In his Post-Case Management Conference Note, the Inspector identifies that for relevant appeal decisions and judgments "each must be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up".

## **Explanation Note:**

CD13.21 - Planning Appeal Decision 3298447, Brown Westhead Park, dated 25/11/22

## Worcestershire County Council's Note

The appeal decision is considered solely with regard to the Inspectors comments on the spatial character of openness of the Green Belt to this extent of Brown Westhead Park and the adjacent footpath, located on the western boundaries of the appeal site. As such, general reference to the spatial impacts of openness is considered as per paragraphs 13 and 14 of the appeal decision.



If the proposal is inappropriate development, whether the 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

## Inappropriate development

- 5. Paragraph 149 of the Framework states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this relevant to the proposal are found in sub-paragraphs 149 (e) and (g). These are that (e) it consists of limited infilling within a village or that (g) it consists of the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
- 6. Under Policy DM22 of the WFLP, development will not be permitted within the Green Belt except in very special circumstances, or where (amongst other things) it involves the limited infilling or redevelopment of an identified Previously Developed Site in the Green Belt, in accordance with the site-specific policies contained in Policy SA.PDL. Housing will not be permitted unless, relevant to this proposal, it involves limited infilling in villages (criteria iv). As such, Policy DM22 is broadly consistent with the Framework.
- 7. There is no dispute that the site lies outside of the WFLP settlement boundary for Wolverley. However, the Court of Appeal decision of *Wood¹* confirms that the position of a site outside a settlement boge drascyTm028y8n7dt 0n5m85e152b641.92 rehW\*nQ0.00 determinative as to whether it is within a village for the purposes of Green Belt policy.
- 8.7 There are a handful of dwellings close to the appeal site. Furthermore, an historic OS map shows that at one time there were substantial buildings between the site and the main part of Wolverley. However, the site of these buildings now consists primarily of open playing fields. These fields, together with other geographical features such as watercourses, divide the site from the main built-up part of Wolverley 35q0.a00008871 0 595.32 841.92 reW\*nBT/F5 11.04 Tf1

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