



Appeal Decision

Site visit made on 1 April 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2021

Appeal Ref: APP/C3430/W/21/3266531

The Croft, School Road, Trysull WV5 7HR

- 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 Richard Sanders against the decision of South Staffordshire Council.
 - The application Ref 20/00982/FUL, dated 06 November 2020, was refused by notice dated 23 December 2020.
 - The development proposed is described as erection of temporary structure to be used as prototype for pre-fabricated hostel with visitor parking accessed from existing private drive.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);
 - if the proposed development is inappropriate development, its effect on the openness of the Green Belt;
 - the effect of the proposal on trees within the vicinity of the proposal;
 - the effect of the proposal on the character or appearance of the Trysull Conservation Area and the setting of the Grade II Listed Building, The Croft;
 - if the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. Policy GB1 of the Core Strategy Development Plan Document (2012), (CS), advises that new development in the Green Belt which is acceptable within the terms of national Green Belt policy, as outlined in the Framework, will normally

be permitted, where the proposal is for either of the development types listed in the policy, which are consistent with the Framework.

4. The appellant accepts that the proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

5. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and permanence; and sub paragraph 134 (c) of the Framework advises that one of the purposes of Green Belts is to assist in safeguarding the countryside from encroachment. The openness of the Green Belt has both spatial and visual dimensions.
6. The proposed building would have a footprint around 10.2 m x 8.2 m, a ridge height around 8.4 m and eaves height around 5 m. A parking area for 4 cars and associated turning area would be provided towards the front of the building, covering an area of around 10 m x 12 m in total. The site would be accessed via an existing access to The Croft off School Road and existing track into the paddock. Inevitably, the introduction of a building where there currently isn't one will reduce the spatial openness of the Green Belt. I consider the extent of harm to the spatial openness of the Green Belt to be of a moderate degree.
7. The building would be sited towards the north-western corner of the paddock, some distance from School Road. Its rear elevation would be positioned close to a collection of existing trees and shrubs planted in the north-western corner of the paddock. There are some mature trees and hedges along the north and western boundaries. There is a boundary wall around 2 m high along the eastern boundary of The Croft; and a timber fence, around 2 m high, and a traditional hedge have recently been erected and laid along the south-western boundary of the paddock. Within this context, views of the proposed building would be very limited. As such, I consider that the proposal would have a limited impact on the visual openness of the Green Belt.
8. In addition to the effect on openness outlined, I consider that the proposal would encroach into the Green Belt, thereby threatening one of the purposes of including land within it.

Effect on trees

9. As noted, there are trees within proximity of the proposed building and car parking area. I note that the Council consider insufficient information has been provided to be able to fully assess the effect of the proposal on existing trees.
10. However, the proposed building would not have any foundations; it would be temporarily fixed to the ground with "ground screws". Additionally, except for electricity, the building would not be connected to any utilities. As regards the proposed parking area, given the distance it would be from the trees, I consider a suitable surface could be installed without harming the future well-being of the trees.
11. Hence, bearing the above factors in mind, I am satisfied that the proposal would not present a serious threat to the future well-being of the trees. Should

I have been allowing the appeal I consider that conditions could have been attached requiring details of the “ground screws” and car parking area to be submitted and approved. I therefore conclude that the proposal would not have a detrimental effect on the existing trees within its proximity.

Effect on heritage assets

12. The site is adjacent to the Trysull Conservation Area (CA) and within proximity of The Croft, which the evidence states is a Grade II Listed Building (LB). The appellant refers to the consultee comments provided by the Conservation Officer, who is of the opinion that the proposal would not impact upon the character of the CA and that the benefits would outweigh the harm to the setting of the LB. The Council’s reasons for refusal do not relate to the effect of the proposal on heritage assets.
13. However, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA; and I have a duty to give considerable importance and weight to the desirability of preserving the setting of a LB. Additionally, paragraph 184 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance; and paragraph 193 advises that great weight should be given to the conservation of such assets when considering the impact of development on the significance of a designated heritage asset.
14. The appellant has not submitted any information regarding the significance of the CA or the LB, as required by paragraph 189 of the Framework; and the Council has not provided any details of the CA or a copy of the LB listing. In my opinion, the appeal site lies within the settings of both the CA and the LB.
15. I consider the CA to partly derive its significance from buildings with a diverse range of architectural styles, constructed using a limited range of traditional materials. Additionally, the CA is set within the bounds of Smestow Brook and the surrounding landscape, which I consider contribute to the wider setting of the CA. I consider the paddock within which the appeal site lies to contribute to the significance of the LB.
16. As noted above, the proposed building would be sited such that there would be limited views of it from public vantage points. However, contrary to the opinion of the Council’s Conservation Officer, I consider the proposal would affect the setting of the CA and therefore its character and appearance, though only to a minor degree. Nevertheless, any harm would not therefore preserve or enhance the character or appearance of the CA. Similarly, I consider the proposal would harm the setting of the LB; though again, I consider the extent of harm to be minor.
17. Regarding paragraph 196 of the Framework, therefore, I consider the degree of harm to both the character and appearance of the CA and the setting of the LB to be less than substantial. The Framework advises that such harm should be weighed against any public benefits resulting from the proposal.

Public Benefits/Other Considerations

18. As noted in the description of proposed development, the proposed building would be a prototype of a pre-fabricated hostel. It is envisaged that such a building could be used to provide accommodation utilised by, for example, the

National Health Service (accommodation for staff), Local Authorities (to house the homeless) and/or the Prison Service (to enable family members of prisoners to reside close to the prisons). The appellant has liaised with representatives from the Ministry of Housing, Communities & Local Government, the Ministry of Justice, and the Department of Health & Social Care. I consider the potential to provide future accommodation for a range of users as indicated would be a considerable public benefit; and one which I conclude would outweigh the minor harm to the character and appearance of the CA and setting of the LB I have identified.

19. I also consider the fact that the proposal seeks temporary permission for a 2-year period weighs in favour of the proposal.
20. The appellant suggests that the proposal is, in principle, no different to the situation permitted directly adjacent to the Croft, where two-storey site cabins and a car parking area have been permitted temporarily. However, I disagree with the appellant's view. My understanding is that the cabins and car park have been permitted temporarily to serve the construction of properties which have been granted planning permission. Consequently, I consider the circumstances of each site to not be comparable.

Planning Balance

21. The parties agree that the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. I have found that the proposed development would encroach into the Green Belt and reduce its spatial openness to a moderate degree, and its visual openness to a limited degree. As such, the proposal would compromise the objectives of the Framework to keep Green Belt land permanently open. I have also concluded that the proposal would not threaten the future well-being of trees within proximity of the site and that the potential public benefits resulting from the proposal, as outlined, would outweigh the minor harm to the character and appearance of the CA and the setting of the LB.
22. In accordance with the Framework, however, substantial weight is attached to any harm to the Green Belt. Furthermore, the Framework advises that very special circumstances will not exist unless harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. No justification has been provided regarding why such a prototype building must be erected in the Green Belt. For the reasons given, I therefore conclude that the harms by reason of inappropriateness, encroachment, and reduction of spatial and visual openness, are not clearly outweighed by the other considerations as outlined. Consequently, the very special circumstances required to justify the proposed development do not exist. As such, the proposal does not accord with Policy GB1 of the CS or Green Belt policies in the Framework.

Conclusion

23. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR