

# WORCESTERSHIRE COUNTY COUNCIL

## TOWN AND COUNTRY PLANNING ACT 1990

### SECTION 78 APPEAL

**Appeal by NRS Aggregates Ltd** against the refusal of planning permission by **Worcestershire County Council** for:

*"Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement"*

on land at **Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire.**

Planning Inspectorate Reference: APP/E1855/W/22/3310099

County Council Reference: 19/000053/CM

## Summary





2.3 Policy MLP 27 identifies that mineral extraction and/or engineering operations within the Green Belt will be supported where it can be demonstrated that, throughout its lifetime, the mineral extraction and/or engineering operations will preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt. Policy WCS 13 states that waste management facilities will be permitted in areas designated as Green Belt where the proposal does not constitute inappropriate development, or where very special circumstances exist. I conclude that Green Belt policies within the Development Plan, as they apply to the proposal, are consistent with the Framework.

2.4 Mineral extraction may not be inappropriate in the Green Belt as long as it preserves openness in accordance with paragraph 155 of the NPPF. It therefore comes down to the specific details of the proposals; determining the "tipping point" beyond minerals excavation that would preserve openness and not conflict with the purposes of including land within the Green Belt, depends on the particular circumstances of the proposal as a matter of fact and degree.

2.5 The Appellant brings forward two optional schemes within the Inquiry and I have been instructed to assess both.

2.6 *Option 1*

Insofar as I conclude that the tipping point of development has been exceeded by the harm caused to the openness of the Green Belt, I conclude that the appeal scheme is inappropriate development. Furthermore, the development would fail to check the unrestricted sprawl of built-up areas and would not assist in safeguarding the countryside from encroachment, and so would provide conflict with two purposes of the Green Belt, both to a significant level. I conclude that the harm to the Green Belt arising from these matters attract substantial weight against the proposal and that the proposal would be in conflict with policies MLP 27, WCS 13 DM.22 and the Framework.

2.7 *Option 2*

Insofar as I conclude that the tipping point of development has also been exceeded by the harm caused by the development to the openness of the Green Belt within the Option 2 scheme, I conclude that the appeal scheme is inappropriate development. Furthermore, the development would fail to check the unrestricted sprawl of built-

substantial weight against the proposal and that the proposal would be in conflict with policies MLP 27, WCS 13 DM.22 and the Framework.

**3.0 In addition to the potential harm to the Green Belt, what, if any, other harm is there?**

3.1 Within the Officers Report, the Council determined that the proposal would result in less than substantial harm to the significance of the designated heritage asset of North Lodges and Gateway to Lea Castle, a Grade II listed building. Having undertaken a site visit and viewed the context of the heritage asset with the surrounding area, I agree with the Council's conclusions.

3.2 I conclude that in applying Paragraph 208 of the Framework, the less than substantial harm to the settings of the designated heritage asset is outweighed by the public benefits arising from the proposed scheme.

**4.0 The need for sand and gravel, having regard to likely future demand for, and supply of, these minerals, along with the availability of inert material for restoration.**

4.1 Policy MLP 14 provides that WCC will seek to maintain a



biodiversity net gain. I ascribe *no weight* to the potential for the site to obtain inert waste from sites adjacent to it, nor to proposed taxation benefits.

## 6.0 Planning Balance and Conclusions

6.1 A summary of my considerations of VSCs and the weighting prescribed to them are presented within the table below:

### Summary of my considerations

Harm	Weight	Factor promoted as VSC	Weight
Inappropriate development, significant harm to spatial openness, significant harm to visual openness; conflict with GB purposes a) and c)	Substantial Weight	The need for the release of new minerals reserves	Significant weight
		Marketplace sustainability	Moderate weight
		Economic Benefits	Moderate weight
		Biodiversity Benefits	Moderate weight

Local inert waste catchment