



Appeal Decision

Site visit made on 21 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal Ref: APP/C3430/W/22/3292621

Land & buildings north of Stone Cottage, Wolverhampton Road, Pattingham WV6 7AF

- 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 Andrew Jeavons of F W Blanton Will Trust against the decision of South Staffordshire District Council.
 - The application Ref 21/01108/FUL, dated 13 October 2021, was refused by notice dated 22 November 2021.
 - The development proposed is demolition of existing stables and storage building and erection of new single-storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies; and
 - ii) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development?

3. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development subject to a number of exceptions. One of which (part g) is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. Policy GB1 of the South Staffordshire Core Strategy (2012) does not specifically identify the redevelopment of previously developed land as an exception. But it does refer to national planning policy generally, so it is not inconsistent with the Framework.
4. The existing development at the site comprises a stable and storage building which, at the time of my site visit, were both in a state of disrepair. The Nissen style storage building had gaps in the sheeting and was overgrown with vegetation. The stables had holes in the roof, gaps in the timber-boarded walls

and windows missing. Neither appeared to have been used for some considerable time. The wider site was also very overgrown with some grass, but mainly weeds, providing little opportunity for grazing. It didn't appear that the planning permission¹ granted April last year for the change of use from agricultural to equestrian use had been implemented, and there is no substantive evidence to suggest it has. Indeed, the comments from some nearby residents would support my view.

5. Nonetheless, if that planning permission has been implemented, the site would have a lawful equestrian use. The buildings on it could therefore render the site 'previously developed land' as defined in Annex 2 of the Framework, if they comprise permanent buildings. The appellant has provided evidence which suggests that both buildings have been in situ since the 1990s. Though, as noted above, both buildings are in poor condition, they appeared structurally sound and their longevity on site would suggest a good degree of permanence.
6. However, even if the site was previously developed land, the proposed development would only accord with paragraph 149 g) if it would not have a greater impact on the openness of the Green Belt than the existing development.
7. Spatially, the proposal would represent a reduction in terms of the footprint and volume of built form. However, in terms of height, both existing buildings are significantly lower and of less visual bulk than the proposed dwelling would be. Moreover, this increase in height leads to the proposal have greater visual prominence. Views from the road may remain to be limited by the slope up the access drive to the site, but from other viewpoints, including from neighbouring properties, the proposal would have a greater visual impact. The smaller curtilage indicated on the plans, and the fact that the dwelling would be close to the neighbouring houses is of little benefit as these aspects alone would be visually comparable to the existing situation.
8. Overall, the development would have a greater impact on the openness of the Green Belt than the existing development which would be significantly harmful. Consequently, the proposal would fail to accord with paragraph 145 g) of the Framework. It is therefore inappropriate development.
9. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Other considerations

10. Paragraph 148 of the Framework adds that very special circumstances will not exist unless the harm to the Green Belt, in this case by reason of inappropriateness, is clearly outweighed by other considerations. The appellant has not offered any other considerations in this regard.

Other Matters

11. The part of the site in which the dwelling would be located is just outside the Pattingham Conservation Area, and I understand there are listed buildings nearby. However as I am dismissing the appeal for other reasons, I need not

¹ Ref 21/00135/COU granted 1 April 2021

assess the development in terms of its impact on the setting of those heritage assets.

Green Belt balance

12. As there are no other considerations that clearly outweigh the harms the development would cause to the Green Belt by virtue of its inappropriateness, the very special circumstances needed to justify the development do not exist.

Conclusion

13. The proposal conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

Andrew Owen

INSPECTOR