

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Michael Hodgetts	Retention of storage compound and hardstanding, including 2.4m palisade fence Land at Backlane Farm, St Kenelms Road, Romsley, Worcestershire B62 0PG	04.09.2024	24/00307/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Highways

The applicant has confirmed the site is used only for storage of cars only, a site visit confirmed this being the case. The applicant has confirmed via the statement cars are delivered to Manor Way and then these are moved individually by staff to the Romsley site, when these cars are ready to be handed over to customers, staff collect them from Back Lane Farm and take them to Manor Way - this is deemed to be acceptable for this type of use.

Due to the type of development proposed (storage only), pedestrian or highway safety is not compromised by the proposal, and it is noted there will be no additional staff employed on site associated with this proposal as highlighted within the application form.

The existing shared vehicular access will be used by the proposed development and the number of trips that may be generated by the proposed development will not have a severe impact on the highway or pedestrian safety.

The existing shared vehicular access has good visibility in both directions and is deemed to be acceptable.

WRS - Contaminated Land

No objection.

WRS - Noise

No objection.

WRS - Air Quality

No objection.

North Worcestershire Water Management

The application details that the hardstanding laid in Spring 2022 is permeable as it consists of an 8 inch base of brick/crushed brick with an 4 inch layer of road stone on top. The application form details that surface water from the site will be disposed of via SuDS, but there are no further details. Following application 24/00229/FUL it is assumed that

water falling on the storage compound site soaks away naturally via the permeable surface, mimicking the pre-development situation. I would recommend attaching a condition to ensure that the surface will remain permeable as this will ensure that the development will not result in additional runoff leaving the site, which could exacerbate flood risk elsewhere.

The letter submitted for this application details that no repairs or cleaning work is carried out on the cars at Back Lane Farm. I would recommend attaching a condition that ensures that no car repairs, valeting or car washing is undertaken on the site.

The compound is larger than 800m². The Environment Agency on their website <https://www.gov.uk/guidance/pollution-prevention-for-businesses> detail that car parks larger than 800m² (or for 50 or more parking spaces) typically need an oil separator. It is assumed that this requirement is not applicable for sites that do not discharge via a piped drainage system. It will be up to the applicant to ensure that his business operates within the Environmental regulations and does not cause pollution to the water environment.

Worcestershire County Council Countryside Service

No objection.

Romsley Parish Council

No objection

Publicity

10 letters sent 21.11.24 (expired 05.12.24)

Site Notice posted 21.08.24 (expired 14.09.24)

Press Notice posted 19.07.24 (expired 05.08.24)

1 comment of objection as follows:

- Concerns expressed over a lack of fairness and consistency in decision taking. Planning application 09/0282 for an example, an established business wanting to expand but on this occasion the individual proposal deserved to receive a refusal to safeguard the countryside from encroachment etc. Planning applications 24/00307/FUL & 24/00229/FUL also represents an established business having already expanded (hence the retrospective applications) but claiming diversification to enable encroachment of the countryside

Councillor Nock

Requests that this application to be heard before Planning Committee. It would seem sensible that this is heard at the same as 24/00229/FUL which was previously called in.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP5A Bromsgrove Town Expansion Sites

BDP5B Other Development Sites

BDP13 New Employment Development

BDP15 Rural Renaissance
BDP19 High Quality Design

Others

Bromsgrove High Quality Design SPD
National Planning Policy Framework (2023)

Relevant Planning History

24/01005/FUL	Change of use of land from agricultural use to create external seating area and extended car parking area in association with the commercial uses on the site (retrospective)	Pending consideration	
24/00229/FUL	Retention of 13 storage containers (and hardstanding)	Pending consideration	
24/00228/CPE	Provision of four storage containers on the land for the purposes of storage	Withdrawn	09.08.2024
23/01394/FUL	Retention of cafe, toilets, store extension and two air-conditioning units and associated car park	Granted	09.07.2024
23/01375/FUL	Retention of boundary fence	Refused	28.05.2024
B/2007/0287	Change of use agricultural building to farm shop (to replace existing farm shop) - as amended by plans received on: 21/05/2007.	Granted	24.05.2007

Assessment of Proposal

The vehicle storage compound is a large area to the north of Backlane Farm extending to approx 2018sqm or 0.2Ha. It is rectangular in shape surrounded by a palisade fence 2.4m in height. There is a metal gate marking the access at the western side of the site which adjoins the storage containers (which are the subject of retrospective application 24/00229/FUL). The hardstanding comprises a hardcore of crushed brick with a layer of road stone above. There are five security cameras around the periphery of the site elevated on metal poles 3.45m in height. There are four Passive Infra-Red (PIR) security lights facing into the site of the same height as the security cameras. The compound is accessed from car park serving Romsley Country Store to the south-west. The general means of access through the site is not clearly defined.

The compound is currently used by Audi for car storage in association with their sales unit in Manor Way, Halesowen, approximately 3 miles from Back Lane Farm. The hardstanding was laid and the fence installed in March/April 2022 and the vehicle storage use began in September 2022. No planning permission was obtained nor was any advice sought from the Council.

The vehicles are parked around the circumference of the site, approx 25 vehicles are parked along the southern and northern boundaries and 9 on the eastern and western boundaries. There were also 10 internal rows of parked vehicles with three vehicles in each row. No car transporters deliver or collect from the compound. Cars are delivered to Manor Way and then moved individually by staff to the Romsley site. When cars are ready to be handed over to customers, staff collect them from compound and take them to Manor Way. There are between 3 - 5 car movements to and from the site in an average day. No repairs or cleaning work is carried out on cars at Back Lane Farm; these activities take place at Manor Way.

The compound can only be accessed during the hours when the Romsley Country Store is open: weekdays 8am - 6pm Saturdays 8am - 5pm, Sundays 9.30am - 4pm Outside these times, the gates into the site are locked.

Site Description

The site is located in the Green Belt. There is a Public Right of Way RM-522 located along the northern boundary of the site and the compound is separated from the footpath by a boundary hedge. Romsley Scout Centre is located to the north east of the site. There are unauthorised storage containers (the subject of application 24/00229FUL) located to the west of the site. Backlane Farm comprises a number of uses, a dwelling house and commercial uses including Romsley Country Store, a stove showroom, florist and the Rickyard Cafe. These are accessed from St Kenlems Road and are all located to the south west of the compound.

Background

The site is the subject of a number of retrospective planning applications to address a number of alleged breaches of planning control. They include the current retrospective proposal for the stationing of 13 storage containers (Ref: 24/00229FUL), the change of use of land from agricultural use to create external seating area and extended car parking area in association with the commercial uses on the site (Ref: 24/01005/FUL) which is currently under consideration and the retention of cafe, toilets, store extension and two air-conditioning units and associated car park (Ref: 23/01394/FUL) which was approved on 09.07.2024.

Principle

Green Belt Definitional Harm

The site is located in the Green Belt. The proposal for the retention of the vehicle storage compound would not fall under any of the exceptions of appropriate development as outlined in policy BDP4 of the Bromsgrove District Plan (BDP) or within paragraphs 153 - 155 of the National Planning Policy Framework (the Framework). There is evidently a substantial commercial operation on the site. Thereby, the proposal amounts to inappropriate development in the Green Belt, which is, by definition, harmful and should only be approved in very special circumstances. The definitional harm by virtue of inappropriate development carries substantial weight.

Conflict with Green Belt Purposes

There is harm caused by virtue of encroachment into Green Belt as a result of the unauthorised development. The safeguarding of the countryside from encroachment is one of the fundamental purposes of designating land as Green Belt (paragraph 143 of the Framework). It is evident from historic imagery (dating to 2013) that the land was an undeveloped field apart from limited storage ancillary to agriculture. The area has been transformed with gravel hardstanding and palisade fencing to accommodate the vehicle compound and the containers (which are the subject of application 24/00229/FUL). The harm to the purposes of the Green Belt by virtue of encroachment carries substantial weight. The proposal would also fail to assist with urban regeneration given the large commercial nature of the development and it would also conflict with that Green Belt purpose.

Impact upon openness

The correct approach is to consider that openness has three elements: spatial, visual and activity. The compound occupies a large area (2018sqm or 0.2Ha) and the parked vehicles, fencing, security cameras and lighting have a significant impact on the openness of the site. The spatial impact also results in significantly increased activity from the parking of up to 100 vehicles. The Planning Practice Guidance states that the degree of activity likely to be generated, such as traffic generation is listed as a matter to be considered when assessing the impact on green belt openness. There is a significant adverse harm which fails to preserve openness as defined in *R. (on the application of Boot) v Elmbridge BC [2017] EWHC 12 (Admin)*.

Intentional unauthorised development

Written Ministerial Statement - HLWS404 'Green Belt Protection and Intentional Unauthorised Development' states that intentional unauthorised development a material consideration in planning decision making, to ensure stronger protection for Green Belts. It is unclear how, given the scale of the development, that the applicant would not have applied for planning permission and therefore the alleged breaches of planning control fall into the 'intentional unauthorised' category.

Green Belt balance

As outlined above, inappropriate development is by definition harmful and should not be approved except in very special circumstances. The requirement for Very Special Circumstances ('VSC') as set out at paras 152 and 153 of the Framework is an all encompassing test with all the harms and any of the benefits need to be weighed into the balance. In this weighing exercise, the benefits must *clearly* outweigh the harms. The following matters have been put forward in support of the application:

- The applicant has considered other sites in the locality with existing commercial storage uses, as potential alternatives to the proposal. There is uncertainty over whether any of these sites has a lawful commercial storage facility in place. The following sites were considered: Hunnington Fishery, Hunnington Station, Portmans/ Thistle Grove Farm, Horsepool Farm, Bayliss, Bibby and a plan has been provided identifying the location of these sites.
- The applicant cites policy BDP13 (e) which supports sustainable economic development in rural areas through proportionate extensions to existing business or

conversion of rural buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt.

- Policy BDP15 Rural Renaissance of the Bromsgrove District Plan has been cited, criteria (a) stating development that contributes to diverse and sustainable rural enterprises within the District" and "(g) rural diversification schemes' whilst recognizing that within the Green Belt inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances".
- The laying out of the hardstanding and the use of the land for commercial storage purposes are forms of development that fall within paragraph 155 of the Framework. Engineering operations and material changes in the use of land are "not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it."
- With regards to the five purposes of Green Belt, the development that has taken place does not encroach into the open countryside, as the site forms part of a mixed agricultural and commercial site and is on land well contained by substantial and long-established boundary planting.
- Audi have confirmed that they were looking for a storage site for a considerable time, with nothing suitable in a reasonable distance becoming available. Within the local area, all land outside the urban area lies within the Green Belt, so there are no preferable sites in non-Green Belt locations to consider.
- It is located within an active working farm and commercial site, in an area of the site which would otherwise be used for agricultural storage of large machinery, produce and materials
- The site sits within the village of Romsley and the northern boundary of the site does not extend into the Green Belt beyond the general limits of the northern edge of the village
- The use does not generate any HGV movements and, within the context of the site and the surrounding locality
- The landowner is not aware of any adverse feedback or concerns from local residents
- If permission were not to be forthcoming on this site, the tenant would have to look for another storage facility, which (given the existing lack of availability) would result in much longer car journeys, making less efficient use of staff time and generating greater CO2 emissions.
- Romsley should not become a dormitory settlement
- Loss of farm subsidy payments following Brexit
- The applicant would be willing to paint the palisade fence dark green and undertake further native hedgerow planting to strengthen the visual screen of the site

Officer Response

In terms of the Green Belt balance, the storage of agricultural machinery and equipment (which was similarly raised in application 24/00229/FUL in relation to the storage containers) would be considered ancillary to agriculture and therefore not amount to development (*Millington v Secretary of State for the Environment, Transport and the Regions [1999]*) and therefore any fallback in relation to the impact of this would carry limited weight. It should also be noted that aerial photography dated 2013 clearly shows open agricultural land in this location aside from a few scattered trailers. The matter of changes to farm subsidies would not be a unique occurrence and thereby would carry limited weight in the Green Belt balance.

In terms of the alternative sites put forward by the application. It is agreed that most of these do not have planning permission or Certificates of Lawfulness for commercial storage uses. These alternative sites have been considered. In terms of Hunnington Fishery, the most recent approval was for the construction by digging to 2.5m depth of 2 No. small duck ponds to the rear of farm buildings in 2003. (B/2003/0732). There would appear to be commercial (caravan storage) on this site which does not have planning permission or a CLEUD.

In terms of Horsepool Farm, there would appear to be commercial (caravan storage) on this site which does not have planning permission or a CLEUD. Planning permission for the storage of 25 non-residential caravans and erection of 8' fence was refused in 1987. (B/14803/1987).

In terms of Hunnington Station, the use of land for caravan storage was allowed on appeal in 1981 (B/7924/1980). This does not include the extent of the area currently used for caravan storage which does not have planning permission or a CLEUD.

In terms of Portmans/Thistle Grove Farm, this is to the south of Romsley some 3km to the south of the application site. Planning permission was granted for the change of use of approximately 2,400sqm to Use Class B1(c) in 2010 under application 10/0549. It is unclear if the site would meet the requirements of the proposal. Similarly, the Bayliss and Bibby sites would not appear suitable to accommodate the need.

In terms of the sequential approach put forward by the applicant, the alternative sites considered are also located in the Green Belt and it is unclear how the proposal for retention of the storage compound in the Green Belt would be justified because alternative sites would also be unacceptable in policy terms. It appears from the submission that Halesowen Audi require additional parking and vehicle storage facilities despite the existence of a substantial area for storing and parking vehicles at the facility on Manor Way. In summary, the sequential approach put forward by the applicant has only considered unavailable and unsuitable sites and this could carry no weight in the Green Belt balancing exercise. It is evident that the Halesowen Audi facility is surrounded by residential development with limited opportunity to extend the parking and storage facilities but the location of the business is a commercial consideration and would not amount to a very special circumstance to justify inappropriate development in the Green Belt.

It has been put forward that the laying out of the hardstanding and the use of the land for commercial storage purposes are forms of development that fall within paragraph 155 of the Framework. Engineering operations and material changes in the use of land are "not inappropriate in the Green Belt but only where they *preserve* the openness of the Green Belt *and do not conflict with the purposes* of including land within it. The proposed retention of the storage compound clearly conflicts with the openness and purposes of the Green Belt through the scale, design and increased activity arising from the compound. It is clearly the same finding as in *R (oao Amanda Boot) v Elmbridge Borough Council [2017]*. It is made clear in *Boot*, that if you have any level of harm to the Green Belt, then you will not be preserving openness and you will not fall into the para 155 exception and any conflict with purposes of including land in the Green Belt breaches the exception of para 155 of the Framework.

The site is located in the Green Belt and not within the village envelope of Romsley and clearly conflicts with the Green Belt purpose to assist in safeguarding the countryside from encroachment. The applicant accepts that the scheme would conflict with the fifth purpose of the Green Belt to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The matter raised in terms of visual impact is noted but the location of the proposal does not address the harm by reason of inappropriateness and would carry limited weight. Policies BDP13 and BDP15 need to be read collectively so that the criteria cited are considered in the appropriate context. In the case of policy BDP13, criterion (e) refers to 'sustainable economic development in rural areas through proportionate extensions to existing business or conversion of rural buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt. The retrospective proposal does not relate to an extension or conversion.

In relation to policy BDP15, criterion (a) states that development which contributes to diverse and sustainable rural enterprises within the District would be encouraged. The policy criteria should be read collectively and criteria (b) to (l) appropriately define what should be considered a sustainable rural enterprise including agricultural dwellings and the conversion of rural buildings. It does not include large new commercial storage compounds.

The point raised that the tenant of the compound, Halesowen Audi would need to find an alternative facility with potentially longer car journeys has not been evidenced and is based on a speculative assumption that an alternative facility would be more distant. This matter is not relevant in the weighing exercise in respect of Green Belt harm.

In summary, the main points put forward relate to economic considerations but these are not unique or very special circumstances and thereby carry limited weight. The sustainability argument for the requirement to locate at Back Lane Farm has not been justified and even if it was justifiable, it would not *clearly* outweigh the harm arising from the substantial facility such that very special circumstances would exist.

Design

It is not considered that the compound, lighting, CCTV and palisade fence would integrate with the adjoining agricultural buildings or the wider setting of the site, thereby conflicting with policy 19 of the BDP and section 6.2 of the Bromsgrove High Quality Design SPD. Whilst it is noted that there is limited visibility of the compound from public highways and the footpath to the north, it would be unexpected to find a large vehicle storage compound and 2.5m high palisade fence in the context of a farmyard. Whilst the boundary hedge to the north provides mitigation, this may not be a permanent feature of the landscape and would seasonally vary. The Bromsgrove High Quality Design SPD advises that boundary treatments must be appropriately designed and visually aggressive boundary treatments adjacent to public space will be resisted. The area close to the compound would be visible from the context of Romsley Country Store and thereby would conflict with the SPD.

Highways

No objections have been raised by Worcestershire Highways. Pedestrian or highway safety is not considered to be compromised, and no additional staff would be employed

on site. The existing shared vehicular access will be used by the proposed development and the number of trips that may be generated will not have a severe impact on the highway or pedestrian safety.

Sustainability/Suitability of Location

In respect of sustainability, it is considered that the location of the compound would be inherently unsustainable and whilst there are limited bus services in the locality, the vehicles are brought and stored at the site, the applicant stating that 2 -3 movements per day would occur. It is accepted that the nature of the use would not reasonably enable the use of any alternative means of transport to enable access.

The matter of whether the development is in an appropriate location requires consideration, with particular regard to the settlement hierarchy outlined within policy BDP2 of the Bromsgrove District Plan (BDP). The policy sets out that the development of the District would follow the following hierarchy: (a) Development of previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt; (b) Expansion Sites around Bromsgrove Town (as identified in BDP 5A); (c) Development Sites in or adjacent to large settlements (as identified in BDP 5B). Similarly, policy BDP 13 follows this hierarchy in supporting economic development opportunities within Bromsgrove Town and Large Settlements including within the Town Expansion Sites and Other Development Sites identified as suitable for employment use in BDP5A and B. The policies remain consistent with the NPPF 2023 (the Framework). In the event that the proposal was allowed, this could be used too easily and often in support of other commercial employment schemes in the wider rural area, without any regard to the settlement hierarchy of the BDP which establishes a logical and sustainable approach to development in the District.

Whilst there are some modest economic benefits arising from the retention of the compound, this does not outweigh the harm identified in not guiding new commercial employment development towards sustainable locations in accordance with the settlement hierarchy set out in the adopted development plan (the BDP).

Ecology/Protected Species

The application is not accompanied by a Preliminary Ecological Appraisal. The area is not defined as sensitive in terms of habitat and does not comprise a Site of Special Scientific Interest (SSSI) or Special Wildlife Site (SWS). However, given the retrospective nature of the proposal it is not possible to determine whether or not the development (and the adjoining retrospective developments under consideration (Ref: 24/00229/FUL and 24/01005/FUL) has had a detrimental impact on protected species.

Other matters

There have been no objections raised by Romsley Parish Council, the WCC PROW Officer, North Worcestershire Water Management (NWWM), Worcestershire Regulatory Services in relation to Noise, Air Quality or Contaminated Land. NWWM have recommended conditions in respect of ensuring a permeable surface to the compound and restriction of car washing/valeting activities. The Third Party Representation refers to the issue of consistency in decision taking citing application 09/0282 (at the Hylton Hound Hotel, Wythall) where the extension of a commercial facility was refused due to encroachment and conflict with Green Belt policy. It is considered that the recommendation on the application under consideration would be consistent with the

decision taken in application 09/0282, adjusted to take into account the current policy context of the BDP and the Framework.

Members should note that of cafe, toilets, store extension, two air-conditioning units and car park were also constructed without the benefit of planning permission and retrospective consent has been granted (Ref: 23/01394/FUL). Therefore, the site has the opportunity to economically benefit from farm diversification without additional unauthorised development.

Conclusion

In summary, having considered all the information presented, it is concluded that the harm that the retrospective proposal causes to the Green Belt, by virtue of inappropriateness and other harm including harm to the openness and purposes of Green Belt would not be clearly outweighed by the matters put forward by the applicant and any other considerations. Thereby, the very special circumstances required to justify inappropriate development do not exist and permission should be refused.

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

- 1) The retention of the vehicle storage compound, hardstanding, 2.4m palisade fence and associated development would have a significant and detrimental impact upon the openness of the Green Belt. The retrospective proposal and associated activity conflicts with the purposes of including land in the Green Belt and amounts to inappropriate development. No very special circumstances have been put forward or exist which would outweigh the harm caused. Thereby, the development would be contrary to policies BDP1 and BDP4 of the Bromsgrove District Plan (2017) and the NPPF.
- 2) The proposal would fail to direct new commercial employment development towards sustainable locations in accordance with the settlement hierarchy set out in the adopted development plan, the Bromsgrove District Plan. Thereby, the site of the vehicle storage compound, hardstanding, 2.4m palisade fence and associated development is not considered to be an appropriate location for commercial development and would be contrary to the settlement hierarchy outlined within policy BDP2 of the Bromsgrove District Plan and to the principles of sustainable development set out within paragraphs 12 and 15 of the NPPF.
- 3) It is not considered that the compound, lighting, CCTV and palisade fence would integrate with the adjoining agricultural buildings or the wider setting of the site. Thereby, the proposed retention of the compound would conflict with policy BDP19 of the Bromsgrove District Plan, Section 6.2 of the Bromsgrove High Quality Design SPD and the NPPF.

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