

# REFUSAL OF PLANNING PERMISSION

Name and Address of applicant

Name and Address of Agent (if any)

NRS Aggregates Ltd  
White Gate Farm  
Mythe Lane  
Witherley  
Atherstone  
Warwickshire, CV9 3NU

Mr Robert Williams  
Alder Mill Planning & Design Consultants  
Sheepy Road  
Atherstone  
Warwickshire  
CV9 3AH

## Part I - Particulars of application

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**Date of Application:**

**Application No:**

10 January 2020

19/000053/CM

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## Particulars and location of development:

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.

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## Part II - Particulars of decision

Worcestershire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that that having taken the environmental information into account **permission has been refused** for the carrying out of the development referred to in **Part I** hereof in accordance with the application and plans submitted for the following reasons:-

1. Contrary to Policy 2 (Other Sand and Gravel Deposits) of the County of Hereford and Worcester Minerals Local Plan (Adopted April 1997) (Saved Policies);
2. Unacceptable impact on openness of the Green Belt;
3. Unacceptable impact on residential amenity and local schools;
4. Unacceptable impact on the local economy;
5. Loss of 2 Tree Preservation Order (TPO) trees;
6. Unsuitable bridleway next to the Wolverhampton Road (A449);
7. Unacceptable impact on highways;
8. Unacceptable general impact on environment and wildlife; and
9. Unacceptable impact on health of local population.

Date

27 May 2022

County Hall  
Worcester WR5 2NP



Thomas Pollock

Proper Officer

## **Information**

The decision to refuse planning permission takes into account the following provisions of the National Planning Policy Framework (NPPF):

Section 2: Achieving sustainable development  
Section 4: Decision-making  
Section 6: Building a strong, competitive economy  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment  
Section 17: Facilitating the sustainable use of minerals

And the following policies in the Development Plan:

Adopted County of Hereford and Worcester Minerals Local Plan (Adopted April 1997) (Saved Policies)

Policy 2: Other Sand and Gravel Deposits

Adopted Worcestershire Waste Core Strategy Development Plan Document 2012 – 2027 (Adopted November 2012)

Policy WCS 1: Presumption in favour of sustainable development  
Policy WCS 2: Enabling Waste Management Capacity  
Policy WCS 5: Landfill and disposal  
Policy WCS 6: Compatible land uses  
Policy WCS 8: Site infrastructure and access  
Policy WCS 9: Environmental assets  
Policy WCS 10: Flood risk and water resources  
Policy WCS 11: Sustainable design and operation of facilities  
Policy WCS 12: Local characteristics  
Policy WCS 13: Green Belt  
Policy WCS 14: Amenity  
Policy WCS 15: Social and economic benefits

Adopted Wyre Forest District Local Plan 2016 – 2036 (Adopted April 2022)

Policy SP.2 - Locating New Development  
Policy SP.6 - Role of the existing villages and rural areas  
Policy SP.7 - Strategic Green Belt Review  
Policy SP.16 - Health and Wellbeing  
Policy SP.20 - Quality Design and Local Distinctiveness  
Policy SP.21 - Historic Environment  
Policy SP.22 - Landscape Character  
Policy SP.23 - Protecting and Enhancing Biodiversity  
Policy SP.24 - Protecting and Enhancing Geodiversity  
Policy SP.27 - Transport and Accessibility in Wyre Forest  
Policy SP.28 - Green Infrastructure  
Policy SP.29 - Water Conservation and Efficiency  
Policy SP.30 - Sewerage Systems and Water Quality  
Policy SP.31 - Flood Risk Management  
Policy SP.32 - Sustainable Drainage Systems (SuDS)  
Policy SP.33 - Pollution and Land Instability  
Policy SP.34 - Minerals  
Policy SP.35 - Waste  
Policy SP.37 - Renewable and Low Carbon Energy  
Policy DM.10 - Rural Employment  
Policy DM.22 - Safeguarding the Green Belt  
Policy DM.23 - Safeguarding the Historic Environment  
Policy DM.24 - Quality Design and Local Distinctiveness  
Policy DM.26 - Landscaping and Boundary Treatment  
Policy DM.28 - Wyre Forest Waterways  
Policy DM.32 - Agricultural Land Quality

The proposed development is not within an identified preferred area for sand and gravel extraction, therefore, Policy 2 – 'Other Sand and Gravel Deposits' of the adopted County of Hereford and Worcester Minerals Local Plan (Adopted April 1997) falls to be considered. Policy 2 and paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan sets out the methodology against which new proposals for sand and gravel extraction not in an identified Preferred Area are to be assessed. If the area is subject to a primary constraint (Stage 1) or more than one secondary constraint (Stage 2), planning permission will not normally be granted unless there are exceptional circumstances.

Using the methodology set out in paragraphs 5.3 and 5.4 of the adopted Minerals Local Plan, it is considered that the site would be affected by one primary constraint and two secondary constraints, namely:

- Primary constraint – *"A buffer strip of 200 metres from the boundary of a potential working area to the nearest main walls of the nearest property in a settlement group of 6 or more dwellings"*

- Secondary constraints - *"Best and most versatile agricultural land where restoration to a high standard is possible" and "Groundwater Source Protection Zone..."*.

In view of this, it is considered that as the proposal would be subject to 1 primary constraint and 2 secondary constraints and, therefore, the proposal is contrary to Policy 2 of the County of Hereford and Worcester Minerals Local Plan (Adopted April 1997).

The proposal is located within the West Midlands Green Belt and is considered to have an unacceptable impact on openness of the Green Belt.

The site is located within the vicinity of several residential and commercial properties. The nearest properties include South Lodges and Broom Cottage located on the southern boundary of the application site, situated approximately 64 and 65 metres, respectively from the proposed mineral extraction. 1 to 12 Castle Barns (Bewdley House, Chaddesley House, Hampton Lodge, Wilden House, Lea Barn, Brook House, Kingsley House, Cookley House, Castle Barn, Lea Castle House, Castle Court Barn and Darley Grange) are located on the north-eastern boundary of the application site, situated approximately 121 metres at their closest point to the proposed mineral extraction. Keepers Cottage is located to the north of the application site, approximately 170 metres from the proposed mineral extraction, beyond which is Lea Castle Farm and Keepers Cottage Strong Farm 1988 Equestrian Centre, which is located within the multipurpose barn. Keepers Cottage Strong Farms 1988 operate a camp site on land located within the valley west of Keepers Cottage, located approximately 80 metres at its closest point to the proposed mineral extraction. The Bungalow is also located on the northern boundary of the application site, situated approximately 77 metres from the proposed mineral extraction, beyond which is Lea Castle Equestrian Centre located approximately 86 metres from the proposed mineral extraction and Upper Lea Castle Cottages, located approximately 225 metres north of the application site. The residential properties off Brown Westhead Park are situated on the western boundary of the application site, with 1 Brown Westhead Park being situated approximately 127 metres and 8 Brown Westhead Park being situated approximately 76 metres from the proposed mineral.

There are also a number of schools within the context of the application site and the wider area including Heathfield Knoll School and First Steps Day Nursery located approximately 15 metres south of the application site, and approximately 80 metres at its closest point to the proposed mineral extraction.

Due to the close proximity of the proposal to these receptors, it is considered it would have an unacceptable impact on residential amenity and local schools, particularly in terms of dust emissions.

It is considered that the proposal would have an unacceptable impact on the local economy, including Heathfield Knoll School and First Steps Day Nursery.

Four trees are proposed to be removed to facilitate the proposed development, comprising trees T8, T9, T10 and T26. 3 of these trees (trees T8, T9 and T10) are located within the western area of the site, in the southern part of Phase 3, with tree T26 located within hedgerow north of Broom Covert, in the eastern part of the site. In the western part of the site, trees T9 and T10 are protected by TPOs, and their loss is considered unacceptable.

A new public right of way (bridleway) measuring approximately 2.3 kilometres in length is proposed to be created around the perimeter of the site, going from the north-eastern corner of the site, along the western boundary of Wolverhampton Road (A449) located to the east of the site, along the northern boundary of Wolverley Road (B4189), which is located to the south of the site, and finishing in the south-western corner of the site, connecting to footpath WC-622. The section of the bridleway next to the Wolverhampton Road (A449) is considered to be unsuitable for horses.

The proposed development includes the construction of a new access located along Wolverley Road (B4189). The proposal would generate a worst-case scenario of approximately 154 HGV movements per day (77 entering the site and 77 exiting the site per day). This equates to approximately 13 HGV movements per hour. In view of this it is considered that the proposal would have an unacceptable impact on highways, particularly in terms of increased highway maintenance and conflict with users, such as school children walking to school.

The proposal is considered to have an unacceptable general impact on environment and wildlife.

The proposal is considered to have an unacceptable impact on health of local population.

### **Positive and Proactive Statement**

Worcestershire County Council works positively and proactively in order to determine planning applications in an efficient and effective manner and in accordance with the presumption in favour of sustainable development, as described in the National Planning Policy Framework.

In dealing with the application the County Council has worked with the applicant in the following way:-

- Pre-application discussions and meetings were held with the applicant prior to the submission of the planning application
- Information requested by consultees was communicated to the applicant clearly, in order to progress the application

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application. Despite these efforts, the Council still considers that planning permission should be refused for the reasons set out in Part II – Particulars of Decision, as set out above.

### **Appeal**

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.