

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Elaine Bayliss	Access gates  Yew Tree Cottage, Chapmans Hill, Romsley, Halesowen, Worcestershire B62 0HB	11.12.2018	18/01231/FUL

**Councillor Allen-Jones has requested this application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be refused.

### **Consultations**

**Romsley Parish Council** Consulted 01.10.2018  
No objection.

**Arboricultural Officer** Consulted 01.10.2018  
No objection.

**North Worcestershire Water Management** Consulted 01.10.2018  
No objection.

**Highways - Bromsgrove** Consulted 06.11.2018  
The Highways Authority is unable to support this planning application on the basis of the vehicular access. No objections have been received in respect of the gates and associated pillars.

**Crime Risk Manager** Consulted 07.11.2018  
The area is not considered to be a high crime area. There is a record of 10 reported incidents for the post code area since 1st January and the last crime recorded against the applicants address is in 2010 when a shed was broken into.

**C. Allen-Jones** Consulted 02.11.2018  
Further to discussion with the applicants in respect of their reasons for requiring the gates should the recommendation be to refuse planning permission the application shall be called into committee.

### **Publicity**

Two letters were sent to the adjoining properties on 1<sup>st</sup> October and expired on 25<sup>th</sup> October 2018.

One site notice displayed on 3<sup>rd</sup> October and expired 27<sup>th</sup> October 2018.

No comments have been received from third parties following this public consultation.

### **Relevant Policies**

## **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

## **Others**

NPPF National Planning Policy Framework (2018)

SPG1 Residential Design Guide

## **Relevant Planning History**

18/00764/FUL	Proposed two storey side extension	Pending Decision
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## **Assessment of Proposal**

The application site is located within the Green Belt. The site comprises of a small cottage at the north boundary of its plot at the end of a small run of dwellings to the east of farmland. The front boundary has dense vegetation and the character of the area is very undeveloped and open. The proposal is for entrance gates 1.85m high constructed in close board timber with rendered brick pillars at a height of 2m. Given the road is not classified the site has the benefit of permitted development rights for the means of access to a highway under Part 2, Class B of the General Permitted Development Order 2015 (As Amended) subject to the works being required in connection with development permitted by any other class within the Order. In this instance the access is being carried out in connection to the hardstanding for parking within the site. The hardstanding benefits from permitted development rights under Part 1, Class F provided the area is of hardstanding is porous or has a surface run off within the curtilage of the dwelling. In this instance within the application form the applicant has confirmed the proposed materials for the hardstanding of the drive will be gravel therefore the Council are satisfied that this part of the scheme is permitted development and therefore does not form part of the assessment of this application. In this case the comments received from consultees in respect of the access and surfacing cannot carry weight against the scheme. Given the access gates exceed 1m in height and are adjacent to the road used by vehicles planning permission is required for this part of the proposal.

## **Green Belt**

The site is located within the Green Belt. BDP 4 of the Bromsgrove District Plan (BDP) states that the construction of new buildings is to be regarded as inappropriate development. This is reflected in Paragraph 145 of the National Planning Policy Framework (2018). The term 'building' within the Framework refers to any structure or erection and therefore includes gates and walls. Gates and walls are not in the list of exceptions to inappropriate development within Paragraphs 145 and 146 of the NPPF and therefore, would be considered as inappropriate development by definition. The proposal therefore amounts to inappropriate development within the Green Belt and should be given substantial weight against the scheme.

The applicant has advanced a special circumstance to justify this development. The applicants contend that the gates would be required to reduce crime and the fear of crime

given the rural location of the dwelling. The West Mercia Consultancy Crime Risk Manager has provided comments on this application. He has looked over the recorded crime rates in the area and confirmed that this is not a high risk area. The applicants have a fall back available to them to erect a gate which is no greater than 1m in height utilising their permitted development rights. It is appreciated that a 2m high gate is more difficult to scale than a 1m, however the vehicular access and off street parking does not require consent so a refusal of these gates would not restrict removing cars from being parked on the road. Furthermore external lighting and CCTV could be utilised to reduce any risk of crime to the property. Having regards to this, it is therefore considered the justification put forward by the applicant is to be afforded moderate weight in favour of the scheme. This argument put forward by the applicant therefore does not amount to very special circumstances required to outweigh the substantial harm that would be caused to the Green Belt.

### Street Scene

Chapmans Hill is within a rural location characterised by open frontages with low lying boundaries predominately consisting of vegetation with a small number of dwellings on the east and farmland to the west. BDP19 of the Bromsgrove District Plan ensures development enhances the character and distinctiveness of the local area. This is reflected in Paragraph 127 of the NPPF which requires developments are sympathetic to local character, including the built environment and landscape setting. The proposed gates would have a height of 1.85 metres constructed of close board timber with rendered brick pillars at a height of 2m. The design of the gates and associated pillars would have an urban appearance and would create significant built form in an otherwise undeveloped rural area. The proposed height and design of the gates does not reflect the rural character of the area and is therefore considered to be contrary to this policy BDP19 and paragraph 127 of the NPPF.

### Highways

The County Highways Officer has objected to the scheme on the basis that insufficient information has been provided in respect of adequate vehicular visibility splays, pedestrian splays and the fact it is recommended the vehicle enters and leaves the parking area at 90 degrees to the carriageway and not at an angle as shown on the site plan. These comments are noted and the applicant has been notified of these comments given the highway safety implications. However, for the purposes of assessing this application the access itself is not development and cannot therefore be considered as part of this application.

### Conclusion

The erection of the gates amounts to inappropriate development within the Green Belt, by definition, and should therefore not be approved except in very special circumstances. When taking into account the consultee comments from West Mercia Consultancy and the other security options available to the applicant it is not considered that the considerations put forward by the applicant amount to very special circumstances to outweigh the harm to the Green. Further harm has been identified to the rural character of the area which has been defined to be open and undeveloped in its character.

**RECOMMENDATION:** That planning permission be refused

**Reasons for Refusal**

- 1) Access gates are not in the list of exceptions to inappropriate development in the Green Belt within Paragraphs 145 and 146 of the NPPF and therefore, would be considered as inappropriate development, by definition, of which is to be afforded substantial weight.. No very special circumstances have been put forward or exist that would outweigh the harm that would be caused to the Green Belt. The proposal would therefore be contrary to BDP4 and BDP19 of the Bromsgrove District Plan and the guidance contained in Paragraphs 145 and 146 of the NPPF.
  
- 2) Chapmans Hill is within a rural location characterised by open frontages with low lying boundaries predominately consisting of vegetation with a small number of dwellings on the east and farms to the west. The proposed gates would have a height of 1.85 metres constructed of close board timber with rendered brick pillars and would have an urban appearance. The proposed height and design of the gates and associated pillars is not sympathetic to the local character of the area and is therefore considered to be contrary to BDP4 and BDP19 of the Bromsgrove District Plan and the guidance contained in Paragraph 127 of the NPPF.

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