

Appeal Decision

Site visit made on 18 October 2016

by Beverley Doward BSc BTP MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/C3430/W/16/3153979

Four Oaks, Norton Road, Iwerley, Staffordshire, DY8 2RX

- 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 & Mrs P Moran against the decision of South Staffordshire Council.
 - The application Ref 16/00213/FUL, dated 17 March 2016, was refused by notice dated 5 April 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and
 - if the proposal is inappropriate development whether the resulting harm, 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

Whether the proposed development would be inappropriate development in the Green Belt

3. The appeal site lies within the South Staffordshire portion of the West Midlands Green Belt. The National Planning Policy Framework (the Framework) indicates, at paragraph 89, that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within one of a number of exceptions. Policy GB1 of the South Staffordshire Local Plan Core Strategy Development Plan Document (December 2012) (the Core Strategy) sets out the approach to development in the Green Belt with reference to the Framework and contains a similar list of exceptions.
 4. The Council states that the proposed development would be inappropriate development in the Green Belt as it does not meet the criteria of limited
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infilling as indicated in Policy GB1 of the Core Strategy. Policy GB1 defines limited infilling as the filling of small gaps (1 or 2 buildings) within a built up frontage which would not exceed the height of the existing buildings, not lead to a major increase in the developed portion of the site, or have a greater impact on the openness of the Green Belt and the purposes of including land within it. The Council's Green Belt and Open Countryside Supplementary Planning Document 2014 (SPD) provides further guidance on what constitutes limited infilling. It indicates that a strong ribbon of development with a gap suitable for an additional building would not necessarily be harmful to the openness of the Green Belt, as it would strengthen the ribbon. It also indicates that limited infilling may be development within a tight cluster of buildings.

5. The appeal site lies between the two detached dwellings known as Four Oaks and Covert Cottage and fronts onto Norton Road. On the opposite side of the road are open fields. Although there is a small ribbon of development further south along Norton Road the development within the vicinity of the appeal site is sporadic and occasional and comprises of detached dwellings set in large gardens. There is not a continuous built up frontage along the road and accordingly the appeal site cannot, in my view, be considered to be part of a strong ribbon of development. Nor is it within a tight cluster of buildings.
6. I conclude therefore that the appeal proposal would not accord with policy GB1 of the Core Strategy and the Council's SPD and would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

7. The Framework, at paragraph 79, indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also indicates that openness and permanence are essential characteristics of the Green Belt.
8. The appeal site is an undeveloped parcel of land. Although the appellants indicate that it was previously the ornamental garden area to Four Oaks it is fenced off and clearly separate from that dwelling. The appeal proposal for a detached dwelling would introduce built development on the site where there is currently none thereby depleting the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt.

Other considerations

9. The Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. I note that the proposed dwelling is intended to accommodate the needs of the appellants and their family. However, this attracts only limited weight in the overall Green Belt balance.
11. The proposed dwelling would be similar in design to other dwellings in the area. However, a core planning principle of the Framework is that planning should always seek to secure high quality design. Therefore, this in itself carries little weight.

12. I note that the Council does not object to the proposal in terms of its positioning and access. However, the absence of any harm in these respects does not serve to weigh in favour of the proposal.
13. The appellants state that there are other dwellings in the vicinity of the appeal site which are within the Green Belt and are infill type development. However, I have not been provided with any details of these. Therefore, I cannot be satisfied that the circumstances are the same as in this case. Accordingly, this matter does not attract weight in favour of the proposal.
14. The recommendation of the Parish Council to approve the planning application was made subject to it complying with Green Belt policy. I have found that the proposal would not accord with policy GB1 of the Core Strategy and the Council's SPD and that it would be inappropriate development in the Green Belt. Therefore, this factor does not weigh in favour of the proposal.

Conclusions

15. To conclude therefore, the appeal proposal would be inappropriate development in the Green Belt. It would also cause moderate harm to the openness of the Green Belt.
16. The Framework requires that substantial weight should be given to any harm to the Green Belt. Having had regard to the other considerations put before me, they are not sufficient to outweigh the totality of harm that I have found. Accordingly, the very special circumstances needed to justify the development do not exist and the proposal would conflict with policy GB1 of the Core Strategy and the Framework.
17. For the reasons set out above therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR