

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Michael Hodgetts	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)  Backlane Farm, St Kenelms Road, Romsley, Worcestershire, B62 0PG	27.11.2024	24/01005/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 - Bromsgrove**

Site observations:

The site is in a semi-rural location off a classified road, the site has an existing shared vehicular access with good visibility in both directions. St Kenelms Road has footways, no street lighting and no parking restrictions are in force in the vicinity. The site is located within walking distance of bus stops which are located approx. 290m from the proposal.

Layout:

This is a retrospective planning application where the applicant has highlighted a grassed area to be used for picnics and a grasscrete area which has been highlighted as an overflow car parking area consisting of 8 car parking spaces for the proposal during busy periods if required. The 22 car parking spaces on site are not affected or being displaced by this retrospective planning application.

The car parking is shared between the customers of Romsley Country Store, CVS (UK) Ltd and Hagley Stoves and Fireplaces. The total retail floorspace on site requires 23no. parking spaces and the applicant has provided 22no. spaces in total. The 8 additional car parking spaces being provided fall short of WCC requirements. The proposed application creates an additional 8 no. parking spaces for customers of the café and the other uses, this provides a total parking provision on the site to 30 spaces.

There is a shortfall of 11 car parking spaces due to the café extension, however in this instance due to the village location, good connectivity to the site via footways, bus stops located approx. 150m from the site and a car park also located approx. 150 from the site entrance for public use - the parking provided on site is deemed to be acceptable due to the above reasons. Highways have also carried out site visits and noted the car park is busy at times, but parking spaces are still available for customers on site and therefore consider the car parking provision being provided by the applicant again being acceptable.

### **North Worcestershire Water Management**

It is my understanding that the external seating area remains grassed, so this element of the application has no water management implications. It is my understanding that it is proposed to change the currently gravelled car parking area (8 spaces, completed in October 2022 without planning permission) to grasscrete. Both gravel and grasscrete are classed as permeable surfaces and there should therefore be no increase in the amount of surface water runoff generated on the site compared with the situation pre October 2022 when this area was still grassed. I therefore believe that there would be no reason to withhold approval of this application from a water management perspective.

### **Arboricultural Officer**

The site of the development has a mature Oak tree situated at the north-west corner of the site, as T1 under TPO (4) 2024.

- o The development to include a picnic bench area will add to ground compaction within the RPA of the oak, though I do not envisage that this will have an accountable and adverse effect on the tree.
- o The overspill parking would have been constructed using a 'Grasscrete' which will spread the load of moving vehicles and prevent further ground compaction.
- o The tree itself still has half of its rooting area outside of the development site and so I would not expect it to suffer to any great extent due to the development, that said due to the increase in traffic under the tree and time being spent there it would be prudent to upkeep a tree survey to ensure any potential issues are managed appropriately. No objections raised.

### **Romsley Parish Council**

No objection

### **Publicity**

5 letters sent 17.10.24 (expired 10.11.24)

Site Notice posted 01.11.24 (expired 25.11.24)

No representations received.

### **Cllr Nock**

Backlane Farm' is an active commercial and agricultural site with several businesses. Rickyard Café sits at the heart of the development and offers a 'go-to' destination bringing a fresh vitality to the village of Romsley. The seating area further enhances the experience and is popular with walkers as well as those using the café. As a Council it is important we encourage and support sustainable economic development.

This a relatively small area on edge of a designated parking facility. There is a clear separation from the agricultural land to the rear. In these circumstances there is limited impact on the openness of the Green Belt and retrospective planning permission should be granted.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

## BDP19 High Quality Design

**Others**

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

**Relevant Planning History**

24/00229/FUL	Retention of 13 storage containers (and hardstanding)	Pending consideration	
24/00307/FUL	Retention of storage compound and hardstanding, including 2.4m palisade fence	Pending consideration	
23/01394/FUL	Retention of cafe, toilets, store extension and two air-conditioning units, along with car park extension	Granted	09.07.2024
19/01348/FUL	Replacement dwellinghouse, detached garage and associated works	Refused	22.01.2020
17/00856/FUL	Conversion of existing building to create tea room which would be ancillary to Romsley Stores	Granted	12.01.2018
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
06/00038/COL	Sale of equine feeds to include the sale of hand tools, minor equipment, collars, rakes, buckets, shovels etc.	Refused	18.07.2006

**Assessment of Proposal**

The proposal seeks permission for a grasscrete area for overflow parking to replace the current gravelled area which is used for informal overflow parking. It also seeks a picnic area to the west of the car park, the boundary of which would be formed by the cafe to the north and boundary hedge with St Kenelms Road to the south.

**Site Description**

The site is located in the Green Belt. Backlane Farm is a large site comprising a mixture of agricultural and commercial uses including Romsley Country Store, a stove showroom, florist and the Rickyard Café, along with a (currently unoccupied) dwellinghouse. The site lies to the north side of St Kenelms Road and would adjoin the front of the cafe and existing car park. The above facilities all utilise the same access to St Kenelms Road.

There is a mature oak tree situated at the north west corner of the site which is protected under TPO (4) 2024.

The vehicle storage compound (the subject of retrospective application 24/00307/FUL) and storage containers (the subject of retrospective application 24/00229/FUL) are located approximately 100m to the north-east of the application site.

## **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 retrospective proposal for the stationing of 13 storage containers (Ref: 24/00229/FUL), the retention of a storage compound and hardstanding, including 2.4m palisade fence (Ref: 24/00307/FUL) which are currently under consideration. The retention of the cafe, toilets, store extension, two air-conditioning units and associated car park (Ref: 23/01394/FUL) was approved on 09.07.2024.

## **Principle**

The site is located in the Green Belt. Policy BDP4 of the Bromsgrove District Plan (BDP) sets out the types of development which are appropriate in the Green Belt. At present, the area of the proposed car park extension is gravelled (since 2022) and the retention of the car park and provision of grasscrete amount to engineering operations. These are not specifically cited in the BDP but are referred to in para 155 of the NPPF which states that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations. The test required is therefore an impact test in terms of the openness and purpose of the Green Belt. The context of the application must be considered, planning permission has already been granted for the provision of a metalled car park to serve the café under application 23/01394/FUL.

The most relevant application to the proposal is application reference 23/01394/FUL which was a retrospective proposal for an extension to the existing store to create a café, W/C, air conditioning unit and storage room, as well as an extension to the car park. The current retrospective proposal relates to a further extension of the car park, through the laying of a grasscrete area. The following matters have been put forward in support of the proposal:

- The laying out of the grasscrete for the purposes of parking is a form of development that would 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.
- Additional car parking needs. The WCC Streetscape Design Guide outlines that retail uses of less than 1,000sqm should provide one parking space per 25sqm of floorspace. The total retail floorspace on site requires 23no. parking spaces to be provided and the car park sets out 22no. spaces. The above previously approved application for the café extension also included an extension to the car park of an additional 8no. spaces. However, the additional 96sqm of café space actually required an additional 19no. parking spaces.
- The eight spaces provided clearly fell short of this requirement, and the owners of the site now wish to provide further parking on site to meet this potential demand. Overall, the proposed application would therefore create an additional 8 no. parking spaces for

customers of the café and wider site, bringing the total parking provision on the site to 30 spaces which is more in line with the guidelines of the Worcestershire Streetscapes Design Guide of 41 spaces.

- A revised draft NPPF has recently been published for consultation purposes and this document is now a material consideration, albeit it is recognised that the weight that can be given to this document at this time is limited. In the consultation draft of the NPPF, the concept of Grey Belt has been introduced defined in the glossary as "land in the green belt comprising previously developed land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes. The site falls into such a category.
- The proposed development is not considered to encroach into the open countryside, nor is it considered to impact upon openness, as the site forms part of a mixed agricultural and commercial site and is on land well contained by substantial boundary planting.
- The recreational area and the provision of picnic benches would be seasonal

*Officer Response:*

The proposed further extension of the car park is not considered to preserve the openness of the Green Belt and results in additional encroachment on the formerly agricultural land. It should be noted that the currently gravelled area is used for parking and a level of harm to openness arising from the development and from additional activity is evident. This finding is similar to that reached in *R (oao Amanda Boot) v Elmbridge Borough Council [2017]* where in a situation where harm to openness arises, it is not being preserved and will therefore not fall into the para 155 exception. The car park extension, as constructed, amounts to additional encroachment which conflicts with the purposes of including land in the Green Belt and breaches the exception of paragraph 155 of the Framework.

In terms of the level of parking, the views of WCC are noted in relation to the current proposal and the previous extension and car park (Ref: 23/01394/FUL) where 22 No. parking spaces were provided to meet the needs of the cafe and other uses on the site including Romsley Country Store. The scheme was amended to exclude the more informal gravelled parking area from the proposal and there were no objections raised by WH in relation to the level of parking provision. It is evident on site that additional parking is possible on the areas of concrete around the site. The matters raised by Highways are also relevant. There is a car park available some 50m to the east of the site and the café/country store are located in a reasonably accessible location with respect to the village of Romsley with public transport options available. In this context, it is not considered that the minor parking shortfall justifies additional inappropriate development in the Green Belt.

The revised Draft NPPF is currently at consultation stage and thereby carries no weight in the decision-making process which must be made in accordance with the adopted Bromsgrove District Plan and the NPPF. In any event, the area upon which the car park was constructed and where the picnic benches are proposed was not previously developed and it is not accepted that the site does not contribute to the openness/purpose of the Green Belt.

In summary, the planning history is critical in considering this application. Planning permission is sought for the change of use of agricultural land to facilitate a car park

extension and outdoor seating area. However, retrospective permission has already been granted for a cafe, a substantial metalled car parking area and a large external paved seating area to the west of the cafe. Therefore, the additional parking and recreation areas are not justified when these facilities already exist and are operational. The economic benefits arising from farm diversification have therefore already occurred and very special circumstances to justify additional inappropriate development cannot be said to exist.

### **Highways**

No objections have been raised by Worcestershire Highways in relation to the additional parking provision. It has also been clarified with WCC that, should the application be refused, the characteristics of the location and the alternative availability of parking would mean that significant displacement would be unlikely to occur. The parking matters are further addressed in the Green Belt assessment above.

### **Ecology**

Retrospective applications are exempt from the Biodiversity Net Gain 10% requirement. 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 24/00307/FUL) has had a detrimental impact on protected species.

### **Other matters**

There have been no objections raised by Romsley Parish Council, North Worcestershire Water Management (NWWM) or the Councils Tree Officer. The Representation from the Ward Councillor is noted and outlines the diversification requirements and the economic benefits arising from the retrospective proposal. These matters have been fully addressed in the Green Belt appraisal above, the points raised would not be unique to the site or amount to very special circumstances to justify inappropriate development.

It should be noted 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.

In summary, having considered all the information presented, it is concluded that the harm that the proposal causes to the Green Belt, including harm to the openness and purposes of Green Belt, taking the cumulative developments on the site into account, 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 proposed change of use to provide external seating and car park extension, taking the cumulative impact of previous development into account, amounts to inappropriate development in the Green Belt. The development would result in a loss

of openness and further encroachment into the countryside contrary to the purposes of the Green Belt. 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.

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