

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2150938
Planning Application	10/0931-DK
Proposal	A minimum of 2.1 Hectares of open space, site access and associated infrastructure. Provision of approximately 50 car parking spaces for use by Wythall rail station including a new pedestrian link from the proposed station car park to Norton Lane.
Location	Land off Norton Lane, Wythall, B47 6HA
Ward	Wythall South
Decision	Refused at Planning Committee, in accordance with officer recommendation - 28th March 2011

The author of this report is David Kelly who can be contacted on 01527 881345 (e-mail: d.kelly@bromsgrove.gov.uk) for more information.

Discussion

The key issues in the determination of this appeal were:

- (i) whether the proposal would be inappropriate development for the purposes of Planning Policy Guidance (PPG) 2: Green Belts and development plan policy;
- (ii) the effect of the development on the openness of the Green Belt and the purposes of including land in it;
- (iii) the effect of the development on the visual amenity of the area; and
- (iv) if the development is inappropriate, whether the 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.

The applicant accepted that the proposal amounted to inappropriate development in the Green Belt but asserted that there were very special circumstances to justify the proposal. These were:

1. The lack of a 5 year land supply;
2. The provision of public open space;
3. The provision of a car park for Wythall Railway Station;
4. The provision of affordable housing.

The Inspector reasoned that the harm by reason of being inappropriate development is due substantial weight. Due to the scale of the proposal, the

effect on the openness of the Green Belt and the purposes of including land within the Green Belt also carried significant weight. In addition the effect on visual amenity warrants some weight.

In terms of the benefits of the scheme, the appellant contended that a five year housing land supply shortfall can in itself carry sufficient weight to clearly outweigh Green Belt and other harm and thus constitute very special circumstances. However, in his decision ref. APP/M9565/A/09/2114804, the Secretary of State gives limited weight to the need for more land to be brought forward for housing. While the housing need did contribute to the other considerations that together outweighed the harm to the Green Belt, in that case the housing shortage could not be resolved without consideration being given to the release of Green Belt sites. It has not been demonstrated that this is the situation in this case as the ADRs would be sufficient to accommodate the requirement for a five year housing land supply.

The Inspector noted that there is a serious shortfall in housing land supply in Bromsgrove and that this in itself warranted considerable weight. There is also a need for affordable housing which adds significant weight in favour of allowing the scheme. The need for a railway station car park and the provision of open space are also matters in favour of the scheme, although the fallback position warrants little weight. Taken together these considerations carry weight that is similar to that accorded to the harm to the Green Belt.

However, the test is that the other considerations should clearly outweigh the identified harm to the Green Belt and this test was not met in this case. Therefore, the very special circumstances necessary to justify the development do not exist. The proposed development would conflict with the provisions of the development plan including Worcestershire County Structure Plan policies SD.2, D.38 and D.39, and Bromsgrove District Local Plan policies DS2 and DS13.

Costs application

There was no application for costs by either party in this case.

Appeal outcome

The appeal was **DISMISSED** (5th September 2011).

Recommendation

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