

**Appeal made against the refusal of planning permission**

<b>Appeal reference</b>	APP/P1805/A/11/2157061
<b>Planning Application</b>	11/0367-SC
<b>Proposal</b>	Change of use to storage of cars for sale
<b>Location</b>	Elmhurst, Sandy Lane, Wildmoor, Bromsgrove, B61 0QU
<b>Ward</b>	Woodvale
<b>Decision</b>	Refused (Delegated Decision) - 16th June 2011

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**Notes**

The proposal was for the change of use of the application site to allow for the storage of cars for sale.

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. The change of use proposed represents inappropriate development in the Green Belt and inappropriate development is, by definition, harmful. The intensification of commercial activity at a residential property and the potential for increased vehicular parking at the site is a form of urban encroachment, harmful to the visual amenity and openness of an area designated as Green Belt and therefore conflicts with the purposes of including land in the Green Belt. The proposal is therefore considered contrary to policy DS2 and DS13 of the Bromsgrove District Local Plan 2004, policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan 2001 and the provisions of Planning Policy Guidance 2: Green Belts. No very special circumstances exist that would outweigh the harm that would be caused.

The Inspector found the main issue to be its Green Belt location and:

- Whether the proposal constitutes inappropriate development in the Green Belt;
- Whether any 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 Proposal**

The site comprises part of the residential curtilage of "Elmhurst", a detached dwelling. It is proposed to use part of the curtilage of the house for the storage of prestige cars pending their sale through the internet, whereupon they would be taken from the site for delivery to the customer. No sales would take place from the site, and thus the use

would be solely for the storage of up to 6 cars and the use of the existing office building in connection with the business.

## Discussion

The Inspector considers the site where the cars would be kept to be well screened from public view by a roadside fence and gate.

Policy DS2 of the Bromsgrove District Local Plan (BDLP) states that permission for development in the Green Belt will not be given, other than in very special circumstances, for the construction of new buildings or for the change of use of existing buildings. When assessing the proposal against this policy, the Inspector considers that, whilst a building within the site is to be retained as an office, the primary development is the use of the land, which the policy does not address.

The use of land, however, is addressed in national Planning Policy Guidance Note 2: Green Belts (PPG2) where it is indicated that the making of a material change in the use of the land is inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.

The Inspector notes that a material consideration in this case is the grant of planning permission in 2000 for the operation of a private hire company and overnight parking for up to 5 vehicles. The permission had been implemented, however, the use is no longer carried out. On this basis, even though the appellant has indicated that he has no intention of restarting the use, the private hire use remains lawful, and as it has a commercial value, it is a relevant fallback position.

It is taken into consideration that the existing use (granted permission in 2000) allows for long, bulky mini-buses, which are higher than cars and would be more noticeable during the longer, lighter days and the weekends, than the 6 cars which would also likely be away from the site during much of the working day. On balance, it is considered that the proposal would not have a materially more harmful impact on the openness or on the visual amenity of the Green Belt than would the existing use. In addition, the proposal would also benefit from the reduction of traffic movements onto a busy road. The Inspector therefore concludes that the proposal would maintain openness, and it would not therefore amount to inappropriate development. It is therefore unnecessary to demonstrate very special circumstances to justify the proposal.

Policy EC12 of PPS4 Planning for Sustainable Economic Growth offers support to small-scale economic development where it provides the most sustainable option in villages or other locations that are remote from local services centres. The site is located in a remote location, but the number of travel movements associated with the intended use is likely to be very low. Having regard to this policy, the economic benefits, although not substantial, nevertheless add some support to the proposal.

The LPA expressed concerns that the proposed use could be implemented in combination with the approved use, resulting in intensification. However, the Inspector

considers it possible to impose a condition which could be worded so as to ensure that the cumulative impact could be controlled by restricting total numbers.

The Inspector also addresses the concerns of the LPA regarding the possibility of the business being operated differently in the future to what was originally stated in the appellant's statement, by explaining that the permission sought would only relate to the storage of cars for sale, rather than the use of the site for car sales, which is a different use.

### **In conclusion**

In conclusion the proposal was allowed on the basis that the proposal maintains the openness of the Green Belt, and would be better in terms of appearance. It would also involve fewer vehicular movements and would promote enterprise.

### **Costs application**

No application for costs was made.

### **Appeal outcome**

The appeal was **ALLOWED**, subject to conditions (30th November 2011):

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FANTOM 01-1250 and FANTOM 02-500.
- 3) No more than 6 cars shall be stored on the application site at any one time. If, at any time, vehicles are parked within the curtilage of Elmhurst in connection with a private hire business permitted by planning permission B/2000/0428, the total number of vehicles used in connection with the private hire business and those used for the occupiers' own personal use together with those stored on the site in connection with this permission shall not exceed 6, of which no more than 5 shall be used in connection with the private hire business and those used for the occupiers' own personal use.

### **Recommendation**

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