

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2160221
Planning Application	10/1098-DK
Proposal	Formation of 1 no. fishing lake, forest school, car park (as amended by plans received 21.02.2011)
Location	Land at Burcot Lane, Bromsgrove, B60 1PN
Ward	St. Johns
Decision	Refused by Planning Committee - 7th March 2011

The author of this report is Lisa Allison who can be contacted on 01527 8813658 (e-mail: l.allison@bromsgrove.gov.uk) for more information.

Discussion

The development proposed was the formation of 1 no. fishing lake, forest school, car park (as amended by plans received 21.02.2011).

The appeal site is a large open field in the Green Belt to the east of the A38 road and south of Old Burcot Lane. The site is some 9ha. in size and is in arable use apart from a central drainage ditch and a number of ponds. The land falls from Old Burcot Lane southwards and westwards. Burcot Lane Cutting Site of Special Scientific Interest (SSSI) is immediately to the north.

Procedural Matters

The application originally sought permission for '2 no. fishing lakes, forest school and car park', but it is evident that the description and nature of the development proposed changed during the time it was under consideration by the Local Planning Authority to that noted above.

Following further information from the appellant the Local Planning Authority no longer pursues reason for refusal 3 which relates to the nearby Site of Special Scientific Interest.

Accordingly, the Inspector proposed to deal with the appeal on the basis of the revised description and the withdrawal of reason for refusal 3.

The Proposal

On the site there would be provision for 40 car parking spaces, parking for two coaches, a coach turning area, and a portable eco-toilet (described as a 'portaloo' in the representations). The existing access in the north-west corner of the site that leads from Old Burcot Lane would be improved. The existing farm track leading from this access that runs along the western boundary of the site would also be improved and extended to create an internal road, parking and turning areas.

Main Issues

- 1) Whether the proposed development amounts to inappropriate development in the Green Belt.
- 2) The effect of the development upon the character and appearance of the area.
- 3) The effect of the proposed development on the best and most versatile agricultural land.
- 4) If the development is inappropriate, whether or not 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 Inspector states the forestry school and the creation of the fishing lake in the lower part of the site would maintain the openness of the Green Belt, thus not being inappropriate development. The forest school would be an educational use, albeit in this instance with no trees and no buildings - in line with Planning Policy Guidance note 2: *Green Belts* (PPG2)

The Inspector finds the development to have an adverse effect upon the character and appearance of the area. As such the proposal would run counter to Structure Plan policy CTC.1, which deals with landscape character, and District Plan policies RATd), ES16c), and parts of DS13.

The size and siting of the road, the coach lay-by and the parking area would be such that vehicles and vehicular activity would be visible from outside the site. It is considered that the existing vegetation and the proposed planting would not fully screen the vehicles from Old Burcot Lane, from the golf course to the south, and from some views from the west.

In short, the Inspector and the Local Authority agreed that the proposal would conflict with PPS7 and Structure Plan policy CTC.7.

Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. It supports sustainable rural tourism and leisure developments that benefit rural businesses.

Following the production of the appellant's own agricultural land study it is contended that the operational development will take place only on grade 3b land or lower. This differs from the agricultural land classification used by the Council, which shows the major, northern part of the site as being grade 1. As this classification is the standard classification that covers the whole area around Bromsgrove, the Inspector accepts the LPA's findings over that produced by the appellants.

It is considered that the provision of the relatively small fishing lake with some 31 pegs and the establishment of a forestry school, to be of minimal benefit to the rural area compared to the loss of the land to agricultural use.

Accordingly, I find that collectively and individually the put forward do not amount to very special circumstances that clearly outweigh the totality of the harm I have identified.

Three matters were promoted by the appellant as being very special circumstances in support of the proposal.

The first is that the proposal enhances the positive role of the Green Belt. The Inspector feels that the development would have an adverse effect upon the character and appearance of the area.

The second very special circumstance put forward is that the scheme contributes to the moderate enhancement of the Burcot Lane Cutting SSSI. I note the view of Natural England, but again the Inspector regards any benefits that ensue regarding the SSSI are outweighed by the dis-benefits of the scheme as a whole.

Thirdly, policy RAT2 is questioned by the applicant. It is argued that the policy seeks to support outdoor recreational facilities in the Green Belt should not be interpreted as meaning that such support should be at the expense of other weightier, material planning considerations. The Inspector agrees with a need for the forest school element of the proposal and a perceived need for such schools. However, it is considered that this particular element of the scheme would take such a considerable number of years to come to fruition and as such, any weight to this matter is negligible.

In conclusion

The Inspector considered all other matters raised, including the economic benefits of the development to the rural area, and concluded that the appeal should be dismissed.

Therefore the Inspector dismissed the appeal

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (11th January 2012).

Recommendation

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