
Appeal Decision

Site visit made on 30 January 2018

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2018

Appeal Ref: APP/H1840/W/17/3183049

7 The Ridgeway, New End, Astwood Bank B96 6LS

- 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 Darron Corden against the decision of Wychavon District Council.
 - The application Ref W/16/02794/PN, dated 24 November 2016, was refused by notice dated 8 March 2017.
 - The development proposed is a new detached zero carbon dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. As the site is within the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the relationship to the development strategy for the area; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. Although the appellant considers that the appeal site, and Cookhill parish, should not be in the Green Belt, under the terms of the South Worcestershire Development Plan (the DP), the fact is it lies in the Green Belt. It is not the purpose of a Section 78 planning appeal to revisit fundamental issues such as the extent of the Green Belt. If appropriate, and I am not in any way saying that it is, that is a matter for the development plan process.
4. Policy SWDP2 of the DP indicates that the West Midlands Green Belt will be maintained and development proposed within the Green Belt will be considered

in accordance with national policy set out in the Framework. The Framework, in paragraph 89, indicates that the construction of new buildings should be regarded as inappropriate unless it falls within a number of exceptions set out as bullet points.

5. Included within this list at the fifth bullet point is limited infilling in villages. It is therefore necessary to establish whether the appeal proposals would represent limited infilling, because if it does not there is no need to determine whether the site falls in a village.
6. To represent infilling a site needs to complete, or at least partially complete, a gap. However, the appeal site does not do this. While there is development to the west, facing The Ridgeway, and to the north in the form of the "parent property", 7 The Ridgeway, there is no development either to the south or east. Rather than being a gap, the appeal site forms part of the land associated with No 7, and the proposal would represent an extension beyond the area of built development. This is not the case of a gap between two buildings in keeping with the prevailing pattern of development. As such the proposal would not represent infilling.
7. As such the proposal would not fall within the fifth exception set out in paragraph 89 of the Framework and would represent inappropriate development and would thus be harmful to the Green Belt.

Openness

8. The 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 essential characteristics of Green Belts are their openness and permanence.
9. Openness is the absence of buildings or development. Although the proposal would involve the loss of the existing aviary and timber building these are much smaller than the proposed building both in area and volumetric terms. The proposal would have a greater adverse effect on openness than the existing structures, and therefore would be harmful to openness.
10. Insofar as openness has a visual component, while the proposed building has been designed to fit to the site, it would result in the area being significantly more urbanised than the existing situation. This would harmfully reduce the positive contribution the site currently makes at the junction of the built up area to the west and the rural area to the east.
11. Paragraph 80 indicates that the Green Belt serves five purposes. Of these I consider the proposal would fail to meet one of these, namely, checking the unrestricted sprawl of large built-up areas.
12. That being the case the proposal would have a harmful effect on the character and appearance of the area and a harmful effect on the openness of the Green Belt and the purposes of including land within it, and it would thus represent inappropriate development.
13. As paragraph 87 of the Framework makes clear, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework indicates that substantial weight should be given to any harm to the Green Belt.

Development strategy

14. Policy SWDP1 of the DP sets out overarching sustainable development principles, including that the Council will take a positive approach to development that reflects the presumption in favour of sustainable development as contained in the Framework. Policy SWDP2 sets a development strategy and settlement hierarchy which from the top of the hierarchy in Worcester, goes through Urban areas to the Rural Areas in Category 1, 2 and 3 villages and finally lower category villages.
15. The appeal site lies outside the settlement of Cookhill, and therefore, for current development plan purposes, it falls within the open countryside albeit immediately adjacent to the settlement to the east. I note No 7 also lies outside the development boundary. The DP is an up-to-date development plan providing for the development needs for the plan period. The proposal does represent any of the categories of development permitted in the open countryside. As such it would be contrary to Policy SWDP2.

Other considerations

16. The appellant has put forward a number of other considerations which he considers would represent very special circumstances. However, as with the Green Belt designation, it is not part of a Section 78 appeal to go behind the delineation of development boundaries in development plans. What is appropriate is to judge the effects of the proposed development against the material policies.
17. The appellant makes the point that this is a self-build scheme and should have been considered as such. However, there is nothing in front of me, for example a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to this effect. The grant of planning permission would run with the land and there is nothing to prevent any dwelling being constructed for sale. I can therefore only give this factor very limited beneficial weight.
18. The appellant has emphasised the high quality of the proposed development and cited paragraphs 55, 56 and 57 of the Framework. The first I take as a reference to a proposal of exceptional quality or innovative nature of design of the dwelling being allowed for as a special circumstance. Paragraph 56 and 57 of the Framework refer to high quality and inclusive design. While not in any way decrying the quality of the proposal as a piece of architecture designed to respond to the site, I can see nothing about it that makes it either of exceptional quality or of an innovative nature. That good design is a key aspect of sustainable development is not in doubt, but that does presuppose that the use, of itself, is acceptable for that location.
19. The proposal would provide an additional unit of housing which would be economically and socially beneficial. However, I give both of these benefits only limited weight as this proposal is only for a single dwelling. I have, however, found that the proposal would be harmful to the environment and this weighs against the proposal.
20. The site is located close to the district boundary with the Stratford-on-Avon District Council area. That Council has not objected to the proposal. This is a matter for that Authority, but it does not affect my conclusions. Similarly that

the Highway Authority has also not objected is only neutral in the final balance as any development should have a satisfactory means of access.

Conclusion

21. The proposal represents inappropriate development in the Green Belt, which is by definition, harmful to the Green Belt and paragraph 88 of the Framework indicates that substantial weight should be given to that harm. As Policy SWDP2 reiterates the Framework the proposal would also be contrary this policy. In addition I have concluded that the proposal would adversely affect openness in the Green Belt and that it would be contrary to one of the purposes of the Green Belt. I have also concluded that the proposal would be contrary to the development strategy set out in Policy SWDP2 of the DP.
22. The proposal would be of high quality design but this is only of limited weight, as are the asserted self-build credentials. Equally I have given both economic and social benefits limited weight.
23. The Framework reminds that inappropriate development should not be approved except in very special circumstances. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances needed to justify the development do not exist.
24. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR