



## Appeal Decision

Site visit made on 16 October 2018

**by Elaine Benson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 November 2018**

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**Appeal Ref: APP/P1805/D/18/3206203**

**Sunday's Hill, Whinfield Road, Dodford B61 9BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs R Lydon against the decision of Bromsgrove District Council.
  - The application Ref 18/00030/FUL, dated 11 January 2018, was refused by notice dated 12 April 2018.
  - The development proposed is to erect a greenhouse.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The name of the appeal property is spelt differently throughout the appeal evidence. In this decision I have used *Sunday's Hill* as it is set out on the planning application and appeal forms.

### Main Issues

3. The main issues in this appeal are whether the proposed greenhouse would amount to inappropriate development in the Green Belt; its effect on the openness of the Green Belt; and, if the greenhouse does amount to inappropriate development, whether the harm by reason of inappropriateness, along with any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### Reasons

4. The appeal proposal seeks consent for the erection of a greenhouse. Its rear elevation would comprise a new 15m long wall which would extend beyond the width of the greenhouse on both sides. The greenhouse would be to the rear of, but separate from, Sunday's Hill, a house with adjacent open fields which is located in the Green Belt. The appeal site is also within the Dodford Conservation Area.
5. Greenhouses can often be built without requiring planning permission. However, the Class E permitted development allowances for Sunday's Hill were removed in January 2016 under Condition 3 of planning permission 15/1041. The approved replacement garage with an agricultural store has been constructed. The proposed greenhouse therefore requires planning permission

and is subject to the relevant local and national policies and guidance. The Council states that by itself the wall could be built under permitted development rights and there are no reasons to disagree.

6. Much of Bromsgrove District is designated as Green Belt. Although the appeal site and Dodford Conservation Area are a small part of the wider Green Belt, this does not alter the designation of the appeal site. I cannot agree with the appellants that Policy BDP4 of the Bromsgrove District Plan (BDP) which deals with Green Belt matters or the similar guidance within National Planning Policy Framework (the Framework) have been unreasonably applied to the appeal proposal.

*Whether the greenhouse would amount to inappropriate development*

7. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. The appellants point to the exception relating to buildings for agriculture and forestry. The appellants keep some sheep and chickens and grow fruit trees and bushes on the land. The greenhouse would be located just over 5m from the dwellinghouse and would be used for growing and bringing on crops. However, it would be on a domestic scale and the appellants state that they intend to use the greenhouse for their own enjoyment and the furtherance of self-sustainability. Considering all of these factors together, I am not convinced that the proposed greenhouse could reasonably be described as a building for agriculture. In my judgement the appeal proposal is for a domestic outbuilding which is not included within the Framework's list of exceptions. In this regard I have reached the same conclusion as the Council.
8. I therefore conclude that the proposed development amounts to inappropriate development in the Green Belt which is harmful by definition and should not be approved, except in very special circumstances. The Framework directs that substantial weight should be given to any harm to the Green Belt.

*Effect on openness*

9. The greenhouse would be introduced onto part of the site which is free from development. It would inevitably have some effect on openness, notwithstanding that it would be predominantly glazed, therefore having a degree of transparency. However, there would be limited views of the greenhouse from the public realm, it would be of a modest size and it would be seen within a residential setting between the house and its garage/agricultural store. Within this context I conclude that the greenhouse alone would have a modest effect on openness. If the greenhouse is considered alongside the 15m long wall which in part would form its rear elevation, the development would have a moderate effect on openness. Under both scenarios I conclude that the openness of the Green Belt would be diminished. This harm attracts substantial weight.

*Other considerations*

10. The Framework indicates that very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
11. The historic development of the surrounding area includes small single storey dwellings that were built in accordance with the aims of the Chartist Movement.

The dwellings were provided with sufficient land to be both self-sufficient and to make a small profit. In principle, the erection of a greenhouse would be consistent with these principles.

12. This historic context is fundamental to the designation of the Dodford Conservation Area. Sunday's Hill is of a grander scale and design than the simple Chartist cottages in the area. The high quality design of the greenhouse and the traditional materials proposed would complement its design and would be appropriate to its status. The greenhouse would also be in keeping with the predominantly semi-rural character of the surrounding area which includes ancillary curtilage buildings and structures.
13. I conclude that the greenhouse would preserve the character and appearance of the Dodford Conservation Area in accordance with BDP Policy BDP20. This policy supports proposals which, amongst other things, sustain and enhance the significance of heritage assets. However, the absence of harm does not weigh in favour of the proposed development.
14. The appellant has identified a large number of greenhouses in the locality. It is likely that they were constructed under permitted development rights. Nonetheless, this does not alter the planning circumstances pertaining to the appeal site and I can give little weight to the presence of these greenhouses.
15. The fact that there were no objections from local residents or the Parish Council to the proposed development can be given only neutral weight in the overall balance of considerations and does not affect my conclusions.

### **Conclusion**

16. I have concluded that the greenhouse would amount to inappropriate development in the Green Belt. The development would have a modest to moderate impact on the openness of the Green Belt. The other considerations put forward whether considered in isolation or together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances required to justify the development do not exist. The erection of the greenhouse would be contrary to BDP Policy BDP4 and the similar Green Belt guidance within the Framework.
17. For the reasons I have set out the appeal is dismissed.

*Elaine Benson*

INSPECTOR