

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2157354
Planning Application	10/0849-DK
Proposal	To provide additional facilities to the existing residential home to provide 22 bedrooms for severe dementia and Alzheimer's sufferers.
Location	The Leys Residential Home, Old Birmingham Road, Alvechurch, B48 7TQ
Ward	Alvechurch
Decision	Refused by Planning Committee - 7th February 2011

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Discussion

The proposal was for additional facilities to the existing residential home to provide 22 bedrooms for severe dementia and Alzheimer's sufferers.

The appeal site lies within the Green Belt, wherein PPG2 *Green Belts* establishes a national presumption against inappropriate development. The appellant accepts that the appeal proposal constitutes inappropriate development in Green Belt policy terms.

- The effect of the proposed development on the landscape and openness of its surroundings within the Green Belt.
- The effect of any additional traffic associated with the development on the safety of road users on Old Birmingham Road, and the adequacy of parking provision proposed.
- The effect of the appeal development on the amenity of neighbouring residents, in terms of noise and disturbance and visual aspect.
- Whether matters advanced by the appellant in favour of the development so clearly outweigh the harm that would be done to the Green Belt by virtue of inappropriateness and any general or landscape impact, and any other harm, that they constitute very special circumstances justifying the grant of planning permission.

Landscape impact and openness

The Inspector concludes that the proposed development would result in a material loss of openness in the Green Belt and harm to its landscape resulting in a loss of visual

amenity, contrary to PPG2, the West Midlands Spatial Strategy, Worcestershire County Structure Plan 2001, and the (Bromsgrove District Local Plan 2004.

The Inspector accepts that the proposed building would not appear in the landscape as an unduly obtrusive structure, on account of its single storey design approach and landscape setting, which includes hedgerow trees and other vegetation directly to the south and east of the development site. Yet it is clear that a building of the size proposed would cause significant erosion to the rural character of the immediate locality. It is therefore considered that the proposal would not in these circumstances support the third Green Belt objective listed in paragraph 1.6 of PPG2, namely the retention or enhancement of attractive landscapes near to where people live.

Highway safety; car parking

The Inspector notes the fact that the highway authority does not question the capacity of Old Birmingham Road to accommodate the increased trip generation that it considers would be caused by the appeal proposal. The appellant maintains that there would be very little increased trip generation. Yet the Inspector believes that the 23 new staff proposed to be employed at the proposed unit, whilst attending at different times of the day or week, would generate additional private vehicular trips in a location over 500 metres from the nearest bus stop. Furthermore it is likely that many of the residents of the proposed unit could generate their own visitor traffic, sometimes on a regular basis.

On that basis, such off-site parking would have the potential to create conditions on the public highway that would endanger the safety of road users, including those driving vehicles and those walking between their vehicles and the care home. It follows that the proposed development would fail to accord with saved Structure Plan policy T.1 and saved Local Plan policies E9(d) and TR11.

Residential amenity

The four residential units formed from the conversion of a large L-shaped barn building on the north side of The Leys Residential Home have a close spatial relationship with the care home. Not only are the units physically close to the care home building, but the courtyard space in front of them and car parking space available to them are served by the same vehicular access as the care home.

It is difficult to envisage how the occupants of Units 1 to 4 could not be affected by the increased comings and goings that would be associated with the expanded care home facility. One resident reports that the staff of and visitors to the current care home 'continue to use' parking spaces owned by the residents. It is clear to me that the residents would, given the proximity of their homes to the care home site and the degree of integration between the residential and care home domains, be aware in noise and general disturbance terms of increased activity from care home staff, service and visitor trips.

Therefore the Inspector concluded that these circumstances would result in a material loss of amenity for the residents, by an erosion of the tranquillity they seek to enjoy in this rural location.

Summation of harm, and 'very special circumstances'

The Design and Access Statement outlines the appellant's case as to why the circumstances in which the appeal site was selected for the proposed dementia and Alzheimer's unit and benefits accruing from the development constitute 'very special circumstances' clearly outweighing Green Belt harm and any other identified harm.

The main components of the case have to do with the:

- Sustainability of the appeal site,
- The need for the proposed development,
- The benefits of the proposed facilities and the application of what the appellant terms 'the PPS6 sequential test' in the selection of the appeal site.

The appellant maintains that the appeal site is a sustainable location for the proposed development. It is accepted that Alvechurch is a large village which benefits from regular bus and rail services and contains a good range of local shops and other services. However access to the village which is about 1.5 kilometres from the appeal site is not convenient by travel modes other than a private motor vehicle. The nearest bus stop is over 500 metres from the site via an access route which lacks pedestrian facilities and street lighting. I do not therefore consider the appeal site to have strong credentials as a sustainable location.

It is accepted that there is likely to be a sustained or increasing demand for the specialised care facilities of the type proposed, and that the existing care home would in management and expertise terms be in principle a suitable base at which to provide such facilities. The Leys Residential Home could well have benefits for investment, business viability, regulation compliance and new employment, and could have some indirect benefits for the local economy.

With regards to the application of the 'PPS6 sequential test', PPS6 *Planning for Town Centres* was cancelled in 2009 by PPS4 *Planning for Sustainable Economic Growth*. The proposed development does not fall into any of the land use categories listed in paragraph 7 of PPS4 as main town centre uses, although the definition of economic development in paragraph 4 of the PPS includes community uses and uses that provide employment opportunities. Therefore the Inspector finds no basis in PPS4 for supporting a 'sequential approach' to the identification of a locationally optimum site for the proposed unit. Local planning authorities are directed to strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans.

The harm identified in this case is substantial, and includes Green Belt inappropriateness, loss of openness, landscape erosion, the endangering of highway users, and loss of residential amenity. I do not consider that the matters raised by the

appellant in support of the appeal proposal have such individual or combined force as to clearly outweigh that cumulative harm. I therefore conclude that the appellant has failed to demonstrate that very special circumstances exist sufficient to clearly outweigh the harm that would be caused to the Green Belt and to the other interests mentioned above.

In conclusion

Of the matters he raises the Inspector is satisfied that questions of sewage disposal and flood alleviation should be capable of being addressed through the enforcement of appropriate conditions, if planning permission were to be granted in this case. Whilst the Leader states that he does not agree with the view of Council officers as to the architectural style of the building, it is more the size of footprint and bulk of the proposed building that in my perception would determine its harmful visual impact and result in a loss of openness in the landscape, both important contributors to the Green Belt harm in this appeal. So the Leader's representations and all other matters raised in the appeal documentation do not outweigh the harm identified and the conclusions reached on the four main issues in this appeal, on which basis the appeal does not succeed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (16th November 2011).

Recommendation

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