



Appeal Decision

Hearing held on 9 March 2010
Site visit made on 9 March 2010

by Alan M Wood MSc FRICS

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

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**Decision date:
18 March 2010**

Appeal Ref: APP/R1845/A/09/2118087

Captains, Bromsgrove Road, Stone, Kidderminster, DY10 4AJ

- 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 G Gillespie against the decision of Wyre Forest District Council.
- The application Ref 09/0616/FULL, dated 24 July 2009, was refused by notice dated 27 October 2009.
- The development proposed is the storage of a maximum of 52 touring caravans.

Decision

1. I dismiss the appeal.

Main issues

2. (a) Whether the proposal is inappropriate development for the purposes of Planning Policy Guidance note 2: *Green Belts* (PPG2) and development plan policy; (b) The effect of the proposed development on: (i) the openness of the Green Belt, (ii) the visual amenity of the Green Belt, and (iii) highway safety; and (c) If the development is inappropriate, 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

Inappropriate Development

3. The appeal site is situated within the West Midlands Green Belt. PPG2 sets out the general presumption against inappropriate development in Green Belts. It further states that inappropriate development is, by definition, harmful to the Green Belt. Policy GB.1 of the Wyre Forest District Local Plan (2004) [LP] sets out the specific types of development which may be permitted in the Green Belt, in line with PPG2 and Policy D.39 of the Worcestershire County Structure Plan (2001) [SP]. It does not however include the storage of caravans within the list of exceptions and so the proposal would therefore represent inappropriate development, a view shared by both parties.
4. I conclude therefore that the proposal would be inappropriate development in the context of PPG2 and would conflict with Policy GB1. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

Openness

5. Paragraph 1.4 of PPG2 states that the openness of Green Belts is their most important attribute. The appeal site already has permission by way of a Certificate of Lawful Use or Development (CLUD) for the siting of 15 caravans although there were significantly more than 15 caravans stored on the site at the time of the site visit. I consider that the storage of up to 37 more caravans on the site over and above the 15 already permitted would clearly and significantly reduce the openness of this part of the Green Belt.
6. Accordingly, I conclude that the proposed development would significantly harm the openness of the Green Belt and would therefore be contrary to the provisions of PPG2. I attach significant weight to this factor.

Visual Amenity

7. The appeal site can be seen from a number of public vantage points. The view of the site from the public footpath along the south-west perimeter of Captain's Pool, an important local amenity, is largely screened by a row of mature trees and two rows of conifers. One of the rows of conifers straddles the south-west boundary of the appeal site and the other is sited within the curtilage of Captains, the appellant's dwelling. Views of the appeal site are also possible from the public footpath adjacent to the houses in Cardinal Drive to the north-east. The caravans are however reasonably well screened by a further line of conifer trees in this vista.
8. There are also views of the site from the public footpath linking the A448 to Stanklyn Lane to the south-east of the appeal site. However the appeal site is screened by a group of trees from the line of the footpath and, given the distance from the path to the site, the glimpses of the caravans would not be so distinguishable as to result in an unacceptable level of visual intrusion.
9. The Council however drew my attention to the fact that the rows of conifers that screen the views of the site from the south-west and north-east could be removed at any time as they do not form part of any Tree Preservation Order (TPO) and would be unlikely to do so in the future. Circular 11/95 does contain a model for an acceptable condition relating to the retention of existing trees (No 75). A footnote to the condition however clearly stipulates that a specific time limit for retention should be included as it is not considered to be reasonable to use conditions as an alternative to TPOs to secure long-term protection of trees.
10. The appellant stated that a condition could be imposed to require further landscaping to strengthen and/or supersede the existing conifer planting. The circular however is consistent in this regard in its reference to new tree planting as model condition No 74 also requires a specific time limit (two years is suggested in the condition) for the replacement of any newly planted tree that is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective.
11. Without the screening afforded by the rows of conifers referred to above, the additional caravans would be prominent when viewed from public vantage points to the north-east and the south-west, including Captain's Pool. This effect would therefore cause significant visual intrusion thereby harming the

visual amenity of the Green Belt. Furthermore, in his decision relating to a previous appeal¹ at the site for the intensification of caravan storage, the Inspector commented that the fact that the caravans might be hidden from view in the future provides little justification to store additional caravans in this location. I support that assertion.

12. The appellant and interested parties expressed the view that the existing residential estate, which is situated to the north and west of the appeal site, has a greater negative impact on the visual amenity of the Green Belt than the storage of caravans on the appeal site. The appellant considered that the appeal site represents the transition between the urban form of the outskirts of Kidderminster and the more rural landscape of the Green Belt and the views of the urban form would substantially predominate over the presence of the caravans.
13. I was informed by the Council however that the residential development was not permitted within the period of the current development plan. It cannot therefore be directly compared with the proposed development. In any event, each case has to be considered on its own merits. The previous Inspector referred to the appeal site as a vulnerable urban fringe in the Green Belt and I concur with that view. I consider that the loss of visual amenity resulting from the siting of the additional caravans in this location would not be negated by the backdrop of the existing residential properties.
14. Consequently, I conclude that the proposed development would significantly harm the visual amenity of the Green Belt. It would therefore conflict with Policy GB.6 of the LP which states that proposals within the Green Belt must not be detrimental to the visual amenity of the Green Belt. I attribute significant weight to this factor.

Highway Safety

15. The Inspector when considering the previous appeal concluded that the access and the driveway to the appeal site could be suitably improved as there is adequate space and the land is in the ownership of the appellant. From my observations, I agree with that view. The Council has however expressed further concerns in this case associated with stationary vehicles waiting to turn right into the access from the A448.
16. The road at this point is unrestricted so vehicles could potentially be travelling at 60 mph. Accordingly the visibility splay from the access in both directions would require to be 215m in length. The sight line of the road to the north-west of the access is however interrupted by the crest of an incline and a left hand bend, features which are materially less than the requisite distance from the access. A short distance beyond the crest however, the road becomes restricted to a maximum speed of 30 mph.
17. I consider that the relatively short distance of unrestricted road to the crest combined with the curvature of the road would moderate the speed of vehicles when approaching the crest. This arrangement, when considered in association with the length of the road between the crest and the access, leads me to the

¹ APP/R1845/A/05/1189962

view that motorists would have sufficient time to safely slow down and, if necessary come to a halt, in advance of reaching the position of the access.

18. Accordingly I conclude that the risk to highway users arising from the intensification of caravan storage on the site could be satisfactorily overcome by the imposition of conditions relating to improvements to the access and the driveway. The proposal would not therefore conflict with Policy TR.9 of the LP which requires development to take account of traffic impact and the level of visibility with regard to vehicles turning into and out of the site. This factor therefore adds no additional weight against the proposal.

Other Considerations

The Existing Use

19. As referred to above, the CLUD allows for the storage of 15 caravans on the appeal site. The appellant has stated that this figure is significantly less than the number of caravans that have been historically stored on the site. This matter however is not directly pertinent to this appeal and would need to be pursued through other procedures. Consequently I attach little weight to this consideration.

Sustainability and Need

20. The appellant has indicated that the location of the site on the edge of Kidderminster provides a sustainable option for the storage of caravans for the residents of the town. This contention is reinforced by the outcome of a Travel Survey instigated by the appellant amongst the caravan owners who use the appeal site. The survey indicated that a substantial number of the respondents have a Kidderminster address.
21. I was told at the hearing that the number of caravans sold in 2009 exceeded that of any previous year as people were now increasingly holidaying in Great Britain due to the prevailing economic climate. The demand for spaces to store touring caravans is therefore increasing. Interested parties also asserted that the facilities at the Captains site are superior in comparison to other sites that they have previously used and the management regime allows flexibility when preparing caravans for departure and in respect of the time of return. The appellant also indicated that the caravan storage operation is run on a customer friendly ethos and this assertion was strongly supported by the interested parties who spoke at the hearing.
22. The Council has identified three other sites which provide caravan storage in the area. All of these sites however are further away from Kidderminster than the appeal site. There was some dispute at the hearing as to the availability of spaces at the alternative sites. The Council informed me however that telephone enquiries the previous week had revealed that a combined total of 50 storage spaces were currently available at two of the sites. This figure was not directly disputed by the appellant.
23. I accept that the appeal site is in a sustainable location for the storage of touring caravans for the residents of Kidderminster and meets a local need. This finding however has to be offset, in this case, by the availability of storage

spaces in the wider area. I therefore accord this consideration a moderate amount of weight.

Dunclent Farm

24. The appellant referred to the fact that caravan storage in open countryside is taking place at Dunclent Farm, Stone, Kidderminster. The site is situated in the Green Belt. The Council has confirmed however that its evidence indicates that the storage activities have continued for a period of more than 10 years. Accordingly, the Council has determined that, in this case, it would not be expedient to take any further enforcement action. This use therefore does not have the benefit of planning permission. Consequently I attach little weight to this consideration.

Personal Circumstances

25. The appellant and Mr Gillespie indicated that the storage of caravans provided a source of employment and income. The appellant owns a considerable area of the land abutting the appeal site and this includes Captain's Pool which has a dam which forms part of a public footpath. The appellant is responsible for the upkeep and maintenance of the pool and other land. The appellant stated that since coming into ownership of the site the family has carried out a number of improvements to the site and these were evident at the site visit. Additionally, it had been necessary to implement security measures at the site to deter vandalism and to prevent fly-tipping on the land.

26. I attribute a moderate amount of weight to this consideration.

Conclusion

27. In the light of the weight that I have attached to the other considerations, I conclude that the above considerations individually, and when taken together, are not sufficient to clearly outweigh the harm that I have identified in respect of inappropriate development and the loss of openness and visual amenity. This is not altered by my findings in respect of highway safety. Looking at the case as a whole therefore, very special circumstances to justify the proposed development do not exist. Consequently, the proposal would conflict with PPG2, Policy D.39 of the SP and Policies GB.1 and GB.2 of the LP.

28. For the reasons given above, the appeal does not succeed.

Alan M Wood

Inspector

APPEARANCES

FOR THE APPELLANT:

Barry M Waine DipTP MRTPI
CMS
Mrs Gaynor Gillespie
Mr M Gillespie

FOR THE LOCAL PLANNING AUTHORITY:

Paul Wrigglesworth BSc (Econ)
DipTP MRTPI
Stephen Hawley BSc (Hons)
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INTERESTED PERSONS:

Pamela Cashmore
John Frisby
Mr W D Haigh
Steve Broome
Mr R Poston
Mr Dean

DOCUMENTS:

Submitted by the Council

1. Copy of an Aerial Photograph of the Appeal Site and the Surrounding Land

Submitted by the Appellant

2. Letter from Mark Blakeway of R.H. Blakeway and Sons Ltd dated 8 March 2010
3. Details of the Planning History of Dunclent Farm and Little and Upper Dunclent Farms

Submitted by an Interested Party

4. Copies of Eight Photographs taken from vantage points around Captain's Pool