

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr David Howell	Redevelopment of the site to provide four dwellings. Brookfield Nurseries, Quantry Lane, Belbroughton, Stourbridge, Worcestershire DY9 9UU	24.03.2020	20/00106/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Councillor May has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

Consultations

Kernon Countryside Consulted 04.03.2020

It is recommended that, based on the information submitted and from my own researches that the evidence does not indicate that the site is now, or has been for 10 years, a retail (A1) use and should be considered as an agricultural nursery.

Belbroughton And Fairfield Parish Council Consulted 13.02.2020

The Parish Council neither objects to nor recommends approval of the application.

Highways - Bromsgrove Consulted 13.02.2020

Objection. The site is not accessible by sustainable modes of transport and future occupiers will be reliant on private car use. There is a lack of infrastructure in terms of footway provision in the surrounding areas to enable safe access to key amenities and facilities which are all in excess of the recommended walking distances as per Manual for Streets. The lack of infrastructure means the site is not accessible by sustainable modes which are contrary to NPPF Paragraphs 108 and 110.

North Worcestershire Water Management Consulted 13.02.2020

No objection subject to condition.

Arboricultural Officer Consulted 13.02.2020

No objection subject to condition.

WRS - Contaminated Land Consulted 13.02.2020

No objection subject to condition.

Publicity

One site notice was placed onsite 10th March 2020 and expired 3rd April 2020. 7 neighbour letters were sent to neighbouring properties on 13th February 2020 and expired on 8th March 2020.

Representations

Three representations have been received as a result of this public consultation writing in support of this proposal.

The comments have been summarised as follows;

- Applicants and his sons health issues makes running the business long term unsustainable
- Competition with local supermarkets
- Houses are an appropriate use onsite
- Reduction in traffic/delivery vehicles
- Removal of polytunnels increase green space/visual amenity
- New dwellings provides opportunity for more people to join local community
- Safeguard against unwanted future development onsite

Councillor May

Wishes to call the application into committee on the grounds of public interest.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

Bromsgrove High Quality Design SPD

Relevant Planning History

B/2004/0717	Agricultural dwelling.	Granted	27.07.2004
B/2004/0351	Polytunnel.	Granted	14.05.2004
B/1999/1083	Erection of double bay, plastic covered, domed greenhouse 12M x 28.8M long.	Granted	07.12.1999
B/1996/0611	Erection of agricultural glasshouses	Granted	11.11.1996

Assessment of Proposal

The application site is located within the Green Belt. The site currently comprises of 11 structures predominately consisting of polytunnels with one brick structure to the rear of the site. The existing site is a Nursery selling plants and some pots currently run by the applicant. There is a parking area to the north of the site and a single vehicular access from Quantry Lane central to the site. The site fronts Quantry Lane along its north boundary and slopes steeply from north to south down to The Gutter. The proposal is to redevelop the site to provide four two storey dwellings and two detached garages.

The four dwellings are proposed to be sited in a linear form facing north towards Quantry Lane. The dwellings will be of traditional design with pitched roofs and front gables with a mix of materials including brick and render. The dwellings consist of two house types, type 1290 which is a 4 bed property with integral garage on each end of the run and house type 1175 which is a smaller 4 bed property positioned in the centre of the run and which will be served by a detached garage to the rear of the dwellings.

The proposal utilises the existing access from Quantry Lane and also creates two new access points either side to serve the development. The existing hardstanding will be reduced on site for parking and turning areas and the rest of the site will be landscaped as garden.

It is proposed that all the existing structures onsite will be removed in replacement of the dwellings. No information have been provided to confirm the future use of this part of the site. The applicants contend in their planning statement that this part of the site will remain open and undeveloped.

Green Belt

New buildings within the Green Belt are considered to be inappropriate development. There is a closed list of exceptions to inappropriate development outlined in Paragraphs 145 and 146 of the National Planning Policy Framework and Policy BDP4 of the Bromsgrove District Plan. The applicants make reference to exceptions 145 (e) and (g) within their Planning Statement. These exceptions refer to the limited infilling in villages and the redevelopment of previously developed land subject to preserving openness respectively.

Limited Infilling

BDP4 allows for limited infilling in Green Belt settlements. This policy is compliant with the NPPF and sets out the intended 'villages' for limited infilling within the Settlement Hierarchy in Policy BDP2. The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. It is acknowledged that the site sits within a run of development however this exception is only for limited infilling in villages. The application site does not fall within any of the settlements outlined within BDP2 or any villages outlined on the Councils proposal Map and as such the proposed development would not fall into this exception.

Previously Developed Land

The NPPF defines Previously Developed Land (PDL) as the following; *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously*

developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

To fall under this exception to inappropriate development the applicant has put forward that the existing use onsite is a Garden Centre and as such falls under an A1 retail use rather than a Nursery which falls under an agricultural use. The evidence provided consists of a letter from BHGS Horticultural Suppliers and Impulse Plants confirming they have been providing plants to the business on site for resale for a period of 12 years. The applicant has referred to the payment of business rates, with the description held for the property by the Valuation Office Agency as *garden centre and premises*.

Nursery or Garden Centre?

Advice has been sought from the Councils Independent Agricultural Consultant on this matter. Plants grow, so both nurseries and garden centres contain plants that are growing. The principal difference is whether the plants are being grown-on with the expectation of an increase in value, or are bought-in for quick onward sale. If a site keeps plants for a period of time when they are growing-on, and especially if they are being potted-on into larger pots, the use will be a nursery, which is an agricultural use. It may be that part of the site is where plants that have been grown-on are sold, and that part might also sell purchased-in composts, pots, tools etc. The proportion of non-plant goods sold may be important in assessing whether a site is a nursery or garden centre, or whether there are different parts of the site in different uses.

Having been through the planning history for the site, the Council accepted that the use onsite was agricultural in 2004 when it approved a new agricultural workers dwelling to assist the Nursery under application B/2004/0717. All subsequent planning applications onsite are for polytunnels for the purposes of agriculture.

In respect of the evidence provided by the applicants the fact that plants are brought into the site for sale and the fact that they run as a business does not in themselves confirm a change of use from a Nursery. The courts have held (in *Allen v SSE* and *Reigate and Banstead BC(1990) JPL340*) that those sales are regarded as ancillary to the primary agricultural use. From the Officers site visit there was evidence of some pots and compost for sale however this was very small scale and on a proportionate basis would not form a significant part of the sales onsite. It is perfectly plausible that the Valuation Office Agency interpretation of the business use is different to that detailed under The Town and Country Planning (Use Classes) Order 1987 (as amended) in planning legislation. Contrary to the view of the applicant, the description of the business held by the Valuation Office Agency is therefore not considered to be the decisive factor in the interpretation of the existing use of the site.

Having considered this issue and on the basis of the level of evidence submitted, including the advice provided by the Council’s Agricultural Consultant, it is more likely that the existing use on site is still a nursery and it has not crossed the line into becoming a Garden Centre.

Whether the development is Inappropriate Development

Given the site has been determined to be in an agricultural use it would not be considered as Previously Developed Land having regards to the NPPF definition outlined earlier in this report. No other exception within Paragraphs 145 and 146 of the NPPF would be relevant to this development. The proposal is therefore considered to be inappropriate development by definition. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Very special circumstances

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The applicant has not advanced any very special circumstances in support of this application.

It is noted that within the letters of support received from the neighbouring properties support has been provided to the applicants personal and health circumstances. Given the permission would run with the land and not the applicant these would not be material planning considerations and therefore limited weight is afforded to this. Support has been put forward on the visual amenity of the area and preference for housing in this location. As outlined within this report no objections are raised to the design of the properties. Good design would be required from a development of any nature and therefore this would not be sufficient to overcome the harm to the Green Belt. Only limited weight is afforded in favour of the scheme on this matter.

Openness

The application site currently consists of 11 'structures' consisting of polytunnels and a brick structure. These structures are low lying at single storey and most are of unsubstantial construction consisting of no more than a wired frame and mesh. Given the slope of the land and the high hedge along the front boundary the visual impact of these structures is considered to be minimal.

The applicant has stated within their Planning Statement that openness would be preserved given the rear of the site will be left undeveloped and the footprint of built form onsite would be reduced. This may be true; however in respect of openness there is both a spatial and visual assessment to be made. The proposed dwellings will be two storey, sited along Quantry Lane at the highest level of the site. The proposed dwellings would be more visible from public views and therefore are considered to have a greater impact on openness than the existing situation. The existing structures are of such a form that the reduction in footprint is less weighted and given the land levels and lack of public views to the rear of the site the overall visual extent of built form would be greater. Taking all these matters into consideration it is considered that the proposal would have a substantial impact on openness.

Character

The application site sits within a small run of dwellings in a rural setting. The dwellings along the run consist of a mix hipped and gable roofs and a mix of materials including red brick and render. The proposed dwellings have been designed to reflect this character and consist of two different house types to create some interest in the street scene. The space between the dwellings reflects the density locally and the plot sizes are appropriate to the location.

Policy BDP7 states that proposals for housing must take account of identified housing needs in terms of size and type of dwellings. It further states that developments need to focus on delivering 2 and 3 bed properties. Both dwelling types proposed are four bed properties and therefore these do not meet the identified need within the District. The proposal is therefore considered to be contrary to this policy.

Amenity

Given the spacious plots and orientation of the surrounding properties no concerns are raised in respect of neighbour amenity.

Sustainability

Policy BDP2 of the Bromsgrove District Plan 2011-2030 (BDP) establishes the settlement hierarchy for the district focusing new development in locations which support sustainable communities such as Bromsgrove town, large settlements and small settlements set out within BDP 2.4 Table 2 of the BDP. Bell Heath is not identified within the above table as being suitable for development. For planning policy purposes, the application site is located within the open countryside.

The application site is located within a rural location outside of any of the defined settlements in BDP2. The site is not accessible by sustainable modes of transport and future occupiers will be reliant on private car use. There is a lack of infrastructure in terms of footway provision in the surrounding areas to enable safe access to key amenities and facilities which are all in excess of the recommended walking distances as per County Council Manual for Streets.

A bus stop is located approx. 240m from the proposed development on Farley Road, however a check has revealed the frequency of service being provided by this bus operator is unacceptable and the bus service being provided would not be suitable for daily commuting. It is noted Quantry Lane benefits from a single footpath on the development side with no street lighting. The bus stop is located on Farley Lane, this lane does not benefit from footpaths or street lighting which has a national speed limit. It would not be acceptable for pedestrians and vulnerable users to be walking in this environment, such as families with young children or those with disabilities. The lack of adequate footway provision and street lighting will deter journeys on foot particularly during winter months and in times of adverse weather conditions and similarly the environment on a busy, high speed route is not conducive to cycling in the vicinity.

Having regards to this, the application site is not within a suitable location for residential development. The proposal is contrary to the locational strategy of Policies BDP1 and BDP2 of the BDP, which, amongst other matters seek to direct development to settlements, reduce the need to travel and promote sustainable development. There

would also be conflict with the Framework, which requires the planning system to contribute to the achievement of sustainable development, with accessible services, and avoiding isolated new homes in the countryside. The lack of infrastructure means the site is not accessible by sustainable modes which are contrary to BDP2, NPPF Paragraphs 108 and 110 and the County Council Streetscape Design Guide.

Highway Considerations

Comments have also been put forward on the reduction of traffic. Members will note the Highways Authority has raised no objection in terms of highway safety matters but has objected to the proposal on its unsustainable location.

Ecology

The Wildlife and Countryside Act 1981 (WCA) protects a number of species and their habitats in England, Scotland and Wales. The Local Planning Authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species at a site before they make a decision on a planning application. In the absence of such definitive information the Local Planning Authority are unable consider the likely impact on protected species and their habitat and would be failing in its legal duty if it was recommended that planning permission was granted until this information was forthcoming. In this instance the applicants have provided a written response from Dunelm Ecologists who have confirmed that given the site characteristics that a survey is not required. They have however outlined some enhancement measures which could be conditioned.

Housing Supply

The Council cannot currently demonstrate an up-to-date 5 year housing land supply. Where this is the case, paragraph 11 of the Framework, which is a material consideration of significant weight, advises that as the application site does not fall within an area or asset of particular importance as defined by the Framework, the proposal need to be considered through the balancing exercise set out in paragraph 11(d)(ii) of the NPPF. However, this does not automatically lead to the granting of planning permission.

The primary aim of paragraph 11 of the NPPF is to promote sustainable development. The NPPF at paragraph 8 defines sustainable development as having three dimensions: economic, social and environmental. The proposal would make a contribution, albeit small to the Council's supply of housing. It is also acknowledged that there would be some economic benefits associated with the proposal during the construction phase. However, because of the limited scale of the proposal such benefits would be limited.

The proposal is not considered to fulfil the environmental or social dimensions of sustainable development due to the unsustainable location of the site and therefore the requirement to travel by private vehicle and the limited local services and facilities. Furthermore, as set out in the discussion above, the sites location in the Green Belt gives rise to a clear reason for refusal due to its inappropriateness and as such would warrant the refusal of the application on these grounds.

Conclusion

Taking all these matters into consideration, and the other considerations which arise it is considered that these do not clearly outweigh the totality of the harm identified to the Green Belt. Consequently, very special circumstances do not exist and planning permission should be refused.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

1. The proposed dwelling does not fall within any of the categories of appropriate development specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at paragraph 145 and 146 of the National Planning Policy Framework 2019 (NPPF). The proposal therefore constitutes inappropriate development in the Green Belt which would be harmful by definition. No very special circumstances exist to clearly outweigh the significant harm caused to the Green Belt. This is contrary to BDP4 of the Bromsgrove District Plan and Section 13 of the NPPF
2. Although the proposal results in the loss of the existing polytunnels onsite, when taking into consideration the public views of the site, the changes in land level and the lightweight structures that exist onsite the proposal is considered to have a substantial impact on openness. This is contrary to BDP4 of the Bromsgrove District Plan and Section 13 of the NPPF
3. The proposed dwelling by reason of its distance from essential services, job opportunities and the future occupier's reliance upon motor vehicles as a means of transport would result in an unsustainable form of development which would fail to enhance or sustain the vitality of the rural community. The proposal would therefore be contrary to Policies BDP1 and BDP2 of the Bromsgrove District Plan (2011-2030) and paragraphs 7 and 79 of the National Planning Policy Framework (2019).
4. Contrary to Policy BDP7.1 of the Bromsgrove District Plan, the proposal would consist of less than 10 dwellings but would fail to provide any 2 or 3 bedroom house types, and therefore would not contribute to the housing mix or vibrancy of the local community and paragraph 61 of the NPPF.

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