
Appeal Decision

Site visit made on 18 July 2017

by G P Jones BSc (Hons) MA MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/C3430/W/17/3173294

Land between 58 and 62 Springhill Lane, Lower Penn, Wolverhampton, West Midlands WV4 4TN

- 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 Nigel Porter, Lawnswood Homes against the decision of South Staffordshire Council.
 - The application Ref 16/01095/FUL, dated 9 December 2016, was refused by notice dated 9 March 2017.
 - The development proposed is described as 2No. proposed 4 bedroom detached dwellings and associated detached garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For the sake of improved clarity I have used in the banner heading the site address as provided on the appeal form rather than the planning application form. I have also included the postcode as provided on the planning application form, although I note that this differs from that given in the Council's decision notice.

Main Issues

3. The site falls within the Green Belt, and accordingly the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - If the proposal is inappropriate development 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 or not inappropriate development in the Green Belt, including the effect on openness

4. The proposal is for the erection of two detached dwellings, each with a detached garage. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt subject to certain exceptions. One of these exceptions is for limited infilling in villages.
5. The appeal site would be accessed via an existing small access road directly off Springhill Lane and which currently leads in to a hardstanding area used for vehicle parking, with a detached garage that would be removed. The proposed two dwellings would be oriented so that their side elevations would face towards the road, and this would be at odds with most of the properties along this section of Springhill Lane, except for Springhill Cottage that lies adjacent to the east.
6. Along this stretch of the northern side of the road the pattern of development is of a ribbon form with, in the main, the front elevation of each property facing the road and open space to the rear. Most of the properties in the vicinity of the appeal site are quite large and are set within spacious plots. With the exception of Springhill Cottage the established building line in the immediate vicinity of the appeal site is set back some distance from the road.
7. I accept that the established building lines of the properties on either side of the appeal site differ from each other. It is my view that the proposed dwellings would be seen more in the context of no. 60 Springhill Lane than Springhill Cottage, and consequently the proposal would bring the building line much closer to the road than is the case with no. 60 which has a spacious front garden. The proposed two dwellings would be located one behind the other with their southern side elevations facing towards the road, and there would be the addition of reasonably large detached garages that would sit in front of, and to the rear side of, the respective proposed dwellings. Consequently, the proposal would extend residential built development to the front of and beyond the rear of no. 60 and significantly beyond the rear of Springhill Cottage and thus would not relate well to the established pattern of residential development.
8. Policy GB1 of the South Staffordshire Council Core Strategy (CS), adopted December 2012, and the Green Belt and Open Countryside Supplementary Planning Document (SPD), adopted April 2014 both provide additional clarification as to what is considered to be limited infilling. The SPD describes a strong ribbon of development with a gap suitable for an additional building and an additional building within a tight cluster of buildings as examples of development that would be considered to be acceptable. A footnote to CS Policy GB1 defines limited infilling as the filling of small gaps within a built up frontage of development which, among other matters, would not lead to major increase in the developed proportion of the site or have a greater impact on the openness of the Green Belt and the purpose of including land within it.
9. The appeal site currently consists of open space and with some built development including the large, detached garage and workshop. Paragraph 79 of the Framework advises that openness is an essential characteristic of Green Belts. The proposal would introduce two dwellings with associated garages and, notwithstanding the demolition of existing buildings, would result in built development across much of the front part of the overall site where none previously existed. This would give rise to a loss of openness. As such,

the proposal would cause harm to the openness and purpose of the Green Belt, albeit the degree of harm would be limited given the scale of the proposal in relation to the Green Belt as a whole.

10. The design and layout of the proposal would be at odds with the spacious layout of the existing nearby properties. Furthermore, the siting of one dwelling behind the other would extend the depth of residential built development in relation to the existing pattern in the locality and would go beyond just the filling of a gap between existing properties. Therefore I consider that the proposal would not fall within the criteria listed in CS Policy GB1 and the SPD and consequently would not constitute limited infilling in a village. As such the proposal would be contrary to the Framework, CS Policy GB1 and the guidance contained within the SPD, to which I attach significant weight.

Other considerations

11. The appellant contends that very special circumstances exist due in part to the Council's inability to demonstrate a five year housing land supply and therefore in accordance with paragraph 49 of the Framework relevant policies for the supply of housing should not be considered up to date. However, the appellant has not provided any substantive evidence in this regard and neither has the Council. Even if I were to conclude that the Council could not demonstrate a five year housing land supply the contribution to boosting supply that two houses would entail would be very modest. Also, in regard to the guidance in paragraph 14 of the Framework, footnote no. 9 lists Green Belt among the specific policies that indicate development should be restricted. In addition, the appellant has cited in favour of the proposal the height of the proposed dwellings matching the nearby properties and the appeal site's sustainable location with good access by public transport to the services in Wolverhampton.

Conclusion

12. Paragraph 88 of the Framework guides that substantial weight be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. I have concluded that the proposal would represent inappropriate development in the Green Belt, and that it would result in a loss of openness. It is my view that the other considerations that I have identified in the context of this proposal would not clearly outweigh this harm that I have identified.
13. I therefore conclude that very special circumstances necessary to justify inappropriate development in the Green Belt would not exist, and therefore the appeal should be dismissed.

GP Jones

INSPECTOR