

Appeal Decision

Site visit made on 24 October 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/Y3425/W/16/3157156

Kings Oak Court, Manor Farm Drive, Tittensor, Stoke on Trent ST12 9JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Joe Berman against the decision of Stafford Borough Council.
 - The application Ref 16/23815/OUT, dated 24 February 2016, was refused by notice dated 18 May 2016.
 - The development proposed is outline application, all matters reserved, for residential development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with all detailed matters reserved. I have dealt with the appeal on that basis.

Main Issues

3. The site falls within an area of Green Belt. Accordingly the main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any development plan policies;
 - (ii) the effect on the openness of the Green Belt and the purposes of including land within it;
 - (iii) the effect on the character and appearance of the area;
 - (iv) whether the development would provide satisfactory living conditions for future occupiers with particular reference to privacy; and,
 - (v) if the development is inappropriate, whether the 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.
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Reasons

Inappropriate development and openness

4. Paragraph 89 of the Framework sets out the categories of development which may be regarded as not inappropriate development in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent "*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*".
5. The appeal site is adjacent to the residential redevelopment of the former Groundslow Hospital site which is located to the south west of the village of Tittensor and is surrounded by open countryside. The redevelopment comprises both new dwellings and the conversion of the former hospital building which is located directly to the west of the appeal site. The appeal site itself was the former car park and storage area associated with the hospital. It is now enclosed by 1.8m close board fencing and has more recently been used as private amenity space by the appellant. As I consider this site to have previously been part of the curtilage area of developed land my view is that it falls within the definition of previously developed land.¹
6. The Framework at paragraph 79 indicates that openness is an essential characteristic of the Green Belt. The construction of a detached dwelling on this site would result in built development where there is presently none. The site has previously been used as a car park and that it retains a largely tarmac surface and a garden shed. It is not possible to precisely compare the effect on openness of a building with that of an area of hard surfacing. Nevertheless, bearing in mind the fact that the construction of a dwelling on this site would be likely to include some soft landscaping, I conclude that the effect on openness of this development would be broadly neutral.
7. I conclude that the proposal would not represent inappropriate development in the Green Belt as it would comprise the redevelopment of a previously developed site and would therefore comply with the requirements of the Framework in this regard.

Character and appearance

8. The redevelopment of this site has included the addition of a range of suburban style detached and terraced properties to the south west and west of the appeal site. However, the area around the appeal site has retained a more open character, with the former hospital building having a reasonable buffer of green space and car park to the rear. Mature vegetation and trees, some of which are protected by a Tree Preservation Order, provide a pleasant backdrop to this area, particularly those which line Manor Farm Drive to the south east of the appeal site, and those to the north and east of the appeal site.
9. As noted above, the appeal site is located directly adjacent to the eastern elevation of the two-storey former Groundslow Hospital building, with a narrow strip, which is presently used as an outdoor seating area, separating the two. Whilst I accept that this is not a protected building, and that it has been

¹ As defined in the Framework, Annex 2.

considerably extended on its western side, the eastern elevation of the building retains its traditional cottage-style appearance with twin gables, distinctive fenestration detailing, tall chimneys and a date plaque. This is a visible and attractive feature of the site when travelling along Manor Farm Drive from the south east.

10. The Council has stated that the construction of a dwelling on this site would appear as overdevelopment and uncharacteristically cramped. I accept the appellant's point that the appeal site is larger in area than other new dwellings developed in the former hospital grounds. However, my view is that there is a degree of separation between this site and the area of more recent development, and that this site must be seen in the context of the setting of the former hospital building.
11. This area has retained a degree of spaciousness to which the appeal site makes an important contribution. Whilst details of the design and form of the proposed dwelling are not yet known, and I accept that protected trees would not be affected, it is clear that given the close proximity of the proposed dwelling to the former hospital building there would be some degree of intrusion into this space and obstruction of local views. In this respect development in this location would have a damaging effect on local character.
12. I conclude on this matter that the proposal would have a detrimental effect on the character and appearance of this area. It would therefore conflict with the Plan for Stafford Borough 2014 (the Local Plan) which at Policy N1 requires that design should take into account local character, context, density and landscape.

Living conditions

13. The Council also raises concerns in its officer report about the proximity of the windows on the eastern elevation of the former hospital building to the appeal site. Whilst those at ground floor level do not overlook the appeal site due to the presence of closed board fencing, those at first floor level are located around 4m from the appeal site and have unobstructed views into it.
14. It appeared from my site visit that these are windows to habitable rooms. Whilst the layout and design of the proposed dwelling are reserved matters, it is not clear how a scheme which would provide satisfactory privacy levels to either the proposed dwelling or garden area could be accommodated on this site.
15. I therefore conclude that the development would not provide satisfactory living conditions for future occupiers of this property with particular reference to privacy. It would therefore conflict with the Local Plan which at Policy N1 refers to the need for design to take into account residential amenity, and paragraph 17 of the Framework which states that a core planning principle is to always seek '*a good standard of amenity for all existing and future occupiers of land and buildings*'.

Other Matters

16. The appellant argues that development in this location would be compatible with the Council's Sustainable Settlement Hierarchy as set out at Spatial Principle 3 of the Local Plan. In this respect, whilst not being a reason for refusal in this case, the Council's Officer Report states that as the site is

located outside the settlement boundary for Tittensor, the proposal would not represent sustainable development. The appellant accepts that the site lies outside the settlement boundary, though argues that the site is within 1km of Tittensor and is a brownfield site. In this respect the provision in Spatial Principle 4 for development on windfall sites is relevant, accepting that, as I have set out above, development on this site would not be inappropriate in terms of Green Belt policy. On this point I accept that the site is in a moderately sustainable location.

17. The appellant has indicated that he would be prepared to provide affordable or starter housing on the appeal site, and to enter into a planning agreement and Unilateral Undertaking to secure such provision. However, no such documentation has been provided and I am therefore unable to give this matter weight in my decision.
18. The appellant argues that there is currently a shortfall in the Council's delivery of new housing and also that the future delivery of housing is over-estimated. However, even if I were to conclude that there is a shortfall in the supply of housing of the scale suggested by the appellant, and that the relevant policies for the supply of housing should not be considered up-to-date, this would not inevitably lead to the appeal being allowed. In this case I have found that the adverse effects of granting planning permission, in terms of the effect of the development on local character and appearance and the living conditions of future occupiers, would significantly and demonstrably outweigh the benefits of a single unit of accommodation in a moderately sustainable location, when assessed against the policies in the Local Plan and the Framework taken as a whole.

Conclusion

19. Whilst I have found that this development would not represent inappropriate development in the Green Belt, and that it would have a broadly neutral effect on openness, I have also found that it would have a detrimental effect on local character and appearance and that the living conditions for future occupiers would be unacceptable. For these reasons, taking into consideration all other matters raised, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR