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# Appeal Decision

Site visit made on 8 January 2015

**by Keith Manning BSc (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 January 2015**

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**Appeal Ref: APP/L3245/A/14/2227158**

**Land at The Hobbins, Bridgnorth, Shropshire WV15 5HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr M Cooksey against the decision of Shropshire Council.
  - The application Ref 13/03506/OUT, dated 28 August 2013, was refused by notice dated 15 April 2014.
  - The development proposed is the erection of 67 dwellings (to include 14 affordable dwellings), erection of a general convenience store with owners' accommodation, 2 areas of retained open space, to include community play area.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. I consider the main issues to be as follows:-
  - Whether the proposed development would represent inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
  - The effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
  - The effect of the proposed development on the character and appearance of the area; and
  - If the proposed development would represent inappropriate development, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

3. 'The Hobbins' is a freestanding settlement of around 150 houses, originally built for service personnel, a small distance to the east of the historic town of Bridgnorth. It is visually separated from the town by the intervening elevated land, a feature that is dramatically apparent from vantage points in the vicinity of the castle, which I visited at the specific request of the appellants.
4. Nevertheless, the adopted Green Belt associated with the town, which is part of the wider West Midlands Green Belt, which includes this part of Shropshire,

extends beyond and “washes over” The Hobbins. It is not for me to consider the merits of Green Belt designation vis-à-vis the townscape of Bridgnorth and its immediate environs, as the appellant seemingly contends that I should. I am obliged to take policy as I find it for the purposes of determining this appeal. The Framework is clear<sup>1</sup> that, once established, Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. Green Belts have five specific purposes, set out in paragraph 80 of the Framework, which are engaged to varying degrees in any particular case, but the inclusion of any site within an established Green Belt, the protection of which is accorded great importance nationally, requires the policy to be applied to it consistently and with full force.

5. This is a case in point. The appeal site lies within an established Green Belt. It appears to have become used, being largely untended, as informal open space for local residents and, from the representations received, is clearly valued by them for its openness, the visual relief it affords, and for its role as wildlife habitat. There is a small number of hardstandings within it but by and large it is ‘greenfield’ rather than previously-developed<sup>2</sup> and the hardstandings have in any event tended to blend into the landscape over time.
6. Paragraph 87 of the Framework stresses that inappropriate development is, by definition, harmful to the Green Belt and paragraph 89 states that, with certain exceptions, the construction of new buildings should be regarded as inappropriate. The proposed development does not, in my judgement, fall within any of those exceptions. Although plainly a matter of fact and degree in any particular case, in the context of The Hobbins the proposed development of 67 dwellings and a convenience store on a circa 2 hectare site cannot, in my estimation, reasonably be considered to be limited infilling for the purposes of the policy, notwithstanding containment on three sides by existing housing and the fact that the meaning of “limited infilling” is nowhere defined in the Framework. For the purposes of the Framework, therefore, the proposed development would represent inappropriate development in the Green Belt.
7. The development plan in this instance comprises the Council’s adopted Core Strategy (CS) and saved policies of the Bridgnorth District Local Plan (‘the local plan’). Policy CS5 is concerned with the countryside, including that which is protected by the Green Belt, in which case it defers to national policy as previously set out in PPG2, the thrust of which was very similar to that of the Framework as far as the protection of Green Belt is concerned. Policy S3 of the local plan is similarly consistent with the broad thrust of national policy concerning Green Belt protection. Albeit specifically for the purposes of a major developed site within the Green Belt at Cosford, the explanation to that policy defines “infilling” as the infilling of small gaps between buildings. Although plainly not definitive for present purposes, that definition is indicative of what is commonly understood to be limited infilling for the purposes of Green Belt policy and in that sense adds weight to my conclusion that, for the purposes of the Framework, the development of the appeal site would substantially exceed the scale of development that might reasonably be considered to be limited infilling. The appeal site is by no means a small gap in the built form of the settlement. For these reasons, the proposed development

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<sup>1</sup> Paragraph 83

<sup>2</sup> As defined in the glossary to the Framework.

- would represent inappropriate development in the Green Belt for the purposes of the development plan.
8. Emerging local policy is contained in the Council's Site Allocations and Management of Development Plan (SAMDev) currently subject to independent examination, but there is nothing to suggest that the emerging policy MD6 will introduce any element of local policy in respect of the Green Belt that would alter the thrust of that which is contained within the Framework. On the contrary, consistency with the national approach is stated to be a measure of soundness.<sup>3</sup>
  9. For the above reasons, I am clear that the proposed development would represent inappropriate development in the Green Belt. The Framework explains that substantial weight must be given to any harm to the Green Belt and that inappropriate development in the Green Belt should not be approved other than in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.<sup>4</sup>
  10. The Framework<sup>5</sup> explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. The Hobbins and the industrial area to the south east are set within an area of countryside which includes both woodland (much of which is associated with a country park) and arable fields. Other than this residential and industrial development it is largely free of built development and is therefore open in the sense intended by the policy. The sense of openness experienced around The Hobbins is brought into the heart of the settlement by the appeal site. Although it is surrounded by housing on three sides, the length of its western perimeter, which is a function of its size, makes the appeal site as much a part of the open countryside as it is part of the built form of The Hobbins. In visual terms it belongs to both and in my view the essential openness of the Green Belt would be, to a degree, compromised if it were to be developed as proposed. The development would represent an encroachment upon what may reasonably be perceived as rural land, i.e. the countryside that is part of the setting of The Hobbins, notwithstanding that it is physically separated from the adjoining arable land by a perimeter road. Developing the site would therefore both harm the openness of the Green Belt and conflict with one of its five purposes.
  11. Although the Council alleges harm to the visual amenity of the Green Belt, I am conscious that the site is unkempt and dominated by scrubby untended grassland, although trees, including cherry trees and a significant oak (the latter being the subject of a preservation order) dominate its perimeter. Visual harm per se would be limited as far as the wider Green Belt is concerned owing to the potential for landscaping and screening against the backdrop of the The Hobbins taken as a whole. I therefore accord lesser weight to this aspect of the Council's case than the other harms to the Green belt I have identified. The effect of the proposed development on the character and appearance of the area would be limited, albeit I am conscious that the open aspect afforded by the site contributes to the value placed upon it by the local community.

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<sup>3</sup> Framework, paragraph 182

<sup>4</sup> Paragraphs 87 and 88

<sup>5</sup> Paragraph 79

12. A range of other potential harms could be adequately mitigated by the conditions the Council suggests and so the benefits of the proposed development fall to be weighed against the harm to the Green Belt, if very special circumstances are to be demonstrated. The proposed development would bring some benefits, including a local shop if a viable business of that nature were to occupy the purpose built unit proposed, thereby effectively re-introducing a facility that was available to local residents some while ago. The Council asserts that the claimed benefit of an affordable housing element is nullified by the absence of a planning obligation but, as that could, in the alternative, be secured by the imposition of a suitable planning condition, I accord little weight to the omission. Affordable housing would be a benefit but this is moderated by the relative isolation of the settlement by comparison with more sustainable locations.
13. In the context of the Framework's intention to significantly boost the supply of housing, the development of a good number of open market houses would be a benefit but, in terms of the development plan, CS5 restricts housing on land classified as open countryside to that which is specifically for essential rural workers or specific local need, an intention that is not inconsistent with equivalent policy objects of the Framework, albeit local needs housing facilitated by open market housing is not necessarily in conflict with national policy for rural areas in general.<sup>6</sup> In the absence of compelling evidence to the contrary, however, the quantum of open market housing proposed on this rural site would conflict harmfully with the intentions of policy CS5.
14. The views of the parties differ on the adequacy of the Council's residential land supply, the Council now citing a 5.47 year supply rooted in its emerging SAMDev, albeit that has yet to be adopted. However, even if current policies for the supply of housing remain out-of-date so as to engage the presumption in favour of sustainable development described in paragraph 14 of the Framework, land designated as Green Belt is specifically mentioned in footnote 9 thereto as a specific policy indicating that development should be restricted. This message is reinforced by the more recently published National Planning Policy Guidance, which, as the Council points out, indicates that (in decision taking) unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt.<sup>7</sup>
15. The evidence before me is insufficiently compelling to suggest that the housing land supply situation is so critical in this area that an alternative approach could be justified bearing in mind the clear force of national policy concerning the Green Belt. Lack of housing land is clearly a material consideration capable of contributing to very special circumstances but the latter is a stringent test and would in this case need to be complemented by very compelling reasons specific to the area of the Hobbins as to why Green Belt policy should be set aside in the context of demonstrating that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With the exception of more formalised green spaces and the possibility of a new local shop (to which I attach limited weight in the light of previous attempts to sustain such a venture), the potential benefits are somewhat generalised and diffuse.

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<sup>6</sup> Paragraph 54

<sup>7</sup> NPPG Reference ID: 3-034-20141006

16. Collectively, the potential benefits of the proposed development should in my view be accorded some moderate weight. On the other hand, the harm to the Green Belt that I have identified, including the harm by reason of inappropriateness merits substantial weight, for the reasons I have given. Together with the harmful conflict with policy intentions concerning housing in the countryside, this requires very substantial benefits to flow from the proposed development if it is to be clearly outweighed. The evidence before me does not lead to such clarity or even suggest that the harm to the Green Belt might be capable of being marginally outweighed in this instance by the relatively modest benefits that would accrue. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist and, on that basis, the appeal must fail.
17. In coming to that conclusion, I have taken account of all other matters raised, including previous appeal decisions referred to by the parties, but which are not directly comparable insofar as they solely concerned retail units with associated accommodation and only involved a small part of the site.

*Keith Manning*

Inspector