of the proposed structure appears to have been influenced by the materials and form of the contemporary wing at the northern end of the converted property. However, the proposal would be located at the southern end of the site. It therefore relates more closely to that end of the dwelling, which has retained the appearance of a more traditional outbuilding. On this basis, the proposal would serve to emphasise the change in the use of the original rural building to a dwelling, to the detriment of its character and setting. This would be at odds with policy RB.5 of the LP.

Very special circumstances

6. The appellants have highlighted the need for the structure for storage, security, the more efficient use of space and an internal workspace. Whilst these are reasonable arguments, they do not comprise the very special circumstances necessary to justify the proposal as they could be repeated too often. From my visit, I saw that fruit and vegetables are grown at the property. I understand that some excess items have been sold at the local village shop. However, no evidence has been put before me to demonstrate that the activity is a sustainable trade or business rather than a hobby. On this basis, the building cannot be justified for agriculture or forestry purposes.
7. The appellants refer to a number of garden buildings permitted at a neighbouring property, and an appeal decision at Hobro Barn, although I do not know the specific circumstances of these cases. In any event, each application and appeal must be considered on its merits. They also argue that the siting of the proposal has been dictated by access and visibility requirements previously imposed by the Council and the physical constraints of the original building. However, I do not find that any of these arguments, either individually or collectively, comprise the very special circumstances necessary to justify the proposal.

Conclusion on the Main Issues

8. Overall, the proposal would constitute inappropriate development in the Green Belt and would be harmful to its openness. It would also have a detrimental effect on the character and setting of the property. Furthermore, the proposal offers no benefits which comprise the very special circumstances necessary to justify the proposal.

Conclusion

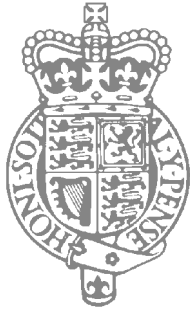
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Formal Decision

10. I dismiss the appeal.

David Fitzsimon

INSPECTOR



Appeal Decision

Site visit made on 27 June 2006

by **John Woolcock** BNatRes(Hons) MURP DipLaw
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Date: 3 July 2006

Appeal Ref: APP/R1845/A/06/2010672

Brandlodge Coppice, Sugars Lane, Far Forest, Kidderminster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs M Green against the decision of Wyre Forest District Council.
- The application No. WF.05/1067/FULL, dated 23 October 2005, was refused by notice dated 15 December 2005.
- The development proposed is retention of access drive and hardstanding for the stationing of an existing caravan used in association with the woodland.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. It was apparent from my site visit that a compacted stone access drive contained by wooden borders, along with concrete hard standing had been constructed, but not in accordance with the drawing submitted with the application. The alignment and configuration appear to be different. Notwithstanding the drawing, I have dealt with the appeal on the basis of an application for retrospective planning permission to retain the drive and hard standing, as constructed, for the stationing of a caravan.

Main Issues

2. I consider the main issues in this appeal to be the effects on:
 - (a) The character and appearance of the area.
 - (b) Nature conservation.

Planning Policy

3. The development plan for the area includes Regional Planning Guidance for the West Midlands 2004 (RPG11). It also includes the Worcestershire County Structure Plan (SP), and the Wyre Forest District Local Plan (LP), which were adopted in 2001 and 2004, respectively. RPG11 Policy QE1 aims to conserve and enhance the environment. Policy QE6 concerns landscape character.
4. SP Policy CTC.1 provides, amongst other things, that development which would adversely affect the landscape character of an area would not normally be allowed. Policy CTC.4 gives priority to the conservation and protection of key landscape characteristics in Areas of Great Landscape Value (AGLV). Policy CTC.5 concerns woodland of nature conservation and landscape value, and places particular emphasis on the conservation of ancient semi-natural woodlands. The appeal site is located within a designated Special Wildlife Site,

where Policy CTC.12 provides that development likely to have an adverse effect would not be allowed unless there were no reasonable alternatives and the reasons for the development would outweigh the nature conservation value of the site. Policy SD.2 seeks to retain the distinctiveness of the local environment.

5. LP Policy NC.2 has a similar aim to SP Policy CTC.12. Policy D.5 provides that development in the countryside should respect the landscape character. Policy LA.1 has a similar aim and seeks to safeguard local distinctiveness. Policy LA.2 concerns Landscape Protection Areas (LPA).
6. Planning Policy Statement 9: *Biodiversity and Geological Conservation* (PPS9) includes Local Sites in areas that have a fundamental role to play in meeting overall national biodiversity targets.
7. Other policies were cited, but I consider the above to be most relevant to this appeal.

Planning History

8. A Certificate dated 21 October 2005 provides that the use of land for the stationing of one caravan used solely in association with the management of the adjacent woodland, with no residential occupation, is immune from enforcement action.

Reasons

Character and appearance

9. The appeal site lies in an area that is characterised by extensive woodland with scattered dwellings. The stands of woodland give the area its distinctive feel as part of a wider forest, notwithstanding the occasional buildings and associated open areas.
10. The access drive and hard standing appear as a cleared area within this part of the woodland. This clearing is visible from the road in glimpses through the roadside vegetation and through the gated access. The land slopes up from the road and so the cleared area, metalled drive and levelled area of hard standing, which is in part cut into the sloping land, are prominent features. I consider that they have a significant urbanising effect on the woodland. They appear as discordant features, which contrast sharply with the woodland setting. A scattering of leaves and woodland debris on the access drive does not disguise the metalled drive with its wooden board edges, nor does it screen the engineered change to the landform for the concrete slab. In my judgement, the drive and hard standing significantly harm the local landscape and distinctiveness, even if they are not particularly intrusive in the wider context of the AGLV and LPA.
11. On the first main issue, I consider that the retention of the access drive and hard standing would have an unacceptable adverse impact on the character and appearance of the area. I find that their retention would conflict with RPG Policies QE1 and QE6, SP Policies CTC.1 and SD.2, and LP Policies D.5 and LA.1.

Nature conservation

12. The Appellants refer to a brief assessment of the ecological impact of the access track and hard standing dated February 2006. This cites a complete lack of ground flora or cover showing low botanical interest. The author states that the hard standing has not degraded

the local ecological interest and that the works have no effect upon the fauna of the area. However, it is clear from the photographs submitted that this was completed after the access drive and hard standing had been constructed. Furthermore, it appeared from my site visit that some vegetation had been cleared to construct the access drive and concrete hard standing, as some of this remained partially burnt next to the concrete slab. I have had regard to the existing ground cover in the locality and the Appellants' view that this is attributable to deer and shading. Nonetheless, the hard standing and metalled drive would preclude any future regeneration of this part of the woodland. I share Worcestershire Wildlife Trust's view that the development will have an adverse impact on the ecological integrity of this part of the woodland. This would, in the long term, have an adverse effect on the biodiversity of the locality.

13. The metalled drive is level with the ground surface and so it would appear that some excavation was undertaken in its construction. The drive is beneath the canopy of the mature trees and is located close to the trunks of several mature trees. Such construction work could have an adverse effect on tree roots. In this case there is no evidence to indicate that compaction in the long term would not harm the trees or adversely affect their vitality and longevity. The health of the trees is important to maintain the nature conservation interest of the designated area. I am not satisfied, on the evidence adduced, that the retention of the access drive and hard standing would not impair biodiversity by reason of long-term harm to mature trees.
14. On the second main issue, I consider that the retention of the access drive and concrete hard standing would have an unacceptable adverse impact on nature conservation. I find that it conflicts with SP Policies CTC.5 and CTC.12, and LP Policy NC.2. It is also at odds with the advice in PPS9 concerning biodiversity.

Other matters

15. I have taken into account all the other matters raised in the evidence, including highway safety. However, vehicles associated with the appeal site are able to stop in front of the gate or at the nearby lay-by. There is no compelling evidence that highway safety is an overriding consideration, which would outweigh the harm I have identified. The Appellant refers to development permitted on a nearby site. However, this site does not appear to lie within the Special Wildlife Site, and as no details are available concerning the particular circumstances which applied in that case, I do not consider that much weight should be given to it in determining the appeal before me. I have, in any event, determined the appeal on its own merits. Neither these, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

17. I dismiss the appeal.

John Woolcock

Inspector



Appeal Decision

Site visit made on 20 June 2006

by **Martyn Single DipTP MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date 17/07/06

Appeal Ref: APP/R1845/A/06/2011177

Land adjacent to 1 Bronte Drive, Kidderminster, DY10 3YU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Kemp against the decision of Wyre Forest District Council.
- The application ref: 05/1183/FULL, dated 2 December 2005, was refused by notice dated 11 January 2006.
- The development proposed is a detached 2 bed bungalow & detached garage including demolition of existing bedroom extension and garden screen wall.

Decision

1. The appeal is dismissed.

Reasons for Decision

2. The appeal site comprises part of the curtilage of a detached bungalow forming the corner of Bronte Drive and Shakespeare Drive. The development would involve the demolition of a side extension and its replacement by a detached bungalow extending to within about one metre of the footway to the latter road. This road consists of a mix of dwelling types set back behind relatively open frontages.
3. Both the new dwelling and boundary wall would contrast markedly with the spacious open character of Shakespeare Drive. Whilst the site layout indicates some planting along this frontage there would be not be space to provide landscaping sufficient to mitigate the strident visual impact of the new dwelling. Furthermore the new dwelling would be higher than both the adjoining property and the extension it would replace and would appear unduly dominant when viewed from any direction.
4. On my visit I saw no. 2 Shakespeare Drive, on the corner of Husum Way, cited by the appellant as comparable to the appeal proposal. That bungalow, however, formed part of the original estate development and is separated from Husum Way by the drive to a garage together with a wide verge. It is, in my view, not comparable to the appeal proposal and is integrated in a wholly satisfactory way into the street scene. Likewise the other developments, to which the appellant refers as setting a precedent, do not carry significant weight in my consideration of this proposal as each planning application and appeal must be considered on its individual merits.
5. The appeal proposal would appear wholly out of character with the street scene and surrounding area, contrary to adopted Wyre Forest District Local Plan Policies D.1 and D.3. Whilst the former seeks to maximise the use of corner plots it also indicates that development should have appropriate regard to the common building line. The appeal proposal would not do so and I conclude that it would be unsatisfactory.

6. Whilst I sympathise with the circumstances relating to the appellant's desire to provide a property in a caring capacity for his daughter this does not amount to a material planning consideration to which I can afford significant weight
7. For the reasons given above and having regard to all other matters raised, including the absence of third party objections, I conclude that the development would be unacceptable and that the appeal should not succeed.

Martyn Single

INSPECTOR