



Appeal Decision

Site visit made on 1 September 2009

by **Paul Griffiths** BSc(Hons) BArch IHBC

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

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Decision date:
24 September 2009

Appeal Ref: APP/C3430/A/09/2106398

The Summer House, Bell Road, Trysull, Wolverhampton WV5 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs A Hubball against the decision of South Staffordshire Council.
- The application Ref. 08/01193/FUL, dated 12 December 2008, was refused by notice dated 9 February 2009.
- The development proposed is a detached bungalow.

Decision

1. I dismiss the appeal.

Main Issues

2. These are (1) whether the proposal is an inappropriate form of development in the Green Belt; (2) the effect of the proposal on the openness of the Green Belt; (3) whether the proposal would preserve or enhance the character or appearance of the Trysull Conservation Area; and (4) whether any harm 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 proposal is intended to replace an existing mobile home. I acknowledge that paragraph 3.6 of Planning Policy Guidance: *Green Belts* (PPG2) states that the replacement of existing dwellings need not be inappropriate providing the new dwelling is not materially larger than the one it replaces. However, as set out, the existing accommodation on the site is not permanent and is subject to a planning condition requiring its removal by 30 June 2011.
4. In this context, the proposal cannot be considered as a replacement dwelling in the generally accepted sense. I consider, therefore, that the proposal represents an inappropriate form of development. Paragraph 3.2 of PPG2 states that inappropriate development is by definition, harmful to the Green Belt. The proposal also falls contrary to Policy GB1 of the South Staffordshire Local Plan (LP) that deals with development in the Green Belt and LP Policy C4 that deals with dwellings in the countryside.
5. Paragraph 1.4 of PPG2 confirms that the most important attribute of Green Belts is their openness. The scheme includes the removal of not only the existing mobile home but also two other buildings on the site. It is suggested that as a consequence, openness would be improved.

6. In the short term, that would be the case but as things stand the mobile home will be removed in the relatively near future in any event. In the longer term, the impact of the new bungalow on the openness of the Green Belt would need to be balanced against the removal of the other two buildings. In my view, the increase in openness in the longer term would be, at best, modest.
7. It is suggested on behalf of the appellant that the proposal would enhance the character and the appearance of the conservation area because the new dwelling would be an improvement over the mobile home it would replace. I agree with that, up to a point, but while the existing mobile home appears incongruous in its context, because of its appearance, it is temporary. The proposed bungalow would be more traditional in general form with a simple plan and a pitched roof but its timber cladding would not sit comfortably against the vernacular forms that dominate the village. On top of that, the proposed bungalow would be a permanent feature.
8. On that basis, any enhancement of the character and appearance of the conservation area would be relatively short-term. In the longer term, I take the view that the proposed bungalow would harm the character and the appearance of the conservation area. This would be contrary to LP Policy BE26 that requires development to respect its context and general advice in Planning Policy Guidance: *Planning and the Historic Environment* (PPG15).
9. Paragraph 3.2 of PPG2 notes that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. I understand that the difficulties involved in regulating the temperature of the existing mobile home causes problems with Mr Hubball's medical condition. Clearly, a dwelling of more permanent construction would make temperature regulation easier. However, it is not altogether clear from the evidence put forward whether solutions that fall short of the construction of a new, permanent dwelling have been considered. While I sympathise, the harm that the proposed bungalow would cause will remain long after these personal circumstances cease to be relevant.
11. In my overall view, the personal circumstances put forward, along with the short and long-term improvements in openness, the short-term enhancement of the character and appearance of the conservation area, the benefit of closing off an existing vehicular access, and the status of the site as previously-developed land are insufficient to clearly outweigh the harm by reason of inappropriateness and the long-term harm that would be caused to the character and appearance of the conservation area. As such the proposal is contrary to advice in PPG2.
12. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR