
Appeal Decision

Site visit made on 14 April 2014

by Jennifer Vyse DipTP DipPBM MRTPI

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

Decision date: 21 July 2014

Appeal Ref: APP/V4630/A/13/2203811

Aldridge Road, Walsall, WS4 2JP

- 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 Aamer Waheed against the decision of Walsall Metropolitan Borough Council.
 - The application No 12/1572/FL, dated 21 November 2012, was refused by a notice dated 21 February 2013.
 - The development proposed is change of use of land from agriculture to cemetery, creation of new highways access, site road and car parking. Construction of single storey reception building. Tree and shrub planting.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Application for Costs

2. An application for costs was made by the Council against Mr Waheed. That application is the subject of a separate Decision.

Procedural Matters

3. The appeal site lies within the West Midlands Green Belt. The Council's decision pre-dates two High Court judgements that have a bearing on any assessment as to whether or not a material change in the use of Green Belt land is inappropriate development.¹ Accordingly, the main parties to the appeal were given the opportunity to make further representations on the matter. I have taken the comments received into consideration in coming to my decision.
4. The parties were also given the opportunity to comment on any implications of the recent Planning Practice Guidance. Again, I have had regard to the comments received in my determination of this appeal.
5. Various iterations of a proposed site plan were submitted with the appeal. As confirmed at the site visit, the layout plan on which the Council's decision was based is No 969-L.01.03.P4.
6. Since the site visit was attended by many local residents, I asked at the start of the visit if there was anyone who could represent their interests on that part of the visit which would, necessarily, take place on private land (the appeal site). It was agreed that Mr H Singh would represent them on the visit. I explained that the purpose of the visit was simply for me to look at the site

¹ Fordent Holdings Ltd v SSCLG & Cheshire West and Chester Council [2013] EWHC 2844 (Admin) and Timmins & Anor v Gedling Borough Council [2014] EWHC 654 (Admin)

from private land and that, whilst people could point things out, I could not hear any views or comments about the case. After inspecting the appeal site in the company of representatives for the Council and the appellant, and Mr Singh on behalf of interested parties, I confirmed to all those present that, given the representations about highway safety I had received, I had previously driven up and down the road that passes the appeal site (the A454 Aldridge Road) and understood its relationship with the appeal site and the wider highway network. I also asked if there was anything else that people wanted me to see. At the request of local residents, arrangements were made for me to visit the adjacent golf course, to see where the stream that crosses the appeal site feeds on to that land. I also undertook to visit the nearby Walsall Arboretum site on an unaccompanied basis, again to see how the stream on the appeal site connects to the water system there. I did that immediately after viewing the golf course site.

7. The Council's decision notice lists several reasons for refusal. The appellant has since produced additional technical information to address some of the objections raised. In relation to reason for refusal 4, the site has now been surveyed for reptiles, great crested newts and bats.² The Council confirms that an appropriate survey methodology was used and that the survey was carried out at an appropriate time of year. Other than four species of foraging bats, no protected species were found on the site. The submitted Report makes recommendations, including retention and enhancement of the existing pond and ditch within the site (on the basis that they provide value for nature conservation) and the retention and management of hedges and trees surrounding the site (to provide habitat for foraging and commuting bats). The Council accepts that the Report addresses the related reason for refusal, but is concerned that the recommendations are not translated into an appropriate layout. I am satisfied, however, that they relate to matters that could be secured by condition were the appeal to succeed. Other reports, relating to flooding, groundwater and archaeology, are dealt with below.

Main Issues

8. Having regard to the matters above, I consider that the main issues in this case relate to:
- whether the development proposed comprises inappropriate development, having regard to the Green Belt policies of the development plan and the National Planning Policy Framework;
 - whether the development proposed would be at risk of flooding, or might increase the risk of flooding elsewhere and/or increase risk to controlled waters (ground water quality);
 - the effect on the character and appearance of the area and on the openness of the Green Belt;
 - the effect on archaeological interests; and,
 - if the proposal comprises inappropriate development, 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 proposed.

² Report by JPC Ecology dated July 2013

Reasons for the Decision

Inappropriate development

9. The 4.3 hectare appeal site lies within the West Midlands Green Belt. Notwithstanding publication of the National Planning Policy Framework (the Framework) the development plan is the starting point for decision making. In this case, the development plan for the area includes the Black Country Core Strategy (adopted in February 2011) and the saved policies of the Walsall Unitary Development Plan (March 2005) (UDP).
10. Policy ENV2 of the UDP reflects the approach to new development in the Green Belt set out in the now cancelled Policy Guidance 2: Green Belts (PPG2). Among other things, ENV2(d) indicates that the making of a material change of use of Green Belt land will be inappropriate if it conflicts with the openness and purposes of the Green Belt. In addition, ENV2(a) sets out a presumption against the construction of new buildings in the Green Belt other than for certain stated purposes. Those purposes include buildings for cemeteries.
11. On the basis of the development plan policies, the cemetery use proposed need not, necessarily, be considered as inappropriate and, whilst the appeal scheme includes a cemetery building, the UDP also allows that such buildings need not be inappropriate. However, that approach is not carried forward within the Framework, which post-dates the development plan. In particular, although there is reference to buildings associated with cemeteries, the closed lists set out at paragraphs 89 and 90 of the Framework (which set out development that is not inappropriate in the Green Belt) do not include a material change in the use of land to a cemetery. Indeed, the recent judgements referred to above confirm that position. Accordingly, with regard to the Framework and the Fordent and Timmins judgements referred to in paragraph 3 above, I consider that the proposed change of use comprises inappropriate development.
12. There is clearly an inconsistency in the approach to the change of use of Green Belt land between the development plan and the Framework. Although the development plan is the starting point, the Framework is a material consideration in this case. It is of more recent date and so, with regard to paragraph 215 of the Framework, is a consideration to which I afford substantial weight.
13. There is reference in both the Council's and appellant's submissions to Framework paragraph 81. However, whilst some material changes of use may well come within the ambit of paragraph 81, the recent court cases referred to above suggest that this does not mean that they are not, by definition, inappropriate development. Rather, if a proposed change of use accords with paragraph 81 that is, in principle, a material consideration relevant to a decision as to whether very special circumstances have been made out. That is a matter I address later in this Decision.
14. Whilst the appellant expresses concerns in relation to the approach to Green Belt development set out in the Framework and the recent judgements, it is accepted that the Framework is a material consideration and that my decision needs to have regard to the judgements.

Flooding and Groundwater Quality

15. The appeal site comprises open fields currently used for grazing horses, plus associated stables and other outbuildings. Notwithstanding its location within Flood Zone 1, a small watercourse runs across the middle of the appeal site. It flows to a small pond just inside the western site boundary (the pond being formed by an historical moat) and runs through culverts at two crossing points. Outside the site boundary, the stream eventually crosses the adjacent golf course and feeds into a lake there. In turn, the outfall from the lake feeds into the water system at Walsall Arboretum. At the time of my visit, the flow of water in the stream was very low. However, representations indicate that there is a high water table at the appeal site and that it is prone to waterlogging and localised flooding. The Council's flood risk manager also refers to the local flood history of the site, with the Environment Agency confirming that there is a shallow groundwater table here. There is considerable local concern in this regard, at the suitability of the site for burials, and in particular the potential for pollution and contamination.
16. The planning application was accompanied by a draft Flood Risk Assessment (FRA) and a draft Groundwater Risk Assessment (GRA) both dated March 2012. However, both the Environment Agency and the Council's flood risk manager, objected to the proposal on the grounds that the risks to groundwater from the development were unacceptable, and that there was insufficient evidence to inform a proper assessment of the flood risk to the site, or to demonstrate that the site could be satisfactorily drained.
17. Subsequent to determination of the planning application, the appellant submitted a revised draft FRA (revision D) and a Tier 2 GRA (revision D) both dated October 2013. The Environment Agency has since confirmed that, based on the updated documents, its objections regarding the protection of controlled waters and flood risk could be withdrawn, subject to planning conditions. However, the layout on which the revised draft FRA is based is not the same as the layout plan on which the Council's decision was based. In particular, the proposed wetland pond has been relocated and appears to be smaller than is shown on the layout plan. The proposed reception building also occupies a slightly different position.
18. Be that as it may, the revised documents do not address fully the concerns of the Lead Drainage Authority. The Authority is required to give consideration to the catchment of the smaller watercourses not covered by the Environment Agency. It is not a question of whether the views of the Environment Agency carry more or less weight than the Lead Drainage Authority, as asserted by the appellant. Rather, each has a different remit and different responsibilities. In particular, further detailed information is required in order to properly assess the risk of flooding, including matters such as the effects of any blockage of the downstream culvert, the soffit level for the proposed bridge across the stream in relation to the 1 in 100 year flood event plus climate change (with a 'freeboard' allowance) and the provision of dry access and egress to the far side of the site). Flood modelling is also required to demonstrate that those works would not increase flood risk elsewhere.
19. Other outstanding concerns relate to the absence of surface water flow paths. Although an outline surface water drainage strategy has been provided, it is not clear what the final design flows should be that would inform the detailed

- design. Moreover, with regard to the use of sustainable drainage systems, there is no information to demonstrate that the attenuation volume provided for would be sufficient to provide for the storage of surface water in a 1 in 100 year plus climate change event, whilst restricting discharge to greenfield rates.
20. The appellant considers that these matters could be left to be dealt with by condition. However, they could have implications for the way in which development would be carried out, or might affect the ability to develop the site in the manner proposed. Furthermore, whilst some elements of reasons for refusal 1 and 2 have been addressed, the work has not been translated onto the proposed site layout. All in all, and with the precautionary principle in mind, I am not persuaded that it would be reasonable to rely on conditions in this instance.
21. The Council also refers to the Sequential Test set out in the Framework. The aim of the Test is to direct new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Framework and the planning guidance confirm that the Strategic Flood Risk Assessment for the area provides the basis for applying the Test and that a sequential approach should be used in areas known to be at risk from any form of flooding (my emphasis). Although the site is in Flood Zone 1 there is, nevertheless, a potential risk of flooding from the watercourse that crosses the site. Unless that is resolved satisfactorily, the Sequential Test cannot be passed.
22. I conclude, therefore, that the proposed development may be at risk of flooding and/or has the potential to increase the likelihood of flooding in the area. As a result, the scheme conflicts with paragraph 103 of the Framework, and the recent Planning Practice Guidance (planning guidance), which seek to ensure that flood risk is not increased elsewhere as a result of development, and that new development itself is appropriately flood resilient and resistant. There would also be conflict with policies CSP3 and ENV5 of the Core Strategy and UDP policies GP2 and ENV40. Together and among other things, those policies seek to protect environmental infrastructure such as watercourses and drainage systems. They also seek to minimise the probability and consequences of flooding.

Character, Appearance, Openness

23. The irregularly shaped appeal site lies on the southern side of the A454 Aldridge Road in an area of Green Belt that separates Walsall from Aldridge. Longwood Cottages lie adjacent to the appeal site, towards the western end of the road frontage. Behind is a cluster of stable buildings linked by an area of hardstanding, together with a further range of somewhat dilapidated sheds/kennels along part of the western site boundary. To the east and south, the appeal site is bounded by the grounds of Calderfields golf course. Immediately to the west is a site containing large stable blocks, residential caravans, caravan storage, storage containers and a large dwelling of recent construction. Beyond that is the Dilke public house and its associated car park. To the southeast of the golf club is Walsall Arboretum, whilst land on the opposite side of the main road, and beyond, is in agricultural use.
24. In the main, the site boundaries comprise overgrown field hedges and hedgerow trees. However, the boundary with the main road is more open,

defined by post and rail fencing with occasional overgrown hedging and hedgerow trees. A number of mature street trees lie within the grassed highway verge in front of the site.

25. The existing stables and outbuildings would be demolished and a new in/out access arrangement towards the western end of the site frontage would be created, leaving Longwood Cottages (which lie outwith the site boundary but are owned by the appellant) as an 'island'. A 52 space car park is shown at the western end of the frontage, with a further 14 parking spaces adjacent to the proposed site entrance. Six additional disabled parking spaces are shown nearby, alongside the internal circulation road. A reception building is also proposed: it would have a curved footprint and would be constructed of glass and wood with an overarching 'green' roof with a height of over 6 metres. It would be set back from the main road, approximately mid-way along the site frontage. The internal circulation road would lead from the parking area, past the reception building before heading south into the main part of the site, crossing the stream via a new bridge and then looping around the southern part of the site. Two areas for woodland burials are shown, with conventional burials to take place alongside the internal road network and to the rear of the car park. No development is proposed within the historic moated site and adjacent ditch (see the archaeology section below). A wetland pond is shown to the north of the stream, adjacent to a proposed memorial garden.
26. Openness is an essential characteristic of the Green Belt. Among other things, the recent Timmins judgement confirms that Green Belt development is inappropriate because it is adverse to openness, with openness meaning the absence of buildings or development, and that any development constitutes an impairment of openness, at least to some degree. Of particular relevance to the current appeal is the judge's comment that *'A cemetery may be relatively innocuous in its effect upon openness but there is, nonetheless, some effect.'*
27. The existing stables, sheds/kennels etc to be demolished have a greater footprint than the building proposed – some 495 square metres in total compared to 289 square metres proposed. However, they are relatively low structures within the landscape, and are located to the rear of the existing Cottages. In contrast, the reception building proposed would have a height of just over 6 metres, roughly twice the height of the structures to be removed, increasing the overall volume of built development on the appeal site from 1273 cubic metres to 1501 cubic metres.³ It would also be located well beyond the existing area of built development within the site. That combination of factors leads me to the view that this part of the Green Belt would be less open than it is at present. Indeed, that there would be some loss of openness is acknowledged by the appellant.
28. Whilst the land is used largely for the grazing of horses, and notwithstanding existing development to the west, the appeal site itself has a distinctly rural character and appearance and, to my mind, is seen as part of the wider countryside. Although the dilapidated buildings/structures on the site do detract from that countryside character to some degree, they are very low rise and, as a consequence of their location behind the Cottages, are not readily visible or prominent in views from the surrounding area.

³ Appellant's written statement

29. In contrast, the appeal scheme would introduce a substantial building close to the road frontage, well beyond the existing cluster of buildings on the site, together with a number of other formal urbanising features such as car parking, an internal circulation road and consequent introduction of vehicular traffic within the site, a memorial garden, and careful maintenance of the majority of the grounds. With the exception of the areas shown as being for woodland burials, I am firmly of the view that the proposal would comprise a much more intensive and visually intrusive form of development than is currently the case, with a significant and adverse impact on the appearance and character of this part of the countryside, whether or not it is considered as urban fringe, as argued by the appellant. I recognise that it is intended that the development would be accompanied by a high quality landscaping scheme which might, over time, provide some screening for the building and parking areas etc. I am not persuaded however, given the nature of the development, that this would be wholly successful in preserving the rural character and appearance of the area.
30. The development would therefore conflict with policies CSP3, CSp4 and ENV3 of the Black Country Core Strategy and policies GP2, ENV32 and ENV33 of the UDP, which together seek to ensure that new development makes a positive contribution to the quality of the countryside, resisting development that would have an unacceptable adverse visual impact.

Archaeology

31. Following the Council's refusal, the appellant commissioned and submitted an archaeological desk-based assessment.⁴ The assessment confirms that the site includes two important archaeological sites – the Calderfields medieval moated site (possibly mid-13th Century) and an associated ditch, apparently marking an outer enclosure surrounding the moat. Although the moated site has been damaged in part by illegal tipping in the past, it still survives in good condition. Both the moat and ditch are heritage assets of national importance. In addition, areas of ridge and furrow earthworks (the remnants of medieval fields) lie beyond the moat and outer enclosure. These are areas of local importance. All the sites referred to feature in the local Historic Environment Records.
32. Based on the layout plan the subject of the Council's decision, no development is proposed that might affect the moated site or ditch, which would be set aside for nature conservation. However, the desk-based assessment predicts the impact of the development on the surviving areas of ridge and furrow, along with potential below ground archaeology dating to the medieval period (possibly of local-regional importance) as medium, which would result in an overall significance of effect of between minor–adverse. On that basis, the assessment recommends that archaeological evaluation trenching should be carried out across the site, to inform a detailed design and to enable targeting of appropriate future mitigation responses, where required. That has not been done, the appellant being of the view that this is a matter that could be dealt with by condition.
33. Paragraph 128 of the Framework indicates that, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate

⁴ Report by A B Heritage dated 19 July 2013

desk-based assessment and, where necessary, a field evaluation. Policy ENV2 of the Core Strategy and policies GP2 and ENV25 of the UDP generally reflect that guidance. In particular, policy ENV25 requires that, where a proposal for development would affect a site of archaeological interest, it will need to be accompanied by an evaluation of the archaeological resource comprising a desk-based assessment and fieldwork (my emphasis).

34. There is clearly the potential for archaeology here, perhaps of some significance in terms of the evolution of the area. On that basis, particularly given the nature of the development proposed, which would include the digging of graves across much of the site, I consider that a field evaluation to establish the nature, extent and significance of any remains, and the degree to which the development proposed would be likely to affect them, is required before permission could be granted, in order to ensure that there would be no material harm to that heritage asset. In the absence of such an assessment, the proposed development would create an unacceptable risk of harm to the archaeological interest of the site, contrary to the aims of the development plan and the Framework.

Other Considerations

NEED

35. The appellant argues that, at a national level, cremation is becoming less popular and that burial rates are increasing. However, other than a reference to media reports and a BBC survey, that assertion is not supported by any substantiated evidence. The Council on the other hand, confirms that, in relation to Walsall, cremation rates have remained fairly constant over the last four years (around 84% of deaths registered) and that it has at least 40 years supply of burial space within the Borough based on current rates.
36. Whilst the appellant argues that only 50 year plot leases are available in the Borough, the Authority's Bereavement Officer advises that it provides Exclusive Rights of Burial in full coffin and cremated remains plots for 100 years, and that grave spaces can be reserved by payment in advance, allowing for families to be buried together. There are no plans currently to re-bury at any of the Borough's cemeteries and, although there are no 'new' grave spaces at five of the eight cemeteries managed by the Council, I am advised that the other three do have grave spaces in 'new' ground, which are available for all denominations, with the families choosing which cemetery to use and which section to be buried in. I am mindful, in this regard, that 'new' graves are a requirement for Muslim burials.
37. Whilst the capacity for 'new' graves at Streetly cemetery (referred to by the appellant as being the only one that provides for separate denominational space) is dependent on an extension, I understand that the extension has now been implemented. Consequently, this particular cemetery has provision for more than 20 years at current rates.
38. I am in no doubt that the appeal site is well located to serve Walsall and the wider community in terms of a burial facility, with the appellant advising that the Council needs to make significant financial savings over the coming years. However, with the possible exception of woodland burials, I consider that the cemetery facility proposed is not required to address a pressing need within the Borough, either in terms of proximity of burial space generally to the resident

population, the type of space in terms of 'new' graves, or in terms of the ability to cater for different religious denominations, particularly Muslim burials. I am not persuaded therefore, that a national, anecdotal undersupply of burial space is a consideration to which I can give any more than very limited weight.

PROTECTION FROM ALTERNATIVE DEVELOPMENT

39. Any alternative development scheme for the site would need to be considered in the light of the national and local planning policies relevant at the time. Whilst there is an anecdotal comment that, at a pre-application meeting, the Council would consider a prestige hotel here, no substantiated evidence is before me that some other, unspecified form of development that would have a greater impact on the open rural character of the area is likely to be permitted here. Neither is there evidence of some 'fall back' position that might have a greater impact than the appeal scheme. Moreover, whilst the Council confirms that it is in receipt of an as yet unvalidated application for residential development on the site, there is no indication that such development is likely to be considered acceptable in this Green Belt location. I am mindful, in this regard, that the site is divorced from the urban area and that the Council has in excess of five years housing land supply. Accordingly, this element of the appellant's case does not attract any weight in favour of the development proposed.

RESTORATION OF MOATED AREA AND OUTER ENCLOSURE

40. The moated site was damaged by unauthorised tipping in 1990 - the north east corner was bulldozed to create a platform from which waste material was dumped over the interior of the moat, with further waste material being dumped over the ridge and furrow earthworks to the east of Longwood Cottages. Whilst enforcement action was commenced in 1992 to secure the removal of the waste material and restoration of those areas, this was not pursued. A benefit of the appeal scheme would be the restoration of the historic earthworks. That is a consideration to which I afford considerable weight.

OTHER GREEN BELT DEVELOPMENT

41. The appellant draws attention to other significant development in the Green Belt, including approved caravan storage on the appeal site⁵ and development at the adjacent golf club comprising 20 holiday chalets and a health and fitness suite etc. However, I have no information about the background to, or date of, those permissions, nor what policy considerations might have been relevant at the time. In any event, the nature of those developments is clearly different from, and is thus not directly comparable to, the appeal scheme. They attract little, if any weight therefore, as considerations in support of the proposal.

FRAMEWORK PARAGRAPH 81

42. Paragraph 81 of the Framework indicates that, once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use such as, among other things, looking for opportunities to provide access; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged or derelict land.

⁵ There is no reference to any such permission relating to the site in the officer's report or the relevant planning history section of the appellant's written statement.

43. Whilst there may well be scope for improvement of the landscape structure of the area, the appeal site does not uniformly merit the appellant's characterisation as urban fringe. Although unmanaged, I did not find that the site to be 'ravaged by disuse', or that it was damaged or derelict to the extent that it is a significant detractor in terms of the character and appearance of the area. As noted above, although the existing buildings on the site are of poor quality, they are very low rise and, as a consequence of their location behind the frontage buildings, are not readily visible or prominent in views from the surrounding area. Their removal, therefore, would result in little noticeable improvement to the character and appearance of the area and the development proposed is not required as a means of bringing about some necessary enhancement to the landscape or visual amenity generally. Whilst the public may have access to the site were it to be used as a cemetery, it would still be private land.
44. In terms of biodiversity, the appeal site is dominated by semi-improved grassland, with mature hedgerows, a pond, and a stream running across the site. The lack of active management over a number of years has, to some extent, begun to degrade its biodiversity interest. The proposal clearly has the potential to retain and, in all likelihood enhance the biodiversity interest of the site. Indeed, the moated area and its environs would be secured as an area of nature conservation. That is a consideration which carries a positive weight in favour of the appeal scheme.

Other Matters

45. Although not a reason for refusal, local residents are particularly concerned at the highway safety implications of the development proposed. I saw that this part of the A454 comprises a dual carriageway, with roundabout junctions located approximately 200 metres to the west of the proposed site egress and some 600 metres to the east of the proposed site entrance. The road has a speed limit of 40 mph here, is lit and apparently has a good safety record.
46. Traffic movements generated by the proposed development have been calculated based on surveys of establishments similar to that proposed, both in terms of size and the facilities offered. The highest traffic generation numbers were used in the calculations to provide a robust assessment. The calculations show that the proposed cemetery, and the associated access arrangements, would have an insignificant impact on the safety and free flow of traffic on the A454. Whilst I understand the concerns raised, no objective substantiated evidence is before me to undermine the appellant's highway evidence.
47. The Council takes no issue with the amount of on-site parking proposed, some 72 spaces in total, six of which would be dedicated spaces for disabled drivers in accordance with the Council's standards. I am mindful, in this regard that the development does not include a crematorium or chapel. In addition, pull in lay-bys would be provided along the internal circulation road for visitors to graves, providing further parking space. On the basis of the evidence before me, I have no reason to suppose that the proposed parking provision would be insufficient, such that it might lead to on-street parking, with consequent harm to the safety and free flow of traffic on the highway.
48. All in all therefore, there are no compelling grounds that lead me to believe that the volume of traffic that would be generated by the development

proposed would be so significant that it would have an unacceptable adverse impact on vehicular or pedestrian safety.

Overall Balance and Conclusion

49. Substantial weight must be given to the potential harm to the Green Belt by reason of inappropriateness. Substantial weight must also be given to the loss of openness of this part of the Green Belt that would be a consequence of the appeal scheme. In addition, there would be significant harm in terms of the impact of the development on the character and appearance of the area, flood risk and archaeology. Weighing in favour of the proposal is the very limited weight relating to the anecdotal national undersupply of burial space and the presence of other development in the locality, and the considerable weight deriving from the improvements to the historic earthworks and the nature conservation benefits of the scheme. However, even in their totality, the weight of those other considerations is not sufficient to clearly outweigh the harm that I have identified. Therefore, very special circumstances to justify the proposal do not exist in this case. Accordingly, for the reasons set out above, I conclude, on balance, that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR