The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/C3430/W/16/3160869
Land between School House and Grassmoor, Gospel Ash Road, Bobbington, Dudley DY7 5EF

- 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 Paul Southall against the decision of South Staffordshire Council.
- The application Ref 16/00304/FUL, dated 7 April 2016, was refused by notice dated 17 August 2016.
- The development proposed is erection of two detached houses with garages.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's Decision Notice refers to drawing numbers 002 and 003. However, I have been provided with drawing numbers 001, 002A, 003A, 004 (revised to show approved extensions on an adjacent property) and 005. On the basis of the details on the planning application form and subsequent correspondence, I consider that these were the plans before the Council when it made its decision. I have proceeded to determine the appeal on that basis.

Main Issues

3. The site is within an area of Green Belt. Therefore the main issues in this appeal are:

   - Whether the proposal is inappropriate development in the Green Belt;
   - The effect on the openness of the Green Belt and the purposes of including land within it;
   - The effect on the character and appearance of the area;
   - Whether, having regard to the above matters and the location of the appeal site in relation to services and facilities and in conjunction with local and national planning policy, the proposed development would amount to a sustainable form of development; and
   - 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.

Reasons

Whether Inappropriate Development

4. The proposal consists of the erection of two dwellings on an undeveloped plot. Policy GB1 of the Core Strategy (CS)[1] specifies circumstances where development in the Green Belt which is acceptable within the terms of the National Planning Policy Framework (the Framework) will normally be permitted.

5. Paragraph 89 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages or of previously developed sites. However, the site is not within one of the 'Service Villages' as defined in Core Policy 1 of the CS. In terms of its physical context, the site is within a small ribbon of development in a rural area and does not represent a distinct village. Furthermore, no evidence has been presented to me that the site represents previously developed land.

6. Limited infilling is one of the circumstances listed in Policy GB1 when considering whether a new building would normally be permitted. A definition of limited infilling is provided in a footnote to Policy GB1 of the CS, with further advice provided in a Supplementary Planning Document (SPD)[2]. The Appellant states that the proposal would meet this definition as it would fill a small gap within the built up frontage of strong ribbon development and would not exceed the height of the adjacent buildings, although I note that the Council contests this assessment of the gap and the nature of the frontage.

7. However, the definition also states that development should not lead to a major increase in the developed proportion of the site or a greater impact on openness. The site is currently an undeveloped site and the proposal would inherently lead to a major increase in the developed proportion of the site. It would also introduce built development onto a site where currently none exists and would therefore have a greater impact on the openness of the Green Belt. For these reasons, I consider that the proposal does not meet the definition of limited infilling under Policy GB1.

8. I have had regard to the 'Local Plans Comment' from the Council which states that the development would constitute a limited infilling in accordance with Policy GB1 of the CS and can be considered an acceptable form of development in the Green Belt. However, for the reasons stated above, I disagree with the assessment of this development in the Green Belt within the Local Plans Comment. I note that the Council Officer's report also reaches a different conclusion on this matter.

9. For the reasons stated above, in my view the proposal does not fall within the definition of limited infilling under Policy GB1 of the CS. The proposal also is not within the exceptions listed in paragraph 89 of the Framework. It would

[1] Core Strategy Development Plan Document: A Local Plan for South Staffordshire adopted 11 December 2012
[2] Green Belt and Open Countryside Supplementary Planning Document (SPD), April 2014.

therefore comprise of inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Openness and Green Belt Purposes

10. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The construction of two dwellings on the site would result in built development where there is presently none. The proposal would therefore lead to the encroachment of development into the countryside which would have a moderate impact on the related Green Belt purpose.

11. I conclude that the proposal would not preserve the openness of the Green Belt and would impact on the purpose of safeguarding the countryside from encroachment.

Character and Appearance

12. The Council's reasons for refusal state that the proposal would be an unnecessary visual intrusion and would be prejudicial to the character and amenity of the Green Belt.

13. The predominant character of the immediate area consists of dwellings set in substantial and spacious plots. The proposal would consist of two dwellings of a significant size with limited spacing between them and the properties on either side. Whilst the height of the dwellings would respect the ridge heights of neighbouring properties, I consider that the bulk of the dwellings and the limited spacing between them and adjacent properties would detract from the rhythm and grain of the street scene.

14. I have had regard to Plan 004 (as amended) which shows the street scene including extensions approved on an adjacent dwelling. However, I consider that these extensions are subservient to the host property and do not unduly detract from the spacing between dwellings in the street scene. Therefore they do not provide a contextual justification for the scale, bulk and spacing of the proposed dwellings.

15. The appellant also refers to Halfpenny Green Airfield to the rear of the site. However I saw on my site visit that this consists of an open expanse of land and would not mitigate the visual intrusion arising from the proposal.

16. Notwithstanding the above, I saw on my visit that the site is currently unkempt and detracts from the appearance of the area. The development of the site for residential use would therefore be likely to improve the maintenance of this plot of land.

17. However, despite the potential improvements to the unkempt appearance of the site, I consider that the proposed dwellings in terms of scale and arrangement would detract from the character and appearance of this area of Green Belt. The proposal would conflict with Policies EQ4 and EQ11 of the CS which relate to the protection and enhancement of the landscape and wider design considerations. These policies are broadly consistent with the Framework in respect of requiring good design.

Location and Sustainable Development

18. Core Policy 1 of the CS states that growth will be located in the most accessible and sustainable locations in accordance with a defined settlement hierarchy. The site is not within one of the Service Villages identified in the hierarchy, and Core Policy 1 states that new development will therefore be restricted to particular types of development such as affordable housing. The proposed dwellings do not represent the types of development listed in Core Policy 1, and the proposal is therefore contrary to the provisions of this Policy.

19. Paragraph 55 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that isolated homes in the countryside should be avoided unless there are special circumstances including the need to provide rural worker accommodation, the re-use of redundant buildings etc. I consider that the appeal proposal would not fall into the special circumstances listed in paragraph 55 and it should therefore be assessed on the basis of whether it would represent isolated development.

20. The Council state that the site is not in a sustainable location due to the distance from services and facilities, such as those in the village of Wombourne approximately 4.5 miles away. It also states that there are no footpaths, cycle routes or bus services from the site to these facilities. I also saw on my site visit that, with the exception of a nearby chapel, there are no services or facilities in the immediate area and no evidence has been provided to me to the contrary. I consider that the appeal site is therefore isolated from local services which would foster reliance on the private vehicle.

21. The appeal proposal would lead to homes in the countryside outside of the Service Villages defined in the CS. I conclude that the dwellings would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. It has not been demonstrated that the special circumstances listed in paragraph 55 of the Framework apply in this instance. The proposal would therefore be contrary to Core Policy 1 of the CS and the provisions of the Framework.

Other Considerations

22. I have had regard to the benefits arising from the proposal. As stated above, the site is currently unkempt and I consider that the proposal would improve the maintenance of the site and I give this moderate weight. The construction of two dwellings would make some contribution, albeit very limited, to the supply of housing in the area. However, I note that the Council queries the need for further dwellings of this size. I therefore give this matter limited weight.

23. The weight to be given to the benefits arising from the proposal in relation to site maintenance and the supply of housing is far outweighed by the substantial weight that must be given to the harm arising from inappropriate development; the moderate harm to the openness of the Green Belt and the harm resulting from conflict with the purposes of including land in the Green Belt as well as the unsustainable location of the proposal and the effects on character and appearance. Very special circumstances to justify the proposal do not therefore exist.

Other Matters

24. I am mindful that residents in the area have written in support of the application raising issues including the unkempt nature of the site, extensions and conversions of properties in the area, and the potential for unwanted or unauthorised alternative uses for the site. However, these matters do not outweigh the harm I have identified.

25. I have also taken into account the objections raised locally relating to the effects on privacy, the density of development and parking manoeuvres. However, consideration of these matters has not led me to a different conclusion on this appeal.

Overall Balance and Conclusion

26. I note that the appellant states that the proposal is for limited infilling and should therefore be seen as an exception site. However, for the reasons stated previously, I consider that the proposal does not fall within the definitions of limited infilling under the policies of the CS or the provisions of the Framework and is therefore inappropriate development.

27. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I consider that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it and that very special circumstances to justify the proposal do not exist. I also consider that the proposal would be harmful to the character and appearance of the area and that the site is not sustainable in relation to access to services. It would therefore conflict with the policies of the development plan as a whole and the Framework.

28. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal is dismissed.

David Cross

INSPECTOR