



Appeal Decision

Site visit made on 1 April 2025

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/L3245/W/24/3355034

121 Paper Mill, Blunder Bridge Junction with A442 to Alum Bridge Junction, Birdsgreen, Alveley WV15 6HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Whiteman against the decision of Shropshire Council.
 - The application Ref is 24/02579/FUL.
 - The development proposed is described as “application under Section 73A of the Town and Country Planning Act 1990 for the change of use of agricultural land to form new residential access and parking”.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to form new residential access and parking at 121 Paper Mill, Birdsgreen, Alveley WV15 6HE in accordance with the terms of the application, Ref 24/02579/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. At the time of my visit the development had already started with the access track present. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
3. Drawing No 4326-02 as submitted during the planning application process identified the proposed fence as being 1.2m. An amended version of this plan was submitted during the appeal which removed this annotation. I am mindful that the fence is shown as being 1m on drawing No 4326-01B. Although appeals should not be used to evolve a scheme, I find that the change proposed before me is, in itself and against the scope of the development as a whole, so modest as to not substantially or fundamentally change the scheme. I also find that there would be no procedural unfairness in accepting the amended plan given how modest the alterations are, and that drawings 4326-02 and 4326-01B conflicted on this. I have, therefore, considered the amended version of drawing No 4326-02 in my determination of this appeal.
4. I have altered the descriptions used in the header and decision sections above, as they contained superfluous information. The descriptions above therefore more accurately set out the appeal development.

Main Issues

5. The appeal site is located within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt; and,
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

6. Paragraph 153 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 also states that substantial weight should be given to any harm to the Green Belt and that very special 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.
7. Subject to a number of exceptions, as listed in Paragraph 154, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include engineering operations and material changes in the use of land where they would preserve the Green Belt's openness and not conflict with the purposes of including land within it.
8. The appeal scheme comprises the change of use of land from agricultural to domestic, the provision of a gravel track and parking area for use by the existing dwelling, and the creation of a new access. As part of this scheme the existing access and parking area, which do not have permission, would be removed. As noted above, the track has already been provided.
9. Looking at the elements individually it is clear that the change of use is covered by Paragraph 154(h)v of the Framework while the provision of a track and parking is engineering operations covered by Paragraph 154(h)ii. To meet these exceptions however, they must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
10. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt as a whole.
11. The track and proposed parking cover areas of otherwise undeveloped space within the site. However, as the area covered is very limited relative to the Green Belt as a whole, it would not adversely affect its spatial openness. As the track and parking would be finished in gravel set at ground level their visual presence would be softened and partially screened by the adjacent vegetation and the mature planting along the site boundaries. There would also, therefore, be no harm to visual openness.
12. Given the track and parking would serve only one dwelling, it is likely that the number of vehicles parked or using the track would be low. As such, the change of

use to allow the domestic use of these elements would also not affect the spatial or visual aspects of openness.

13. I must also consider the scheme against the purposes of including land within the Green Belt. In this case I find that only purpose (c), under Paragraph 143 of the Framework, is directly relevant to this appeal. The scheme includes development across land within the countryside that was otherwise undeveloped. However, this development, in the form of the existing track and proposed parking areas, would be so small and, by way of its design innocuous, that it would not unacceptably encroach into the countryside. Therefore, the above elements would not conflict with the purposes of including land within the Green Belt. In light of the above, these elements comply with the Framework exceptions and are not inappropriate development.
14. However, the fencing and gate serving the new access are not covered by any of the exceptions set out under Paragraph 154 of the Framework, including those set out above. Therefore, in line with the Framework they are inappropriate development in the Green Belt and would, by the physical presence and visual prominence adversely affect its openness. Given the scale of the proposal in relation to the Green Belt as whole, the harm to its openness would be limited. Nevertheless, the Framework, under Paragraph 153, is clear that any harm to the Green Belt should be given substantial weight.
15. I am mindful of the decision the Inspector came to through their consideration of the previous appeal (reference APP/L3245/W/23/3329361). While that appeal was for a similar scheme, the proposal before me has been amended, including the reduction of the proposed parking area and fencing. A new Framework has also been published since that decision was made. Although I have been mindful of this decision, all decisions turn on their own particular circumstances based on the facts and evidence before the decision-maker at the time. Therefore, this previous appeal does not bind my assessment.
16. By harming the openness of the Green Belt, the proposal conflicts with Policy CS5 of the Adopted Core Strategy (the ACS) and Policy MD6 of the Site Allocations and Management Development Plan (the SAMD) which, amongst other matters, seek to control and restrict development within the Green Belt. The proposal also conflicts with Section 13 of the Framework, including Paragraphs 143(c), 153 and 154 as outlined above.

Other Considerations and Green Belt Conclusion

17. It has been put to me that the proposed fencing and gate could be carried out under the provisions of the Town and Country Planning (General Permitted Development) (England) Order (the GPDO). It is likely, given the height of the proposed boundary treatment, that it would be covered by the GPDO. Moreover, a fence and gate erected under permitted development would achieve a similar outcome to the one proposed here. That is, access to the field and dwelling from this side of the brook. Therefore, there is a more than theoretical possibility for the fallback scheme to be carried out and the harm outlined above could already occur irrespective of the outcome of this appeal. I therefore attribute considerable weight to this consideration.
18. The proposal would also provide access to the existing dwelling which, since the loss of the bridge, would otherwise not be provided with a formal access. I have

not been provided with any evidence to demonstrate that the bridge could not be replaced and, as such, I afford this matter limited weight.

19. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. I have attached considerable weight to the fallback consideration in support of the proposal. Therefore, the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development.

Conditions

20. For certainty and enforceability, I have attached a condition requiring that the development is carried out in accordance with the approved plans. In the interest of character and appearance, additional details are required to be submitted setting out the proposed materials and finishes.
21. In order to ensure that hedgerows are appropriately replaced, a condition is necessary requiring additional details to be submitted. It is not necessary that this be a pre-commencement condition and so I have reworded it to be required prior to above ground works. In the interest of protecting bats, a condition is necessary controlling any external lighting schemes. A condition is necessary so as to ensure that the existing access and parking area are removed and the land appropriately reinstated.
22. As development has already commenced, it is not necessary for a condition to be attached setting out the standard timescale for works to begin.

Conclusion

23. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in strict accordance with the following drawings: 1:2500 Site Location Plan, 1:500 Block/Site Plan, Parking and Turning Plan, and drawing numbers; No. 4326-01B and 4326-02.
- 2) Prior to the commencement of any above ground works associated with the parking area, boundary fence and gate, samples and/or details of the proposed materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 3) Prior to the commencement of any above grounds works, a replacement hedge planting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. Any trees or plants which die, become seriously damaged or

diseased within five years of the completion of the development, shall be replaced within 12 calendar months with planting of the same type and species.

- 4) Prior to the installation of any external lighting in connection with the development hereby approved, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and to a timetable which has been approved in writing by the Local Planning Authority.
- 5) Within three months of the access and parking areas hereby permitted being brought into use, the existing access and parking areas, as shown for removal on drawing No 4326-01B and the Parking and Turning Plan, shall be removed and reinstated to its natural state.