

Name of Applicant	Proposal	Plan Ref.
Mr Colin Rudge	Importation of material to re-profile and level land (retrospective) Sumach, Priory Road, Dodford, Bromsgrove, B61 9DA	22/01431/FUL

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

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Conservation Officer

Comments summarised as follows:

- Sumach comprises one of the original chartists cottages in Dodford. It has been altered and extended but its origins remains clearly legible. It is not listed but it can be considered a non-designated heritage asset (NDHA).
- The site falls within the Dodford Conservation Area (CA), which covers the historic Chartist settlement, a semi-rural area which contains a regular assortment of housing plots, in which a pattern of nearly identical historic cottages sit. These are of a well-defined architectural style, which emerged when the area was developed by the Chartist Land Company in 1847/48.
- The rear garden of Sumach runs down to the watercourse to the north. Prior to the completion of the re-profiling works there was a significant drop in ground levels from the rear of Sumach to the watercourse: around 10 to 12m. The reprofiling works have resulted in a levelling of the land but with a steep drop down to the watercourse.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- This is supported by Policy in BDP20 of the Bromsgrove District Plan, which amongst other things, state that development affecting heritage assets, including alterations or additions as well as development within the setting of heritage assets, should not have a detrimental impact on the character, appearance or significance of the heritage asset or heritage assets.
- There are clear views of the rear of Sumach, both from the junction of Victoria Road and Church Road, and a little further southeast on Church Road where there is gateway into the field to the north of the stream and Sumach, close to Greenfield.
- The re-profiling works have clearly introduced a steeper slope into the landscape than that which previously existed, although a steeper slope does not necessarily harm the significance of the Conservation Area.
- Prior to the completion of the re-profiling works, this introduced a harsh, visible muddy feature into what is usually a verdant landscape detracting from views across the CA.
- Post completion of the grass seeding works, the harm is considered to have been overcome. No objections are raised to the proposed landscaping plan.

Worcestershire Archive and Archaeological Service

Comments summarised as follows:

- The development site has not been excavated as such but substantially regraded (built up) with material imported to site. Providing no excavation has taken place, any as yet unrecorded below ground archaeology within the area of the development should be buffered. Archaeological monitoring and recording (a watching brief) would be recommended should there be any future excavation of the site.
- Whilst the development site has the potential to contain heritage assets of archaeological interest, any below ground remains should be buffered, since there has been no excavation of the ground.

North Worcestershire Water Management (NWWM)

Comments summarised as follows:

- The site falls within flood zone 1 (low risk of fluvial flooding) although it should be noted that the adjacent watercourse has not been modelled and therefore the risk may in reality be higher. The part of the site which has been re-profiled is not shown to be susceptible to surface water flooding.
- During the course of the re-profiling works we have had reports of high sediment levels within the Brook, and it is considered that the site works may have been the cause of this. Such risks generally remain until the bare ground has been fully re-vegetated, and remains a risk if the ground is at risk of subsidence although I am not qualified to comment upon the risk of subsidence of this soil. Any future issues relating to contamination of the watercourse are a matter for the Environment Agency to investigate.

Environment Agency

Comments summarised as follows:

- The materials brought onto the site are not considered to be contaminated as thus no objections are raised.

Dodford With Grafton Parish Council

The Parish Council object to this retrospective application.

Comments received summarised as follows:

- Prior to the re-profiling works, the site provided habitat for plant and animal species
- The site is visible from public vantage points
- The re-profiling of the land has resulted in contamination of the watercourse
- Concerns regarding possible damage to archaeological remains
- A huge and unnecessary amount of material has been brought onto the site causing a significant disruption to local residents
- The works are considered to harm the character of the Conservation Area and the character of Sumach which is considered to be a Non-Designated Heritage Asset.
- The Parish Council question the area of land described as curtilage (within the red line area)

Public Consultation

3 letters sent 06.01.2023 (expired 30.01.2023)
Re-consultation 27.02.2024 (expired 15.03.2024)
Site notice displayed 06.01.2023 (expired 30.01.2023)
Press notice published 13.01.2023 (expired 30.01.2023)

4 representations have been received in objection.

Comments received are summarised as follows:

- Materials brought onto the site are believed to be contaminated
- Contamination of watercourses
- Drainage and flooding concerns
- Mud on the road causing highway safety issues together with volume of vehicles entering the site to deposit materials
- Detached buildings have been erected on the site – do these require permission?
- Harm to Conservation Area
- Adverse impact to the visual amenities of the area
- Undesirable precedent
- Raising the land levels could intrude upon sightlines potentially causing overshadowing and loss of privacy

Relevant Policies:

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP20 Managing the Historic Environment

BDP23 Water Management

Others

National Planning Policy Framework (2024)

Relevant Planning History

22/00518/FUL	Demolition of existing outbuildings and garage and replacement of newly constructed outbuilding and garage	Pending Decision	
11/0275	The erection of a single storey bedroom extension to the rear of the existing bungalow. Renovation of the existing conservatory into an enlarged kitchen area (as augmented by plans received 18/5/11).	Approved	26.05.2011
10/1118	Extensions and alterations to dwelling	Refused	27.01.2011

Background

The Council's attention was drawn to the works associated with the importation of materials within the curtilage of the property Sumach in around May 2022. A retrospective planning application for these works was submitted to the Council in November 2022. During the course of the applications consideration, further materials were imported to the site. No further tipping/ importation of materials onto the site has taken place since February 2024 with the exception of (relatively speaking) much smaller quantities of topsoil together with fertiliser which has been spread at the site to aid the growing of grass seed. The site was grass seeded in the summer of 2024 and has now been planted with a number of trees. Images of the site within the presentation pack date from September 2024.

Other matters at this site have been brought to the Council's attention including the creation of a hardstanding, fencing and gates which remain under investigation. However, for the avoidance of doubt this retrospective application only concerns the importation of materials to re-profile the garden area associated with the property.

Assessment of Proposal

Site Description

The site lies to the northern side of Priory Road within the Dodford Conservation Area. The site is situated within the Green Belt.

Proposal

This application seeks retrospective permission for the importation of materials, (predominantly clay soils) to re-profile and level land associated with the residential dwelling Sumach.

Planning Considerations

The main issues to be considered in assessing the application are the following:

- i) Whether the proposal amounts to inappropriate development in the Green Belt and if inappropriate, do very special circumstances exist to clearly outweigh the Green Belt harm
- ii) Heritage implications
- iii) Drainage and contamination matters
- iv) Archaeological matters
- v) Other material considerations

i) Green Belt and whether inappropriate development

The application site is located entirely within the Green Belt. Paragraph 142 of the NPPF highlights that the Government attaches great importance to Green Belts and this is further emphasised within Paragraph 153 which states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Policy BDP.4.4 of the Bromsgrove District Plan and Paragraphs 154 and 155 of the NPPF set out the exceptions to inappropriate development.

The works which have taken place are considered to constitute engineering operations.

Paragraph 154 of the NPPF comments at h)ii that engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of the Green Belt.

It is considered that whilst land levels have been raised in the rear garden area serving the property Sumach, the engineering operations do not in themselves result in harm to the openness of the Green Belt.

The five purposes of the Green Belt are set out at paragraph 143 of the NPPF as:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

This retrospective application would not conflict with any of the five purposes.

It has been concluded that, from a Green Belt perspective the application does not represent inappropriate development and therefore the very special circumstances test set out under paragraph 153 of the NPPF would not be relevant in this case.

ii) Heritage implications

The site has changed significantly when comparing its appearance prior to the first commencement of the engineering operations; during the works and post completion of the works. As set out above, with the exception of smaller quantities of top-soil and fertiliser as a top layer, the importation of materials onto the site ceased in February 2024. Photographs of the site were taken in July 2024 on germination of the grass seed and the planting of trees and images of the site within the presentation pack date from September 2024.

The site has been landscaped mostly but has not been completed in accordance with the submitted Landscape Plan SPR/01/23 Rev A and at the time of writing any harm to the character and appearance of the Conservation Area and to the Non-Designated Heritage Asset 'Sumach' is no longer considered to exist.

The submitted landscape plan shows the planting of Maple, Birch, Willow and Ash Trees to the sloped area of the site at the northern edge which would assist in the binding of the slope having regard to any subsidence concerns. Orchard planting comprising Mullberry, Quince, Medlar, Pear, Plum, Cherry and Apple trees beyond the woodland planting as native species trees are considered to be acceptable. Members will note that the Conservation Officer raises no objections to the application based on the submitted landscaping plan.

iii) Drainage and contamination matters

NWWM as the Lead Local Flood Authority (LLFA) for the area have been consulted and have commented that the part of the site which has been re-profiled is not shown to be susceptible to surface water flooding.

It is your Officers view that the reported high sediment levels within the (adjacent) Brook are likely to have been a result of the engineering works which took at the site prior to February 2024. The 'bare ground' referred to by NWWM has now been re-vegetated.

During the course of this applications consideration, the Parish Council and the Ward Member for the area have been referred to the Environment Agency since any issues relating to contamination of the watercourse are a matter for the Environment Agency to investigate rather than NWWM or District Council matters. Members will note that the Environment Agency have been consulted on the application and comment, having visited the site, that materials imported into the site are not contaminated.

iv) Archaeological matters

Because the site has not been excavated as such, Worcestershire County Archaeology Service consider that any unrecorded below ground archaeology within the area of the development would be unaffected by the works which have taken place.

v) Other material considerations

The views of third parties and the Parish Council are noted. Whilst harm to residential amenity in terms of, in particular overlooking and loss of privacy have been cited as an objection, no harms in this respect have been identified.

The visual appearance of the site has changed markedly between 2022 through to 2025. Understandable objections raised with respect to (for example) noise, mud on the road and inconvenience caused by large vehicles using the narrow carriageways around Dodford are no longer an issue.

Any ongoing concerns with respect to pollution of nearby watercourses would need to be pursued separately through the Environment Agency.

Conclusion

Whilst these works have taken place without the benefit of planning permission, in assessing the merits of this application it is important to examine the material impacts caused by the engineering operations as they exist at the time of writing.

The largely completed works are not considered to result in harm to the openness of the Green Belt or harm to the character of the Conservation Area. The resultant works are not considered harmful in terms of heritage matters, residential amenity or drainage. The seeding of the site has served to soften the appearance of the imported material and the tree cover will further naturalise the site. The landscaping proposals are acceptable albeit not fully complete. A suitable planning condition would ensure the completion of the landscaping works to the Council's satisfaction.

For the reasons set out above, this retrospective application is supported subject to the imposition of the condition set out below.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

- 1) The re-profiled land within the area subject to this application shall be fully completed in accordance with Landscape Plan SPR/01/23 Rev A to the satisfaction of the Local Planning Authority within 6 months of the date of this decision notice.

Reason: To aide in bank stabilisation, reducing the risk of future subsidence and sediment rich run-off which may impact upon the adjacent watercourse

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