

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/10/2138853
Planning application	10/0632
Proposal	Erection of 10 no. affordable dwellings
Location	Land off Holy Cross Green, Holy Cross, Clent
Ward	Clent
Decision	Non-determination

The author of this report is Ruth Lambert who can be contacted on 01527 881373 (e-mail: r.lambert@bromsgrove.gov.uk) for more information.

Discussion

The proposal related to the erection of 10 no. affordable dwellings ranging from two to three bedrooms with associated parking and access.

The application was not determined by the Council but putative reasons for refusal were issued subsequent to the lodging of the appeal following consideration by the Planning Committee on 6 December 2010. The putative reasons for refusal relate to:-

- (i) that the proposal would relate to an inappropriate form of development in the Green Belt and cause harm to its openness. No very special circumstances have been put forward to outweigh this harm;
- (ii) that by virtue of the loss of woodland and its design the development would not preserve and enhance the character and appearance of the Conservation Area;
- (iii) that the development fails to incorporate a safe means of access and egress and would thereby have a detrimental impact on highway safety.

Main issues

The site is situated in the Green Belt and the Holy Cross Conservation Area. The main issues are:-

- (i) Whether the development would amount to inappropriate development in the Green Belt having regard to the provisions of the development plan and national planning policy advice in Planning Policy Guidance Note 2: *Green Belts*. Taken in the round the issue also requires consideration of:
 - a. The effect of the proposed development on the character and appearance of the Holy Cross Conservation Area;
 - b. The effect of the proposal on highway safety; and,

- (ii) Whether the benefits of the scheme would clearly outweigh any harm resulting from the above issues and any other harm, and thus justify the development on the basis of very special circumstances.

Paragraph 3.1 of PPG2 states that inappropriate development should not be approved except in very special circumstances. Paragraph 3.2 of PPG2 states that "*Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*" This sets the framework for consideration of the issues which provide the basis for an overall assessment of balance.

The harm by reason of inappropriateness attracts substantial weight in its own right.

Harm to openness

Paragraph 1.4 of PPG2 says that openness is the most important attribute of Green Belts. The proposed development would result in built development taking place on open Green Belt land. The fact that the site is heavily wooded has no bearing on its importance in terms of the purposes of Green Belt designation. The appearance of the land would undoubtedly change and there would be a significant loss of openness as built development replaces woodland. The Inspector considered that the harm to openness is a matter which adds substantial weight to the harm by reason of inappropriateness. The special circumstances to justify such harm to the Green Belt and the conservation area therefore need to be compelling.

Other harm

The impact of the development on the visual qualities of the Green Belt and the adverse effects upon the character and appearance of the Holy Cross Conservation Area, including trees protected by a TPO, amounts, in this case, to much the same thing. They are factors which should be given great weight. The proposed landscaping, including the retention of a limited number of existing trees would offer little mitigation for the harm caused. This harm conflicts with related development plan policies.

The very special circumstances to be weighed against the identified harm include the need for affordable housing in Bromsgrove and the lack of alternative available sites. The Inspector stated that he appreciated that other appeal decisions referred to by the appellant (for example, Land adj. Bromley Common, Bromley & Land East and West of Melton Road, Edwalton, Notts.) indicate that the provision of affordable housing is capable of being a very special circumstance. The Inspector's judgment of whether very special circumstances exist must, of course, have regard to the circumstances of the particular case before him. Moreover, the fact that this site may well be the only one available to the appellants for affordable housing provision does not necessarily mean that it is suitable. Whilst the Inspector found that concerns about the highway safety implications of the proposal could not be supported, this as a neutral consideration which does not add material weight to the appellant's case in the overall balancing exercise.

The other considerations in favour of the proposal i.e. housing need and lack of alternative sites are considerable but, whether viewed individually or collectively, they do not outweigh, let alone clearly outweigh, the combined harm arising from the proposed development. Very special circumstances therefore do not exist to justify inappropriate development in the Green Belt. The appeal conflicts with BLP Policies S9 and S16 and with national policy in PPG2 to protect the Green Belt and with BLP Policy 35A and Structure Plan Policy CTC20 in respect of the harm to the character and appearance of the conservation area.

This appeal was therefore dismissed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED**.

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.