



Appeal Decision

Site visit made on 16 February 2009

by David Stephenson OBE
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**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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Decision date:
18 February 2009

Appeal Ref: APP/R1845/A/08/2087551

Sandy Lane Farm, Sandy Lane, Kidderminster, Worcestershire DY11 5QZ

- 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 Mrs Susan Scully against the decision of Wyre Forest District Council.
- The application Ref: 08/0560/FULL, dated 1 May 2008, was refused by notice dated 5 August 2008.
- The development proposed is the change of use of the existing livery yard to a new earth covered, carbon-zero, live-work unit.

Decision

1. **I dismiss the appeal.**

Main Issues

2. I consider that the main issues in this case are firstly whether the proposal would amount to inappropriate development harmful to the function and purpose of the Green Belt, secondly the effect of the proposal on the character and appearance of the Landscape Protection Area, and lastly, if applicable, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development in the Green Belt.

Reasons

3. The appeal site is in the Green Belt, in open countryside beyond the edge of the built-up area of Franche on the outskirts of Kidderminster, and currently in use as a Livery Yard with stabling and a hay barn. The proposal would change the use of the site to residential, together with a comparatively small work unit for which no specific use has been declared, which would involve the construction of partially buried buildings and would amount to new development.
4. Policy GB.1 of the Wyre Forest District Adopted Local Plan, adopted in 2004 (LP) seeks to prevent development in the Green Belt, except in very special circumstances, unless it would be for at least one of a specified list of purposes which reflects those listed in government guidance in Planning Policy Guidance Note (PPG) 2 - *Green Belts*. No evidence has been put forward to indicate that the proposal would be for any of these purposes, so the proposal would be inappropriate development in the Green Belt. There is a general presumption against inappropriate development, except in very special circumstances, as stated in PPG2 para 3.1 and by Policy D.39 of the Worcestershire County Structure Plan 1996-2011 adopted in 2001 (SP).

5. The proposed buildings would consist of a semi-circular single-storey 4-bedroom dwelling of some 17m external radius and some 11.5m internal radius, and a quadrant-shaped work unit of some 15.5m external radius and some 10m internal radius containing the garage and an office/workshop with kitchen and toilet facilities. The internal elevations of these buildings would face each other across some 34m of central garden and vehicle manoeuvring area. The floor levels of both buildings and the central garden area would be lowered some 1.5m below the existing ground level, the buildings would be some 4m high and covered by earth mounding of at least 0.6m depth. The earth mounding would be feathered into the existing ground level and would effectively amount to an undulating oval mound filling the entire site, with a gap to the east to provide an access to the hollow centre.
6. The building structures would be substantial in extent, and the engineering works or other operations involved in the re-shaping of the ground level would be extensive. Both the structures and the other works would introduce considerable permanent changes into the Green Belt. The site currently has a number of stable buildings on the site, one of which is brick built and fairly substantial in construction but the others are largely timber structures in a range of structural conditions. There is a large open hay barn with simple steel and timber framing and corrugated metal cladding. None of these look out of place in an agricultural or countryside setting but, apart possibly from the brick stables, none are of such a substantial nature as to appear permanent or to merit conversion.
7. Whilst the removal of the existing structures would improve the open nature of the Green Belt, I do not consider that their loss would exceed or equal the significant increase in permanent built form that would result from this proposal. The proposal would therefore result in a reduction in openness which PPG2 para 1.4 describes as the most important attribute of Green Belts.
8. I conclude on the first main issue that the proposal would be inappropriate development in the Green Belt, which PPG2 para 3.2 says is by definition harmful to the Green Belt and to which I attach substantial weight, and that it would adversely affect openness.
9. Turning to the second main issue, the site is in an attractive, rolling area of countryside that has been identified by the Council as a Landscape Protection Area. It is on the top of a ridge facing a steep valley and can be viewed from a number of public locations, though from my observation it is not a particularly prominent site. The existing cluster of buildings on the site can be seen but by their nature they are not out of place in the countryside, though they are not of any special merit and their loss would not adversely affect the landscape quality.
10. The mounding is designed to cover and screen the proposed buildings and to blend in with the contours of the site. Any direct views of the buildings would, in my assessment, be limited to a possible and occasional glimpse from Sandy Lane, but not from other areas of the Landscape Protection Area. Although the mound may look a little artificial I consider that once established, and if boundaries reflect traditional field fences and hedgerows as proposed, then the site would not be particularly noticeable in the landscape.
11. I consider that the proposal would have no detrimental effects on the visual amenity of the Green Belt, or any significant adverse effect on the quality or character of the Landscape Protection Area, as sought by LP Policies GB.6 and LA.2. Even if it did not enhance, it would in my opinion at least safeguard the landscape character of the area as sought by SP Policy CTC.1 and LP Policy LA.1. On the second main issue I conclude that the proposal would have no adverse effect on the character and appearance of the Landscape Protection Area.

12. I turn now to whether there are any considerations that clearly outweigh the intrinsic harm by reason of inappropriateness and the actual harm to openness that I have identified above.
13. The site is served by Sandy Lane, a single track road off Bridgenorth Road, the main A442. The junction with this main road is substandard, particularly in width and visibility to the north. The proposal would result in a reduction in vehicle movements to the site, as it would cease to be a Livery Yard with the consequential visits of owners to their horses and the movements associated with stabling horses. It is also proposed to improve the junction with the main road providing a wider bell-mouth that would allow vehicles to enter and leave without causing obstruction and improve the visibility significantly to the north on Bridgenorth Road. The application and drawings do not indicate that the Appellant owns or has control over the land that would be needed for this new access, so it is not certain that the alterations proposed could be delivered. If this were to be resolved, however, the benefits to highway safety would be significant.
14. The design concept of the proposal is innovative and if it could deliver the carbon-zero development intended that would be a positive contribution to energy conservation in line with the government's objectives in the Planning Policy Statement (PPS): *Planning and Climate Change* that supplements PPS1 - *Delivering Sustainable Development*. Whilst this would be of benefit to sustainability, this proposal would be a new dwelling in the countryside, which LP Policy H.9 seeks to prevent. Whilst there may be an argument that the innovative design would justify an isolated new house in the countryside in accordance with para 11 of PPS7 - *Sustainable Development in Rural Areas*, and as an exception to LP Policy H.9, in this case the site is additionally in the Green Belt. I do not consider the design so exceptional as to merit any more than limited weight.
15. PPS7 expects planning authorities to focus most new development in or near local service centres. Although the site may be some half a mile walking distance from access to public transport and some local facilities in Franche, the route is not attractive along an unsurfaced narrow lane and on the A442, and I consider that even with a work element to the development this would result in future occupants being reliant on the private car. In my view it would not be a location for a dwelling that would be particularly sustainable in terms of accessibility. I accept that the current use of the site would have greater vehicle movements, but I see no reason to believe that this current use would not merely be displaced elsewhere in the countryside and the vehicle movements maintained there. On balance I place little weight on the sustainable accessibility aspects of the development.
16. I note the permission that was granted by this Council at the Old Rover Works, Wolverley, but this was in 2002 and predates the current LP and also the issue of much current government guidance. I have read the Officer's Report regarding the development and it seems there were a number of different considerations that were taken into account that do not apply in this case. I give little weight to this decision in providing support for the proposal that is before me. The Appeal Decisions provided by the Council, and referred to by the Appellant, are from completely different Planning Authority areas and with different circumstances. While they relate in some degree to aspects of this proposal, particularly the energy efficient nature and innovative architectural design in those cases, they do little to assist me one way or the other in this case.

17. As I have concluded above, the proposal would reduce rather than improve the openness of the Green Belt and, while it would do no harm, it would not enhance to any significant degree the quality of the surrounding area. Despite the potential benefits to highway safety I consider that all the considerations I have identified, taken together, would not provide the positive factors needed to outweigh clearly the intrinsic harm by reason of inappropriateness and the actual harm to openness, and they do not amount to the very special circumstances necessary to justify this development in the Green Belt.
18. I conclude finally that the proposal would be inappropriate development that would reduce openness, which would be harmful to the function and purpose of the Green Belt, and that no very special circumstances exist to justify this development in the Green Belt. The proposal conflicts with SP Policy D.39 and LP Policy GB.1, and the appeal should not succeed.

David Stephenson

INSPECTOR