



Appeal Decision

Site visit made on 27 November 2017

by V Lucas LLB MCD MRTPI

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

Decision date: 22nd December 2017

Appeal Ref: APP/C4235/W/17/3179489

Land North East of Foden Lane, Woodford, Stockport, SK7 1PG

- 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 T Mohammed against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/064515, dated 10 January 2017, was refused by notice dated 13 April 2017.
 - The development proposed is 2 No. 5 bedroom detached houses with 2 No. parking bays for each house.
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Decision

1. The appeal is allowed and planning permission is granted for 2 No. 5 bedroom detached houses with 2 No. parking bays for each house at Land North East of Foden Lane, Woodford, Stockport, SK7 1PG in accordance with the terms of the application, Ref DC/064515, dated 13 April 2017, subject to the conditions set out in the Schedule attached to this Decision.

Application for costs

2. An application for costs was made by Mr T Mohammed against Stockport Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework);
 - The effect of the proposal on highway safety; and
 - If the proposal would be 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 it.

Reasons

Whether inappropriate

4. Policy GBA1.1 of the Stockport Unitary Development Plan (Adopted May 2006) (UDP) defines the extent of the Green Belt in the area and includes Woodford. The appeal site is therefore within the Green Belt. Policy GBA1.2 of the UDP states that within the Green Belt there is a presumption against the construction of new building unless it is for specific purposes. None of those listed are relevant to this appeal proposal. Policy GBA1.5 of the UDP sets out the approach to residential development in the Green Belt and restricts it to defined categories, none of which are relevant to this appeal proposal.
5. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate except in specific defined circumstances. These include limited infilling in villages.
6. The development plan policies before me that are relevant to the Green Belt do not include reference to this Framework exception and they are not therefore consistent with national Green Belt policy in this regard. In accordance with paragraph 215 of the Framework, I attach limited weight to those local policies and shall determine this issue in light of the Framework's paragraph 89 exception.
7. There is no definition of the term 'village' in the Framework. However, there is agreement between the main parties that the appeal site is within Woodford and that Woodford can be described as a village for the purpose of national Green Belt policy. Both parties have also referred to a previous appeal decisions where the Inspector has concluded that this is the case. Based on observations made during the site visit and, being mindful of the conclusions reached by previous Inspector's, I see no reason to take a different view on this issue and am satisfied that Woodford can be considered to be a village for the purpose of national Green Belt policy.
8. The pattern of development of Woodford is rather elongated with numerous services and facilities such as shops and a church being dispersed about the settlement and linked together by long rows of houses. The appeal site is on a side road located off Moor Lane which is lined on both sides by mature housing. There is also a small number of dwellings situated along Foden Lane itself. There is development visible across the site when looking towards Moor lane and further along Foden Lane. There is a plumbing merchants and also a cricket club further along the lane close to the site. There are pavements along Moor Lane that provide pedestrian links with the rest of the village where other facilities are situated. I am therefore satisfied that the appeal site is within the village of Woodford.
9. There is no specific definition of the term 'infill' in the Framework in the context of the paragraph 89 exception. Although in practice it is normally taken to mean a small gap situated within an otherwise built up frontage. The appeal site is an open area of grassland that is overgrown with weeds. The plans submitted with the appeal show that the site would be sufficient in size to accommodate up to two dwellings along the lines of those that are proposed. The rear of dwellings along Moor Lane line one side of the site and are clearly visible across the site when observed from Foden Lane. On Foden Lane itself, there is a dwelling immediately adjacent to the appeal site, Tall Trees. This

dwelling is clearly visible across the site when seen from public viewpoints along the lane. There is also a dwelling opposite the appeal site and other dwellings situated further along Foden Lane past Tall Trees. Other built development is therefore clearly visible either side of the appeal site.

10. For these reasons, I consider that the appeal proposal would amount to infill development as the site is a small gap in an otherwise built up frontage. Whilst there is space about the neighbouring dwellings on Foden Lane, this reflects the spacious pattern of development in the area and does not negate the appeal proposal being described as infill development.
11. Accordingly, I conclude that the appeal proposal would not be inappropriate development in the Green Belt as described in paragraph 89 of the Framework.

Highway safety

12. Foden Lane is a narrow, single track lane with a Public Right of Way (PROW) running along it. It already serves as the main point of access for the dwellings along the lane to exit onto Moor Lane. There are no limited passing places along the lane. However, the appellant's Transport Assessment noted a total of 46 2-way trips on a weekday and 50 2-way trips on the weekend. As the lane is a no through road these trips were most likely to be associated with the 6 existing dwellings along the lane. Based on the evidence before me and the observations I made during the site visit, the lane is therefore lightly trafficked.
13. Vehicles accessing the appeal site would only need to travel a short distance along the lane before reaching the junction with the main highway. The alignment of Foden Lane is relatively straight which allows for clear views in both directions along the lane. As such, drivers of vehicles exiting the appeal site would be able to gain a reasonably clear view of the lane in both directions prior to exiting the site sufficient to assess whether it was safe to exit onto the highway. A condition could also be attached to ensure that suitable visibility splays are provided in this regard. Whilst there may be landscaping and fencing in place presently either side of the proposed access there is no specific evidence before me to suggest that alterations could not be made to comply so as to ensure the necessary visibility splays are provided.
14. Whilst pedestrians are likely to be walking along the lane due to the PROW and also along the pavement either side of the junction of Foden lane with Moor Lane, views of the highway and pavements are likely to be sufficient for drivers to judge whether it is safe to exit onto the highway given that they will likely to be travelling at low speeds as the lane is narrow and within an established residential area. I am also mindful that Foden Lane and its junction with Moor Lane are existing access routes for several houses and there is no specific evidence before me in the form of reported collision data to indicate that there is a history of highway incidents occurring associated with existing occupants using the lane to access their properties.
15. Vehicular traffic associated with an additional two dwellings would not amount to a significant intensification of cars travelling along the lane when compared with the existing situation and the proposal would therefore be unlikely to result in significant harm to highway safety.
16. Accordingly, the development proposed would not conflict with policy T-3 of the Council's Core Strategy (Adopted March 2011) (CS) which seeks to ensure that

development has safe and well designed access arrangements. I am also mindful of paragraph 32 of the Framework which states, among other things, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe paragraph 32).

Other considerations

17. In light of my conclusions on the first main issue, it is not necessary for me to consider this issue further.

Other Matters

18. For the purposes of the development plan, the appeal site is not within the spatial priority areas for new housing to be developed. However, the Council have acknowledged that they are currently unable to demonstrate a five year supply of housing land and in such circumstances housing development will be allowed on sites that meet the relevant accessibility criteria. The minimum score for new housing development is 34 and I understand that the appeal site scores 33. However, this score is only marginally under the threshold and sites that are adjacent do score 34. Therefore in exiting the site future occupants of the proposal would pass through areas with the required score to be deemed accessible. The site is within reasonable walking distance of services and facilities within the village and also bus stops that provide links to larger towns in the area. I am therefore satisfied that the appeal site is within an accessible location.
19. The appeal site is Grade 3a agricultural land and the proposal would therefore result in the loss of some of the best and most versatile agricultural land. However, given the limited size of the appeal site and the fact that it is surrounded by houses, it is physically and functionally separated from other agricultural land and it would be unlikely to be able to generate a realistic profit if actively farmed for agricultural purposes. I am therefore satisfied that the loss of this agricultural land would only cause limited harm.
20. Based on the information before me, including the submitted plans, I am satisfied the proposal would not be harmful to the character and appearance of the area nor the living conditions of neighbouring occupants, subject to conditions if the appeal were to succeed.
21. I note the reference that both parties have made as to whether the appeal site could be used for allotments and whether this represents a realistic 'fall-back' position for the purposes of assessing the effect of the proposal on highway safety. However, given my conclusion on the second main issue this has not been a decisive consideration in my determination of this appeal.

Conclusion and Conditions

22. As I have concluded that the appeal site is within a village and that the proposal would amount to limited infill, the appeal proposal would not be inappropriate development as described in paragraph 89 of the Framework. The development proposed would also not be harmful to highway safety. The development proposed would therefore not conflict with policy T-3 of the CS.
23. For the reasons given above, I therefore conclude that the appeal should be allowed.

24. I have considered the conditions suggested by the Council in light of the advice contained in the Framework and the Planning Practice Guidance. I have attached a commencement condition and a condition requiring the development to be undertaken in accordance with the submitted plans in the interests of certainty.
25. Conditions relating to the materials to be used in the construction of the dwellings, the protection of existing trees and landscaping are necessary to ensure that the visual appearance of the scheme will be acceptable and that the visual amenity of the area will not be harmed as a consequence.
26. The landscaping condition is also necessary to ensure there will be no harm to Great Crested Newts that may be in the area. A separate condition has also been attached requiring the precautionary approach outlined in the Ecological report to be followed for the same reason. I have also attached a condition relating to the clearance of the site to ensure there will be no harm to breeding birds as a consequence of any clearance works undertaken.
27. Conditions relating to the erection of suitable boundary treatments and the use of obscure glazing in the ensuite windows are necessary to ensure there will be no harm to the living conditions of neighbouring occupants, with particular regard to privacy.
28. I have also attached a condition to ensure that adequate storage of refuse bins is provided. Conditions are also necessary relating to the laying out, access and that surfacing of the parking areas to ensure that adequate parking provision is provided and that it is suitably drained. A condition is also necessary to ensure suitable visibility splays are provided so that the scheme will not be harmful to highway or pedestrian visibility.
29. In order to encourage the use of sustainable transport mode, I have attached a condition requiring suitable bicycle storage to be provided.
30. In light of the Green Belt location of the appeal site, I have attached a condition restricting permitted development rights as it is in a location where development would normally be restricted except in specific defined circumstances.

V Lucas

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall not be carried out other than in accordance with the following drawings - unnumbered 1:1250 site location plan, Proposed Site Layout 02 SL rev D, Proposed House Type A Plans and Elevations 06 Rev C, Proposed House Type B Plans and Elevations 06 Rev C, Proposed Street Elevation 04 LP Rev A, House Type A Architectural Illustration 08 3D Rev B, House Type B Architectural Illustration 09 3D Rev B, Orbis Town Planning 'Planning Statement'

December 2016, Orbis Town Planning Ltd 'Design & Access Statement' January 2017, ENPlanner Energy Statement 1449, Bagshaw Ecology Preliminary Ecological Appraisal BE-249.1, Bagshaw Ecology Precautionary Great Crested Newt Method Statement BE-249.2, Bagshaw Ecology Arboricultural Impact Assessment BE-249.3, Soil Environment Services Ltd Agricultural Land Classification November 2015 and RBM Consulting Transport Statement Version 1.4 16 January 2017.

- 3) The development shall not be carried out other than in accordance with a schedule of all the materials of external construction which has first been submitted to and approved in writing by the local planning authority. The development shall not be occupied until it has been completed in accordance with the approved schedule and materials.
- 4) No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.
- 5) The development shall not be carried out other than in accordance with a scheme of landscaping which has first been submitted to and approved in writing by the local planning authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, the materials to be used on the hard surfaced areas and an ecological buffer (with details of species composition and refuge areas for Great Crested Newts).

The approved landscaping scheme shall be carried out within 6 months of the date of occupation of the building or substantial completion of the development whichever is the sooner. Any trees, plants or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and quality unless the local planning authority gives written approval to any variation.

- 6) The development shall not be carried out other than in accordance with details of all screen and boundary walls, fences or other means of enclosure which have first been submitted to and approved in writing by the local planning authority. No building shall be occupied until the enclosures have been erected in accordance with the approved details.
- 7) The dwellings shall not be occupied until the proposed first floor ensuite windows have been fitted with obscure glass of or equivalent to "Pilkington" Level 4 or 5. The obscure glazing shall subsequently be retained.
- 8) The development shall not be carried out other than in accordance with details which have first been submitted to and approved in writing by the local planning authority to show the location and design of refuse storage for each dwelling positioned behind the front boundary wall. The development shall not be occupied until the approved details have been provided on site.

- 9) The development hereby approved shall not be carried out other than in accordance with details which have first been submitted to and approved by the local planning authority to show details of the drainage and surfacing of the approved driveways. No dwelling shall be occupied until the driveways and parking areas have been constructed in accordance with the approved drawings. The driveways shall then be retained and remain available for use for parking at all times thereafter.
- 10) The development shall include the provision of 1.0m by 1.0m pedestrian visibility splays and 2m by 15m vehicular visibility splays on either side of the vehicular access points has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until its means of access has been constructed in accordance with the approved drawing and is available for use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow within the pedestrian visibility splays and no structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow within the vehicular visibility splays.
- 11) The dwelling hereby approved shall not be occupied until a long-stay covered and secure cycle parking facility has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The facility shall then be retained and remain available for use at all times thereafter.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A to H of Part 1 of Schedule 2 of the Order shall be carried out.
- 13) The development hereby approved shall not be carried out other than in accordance with the recommendations of the Bagshaw Ecology - Precautionary Great Crested Newt Method Statement (BE-249.2) unless agreed otherwise in writing by the local planning authority.
- 14) The development hereby approved shall not be carried out other than in accordance with the recommendations set out at sections 7.2 and 7.3 of the Bagshaw Ecology Preliminary Ecological Appraisal (BE-249.1) and details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall then be retained at all times unless agreed in writing by the local planning authority.
- 15) No vegetation clearance/building demolition works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation/buildings for active birds' nests immediately before vegetation clearance/demolition works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 16) The development shall not be carried out other than in accordance with details of surface water drainage works which have first been submitted to and approved in writing by the local planning authority. Before submitting these details, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local

planning authority. Where a sustainable drainage scheme is to be provided, the details to be submitted shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for the implementation of the works; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
