

14.10.2009
(42)



Appeal Decision

Site visit made on 29 March 2010

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

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Decision date:
14 April 2010

Appeal Ref: APP/C3430/A/10/2121034

Land on the Corner of Hobnock Road and Bursnips Road, Essington, South Staffordshire

- 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 Mr Wayne Clee against the decision of South Staffordshire Council.
- The application Ref 09/00621/FUL, dated 19 August 2009, was refused by notice dated 14 October 2009.
- The development proposed is described as brick walls on the access to the land and gates to secure, and palisade fencing behind trees to the side of Bursnips Road and the front of Hobnock Road to make the property secure.

Decision

1. I dismiss the appeal.

Procedural Matter

2. By reason of the incomplete address provided on the application and appeal forms and for the avoidance of doubt, I have partially incorporated the site address stated on the decision notice.

Main Issues

3. I consider that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of Planning Policy Guidance 2: *Green Belts* (PPG2) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt;
 - (c) The effect of the development on the character and appearance of the area and/or the visual amenities of the Green Belt; and
 - (d) Whether the 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

Whether the proposal would be inappropriate development for the purposes of PPG2 and development plan policy

4. The appellant notes that the appeal site formerly formed part of a tile works but, irrespective of its previous use, the site is within the Green Belt. Paragraph 3.1 of PPG2 states that there is a general presumption against inappropriate development within the Green Belt, and section 336 of the 1990 Act defines buildings as any structure or erection. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for agriculture, forestry, essential outdoor facilities, limited extensions to existing dwellings or infilling. These categories are echoed in Policy GB1 of the South Staffordshire Local Plan (LP). The existing wall and gates and the proposed fence do not fall into any of these categories. For these reasons, I conclude that the development constitutes inappropriate development in the Green Belt.
5. Paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attached to this harm when considering any appeal concerning such development. It is for the applicant to show why permission should be granted. Very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I now turn to the other considerations in support of the development which have been put forward by the appellant.

The effect of the development on the openness of the Green Belt

6. The site generally comprises a field of grass that is predominantly bounded by existing seasonal vegetation and, accordingly, possesses an open and verdant character and appearance. The vehicular access to the field from Hobnock Road comprises two red brick walls either side of a wide bell mouth and gates which have already been erected. The proposed palisade fence would be erected to the rear of the existing vegetation fronting Bursnips Road and Hobnock Road.
7. The fundamental aim of Green Belt policy, as set out in paragraph 1.4 of PPG2 is to prevent urban sprawl by keeping land permanently open. In my view, the existing walls and gates forming part of the vehicular access to this field and the introduction of the proposed palisade fence would significantly diminish the openness of the Green Belt because of their height, length and massing. I conclude that these matters would lead to a loss of openness to this part of the Green Belt, which, as stated in paragraph 1.4 of PPG2, is its most important attribute. These matters against the development must be added to the substantial harm to the Green Belt by reason of its inappropriateness.

The effect of the development on the character and appearance of the area and/or the visual amenities of the Green Belt

8. During my site visit, I noted that palisade fencing has been erected to the east of the site fronting Hobnock Road and on the opposite side of the road to the rear of existing vegetation. I have not been provided with any details concerning the planning circumstances of these fences but, based on my site visit, they appear to enclose parcels of land which have either recently been used for mineral extraction or are about to be used for some form of built development. Accordingly, although I have been mindful of these existing fences, by reason of the differences between the characteristics of these

parcels of land and the site, I have considered the appeal scheme on its own merits.

9. By reason of their height, length, massing and materials, the brick walls and gates are already dominant features when viewed from Hobnock Road. This form of gated access is generally not compatible of other field accesses within the surrounding area. For these reasons, I consider that the brick walls and gates are unsympathetic to the open and verdant characteristics of the site and are materially harmful to the visual amenities of the Green Belt.
10. By reason of its design and materials, I consider that the proposed metal palisade fence would possess an industrial appearance which would not be sympathetic with the open and verdant characteristics of the site. Although the proposed fence would be partially screened by existing seasonal vegetation, it would still be visible from the adjoining roads, particularly during the winter, as is the case with the fence on the opposite side of Hobnock Road. For these reasons, I consider that the proposed fence would materially harm the visual amenities of the Green Belt.
11. The Council claim that the erection of the proposed fence would potentially damage or endanger hedgerows and trees. However, I consider that it would be possible to use conditions to control any harm which might be caused to the existing vegetation during the erection of the proposed fence. I have also noted the appellant's comments concerning the tree planting which has occurred. However, for the reasons I have given, these matters do not outweigh the material harm caused to the character and appearance of the area and the visual amenities of the Green Belt.
12. Overall I conclude that the development in its completed form would be visually intrusive and over-dominant particularly along Hobnock Road and, to a lesser extent, along Bursnips Road. As such, I also conclude that the appeal scheme would be contrary to the provisions of LP Policy BE26 and the objectives of PPG2. LP Policy BE26 is concerned with requiring new development to be sympathetic with the appearance and character of the surrounding area and, amongst other matters, be compatible in mass and design.

Whether the 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

13. Although I could not access the site, I have been mindful of the appellant's claims and accompanying photographs concerning the safety of the public because of the site's poor ground conditions. In my view, this is not a significant matter in favour of the appeal scheme. There could be many cases in the Green Belt where similar safety and security arguments could be advanced for the erection of palisade fencing. Further, during my site visit I noted that access to the site is already partially restricted by the existing boundary vegetation. Accordingly, I only give this factor minimal weight in favour of the appeal.
14. The appellant identifies the lack of an objection from the Highway Authority and claims that the development would be beneficial to highway safety by reason of vehicles not waiting on the carriageway of Hobnock Road. I agree that there would be some benefit in vehicles not waiting on the carriageway,

particularly close to the junction between with Bursnips Road and Hobnock Road. However, I consider that any benefit could be achieved without the need to erect the brick walls and gates as part of a field access and, accordingly, I have only attached limited weight to this matter.

15. The appellant claims that there is a lack of objection from neighbours but I have noted the objections made by other local residents to the original application. Accordingly, I consider that this claim is a neutral matter which attracts little weight in favour of the development.
16. In my view these other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, the harm to the character and appearance of the area and visual amenities of the Green Belt and the conflict with development plan and national planning policies. Accordingly, I conclude that the very special circumstances required to justify the development do not exist.

Conclusion

17. For the reasons I have given, and having regard to all other matters, I conclude that the appeal should fail.

D J Barnes

INSPECTOR