
Appeal Decision

Site visit made on 17 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/P3420/W/19/3225802

Plot 146 Melville Court, Clayton, Newcastle Under Lyme, Staffordshire ST5 4HJ

- 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 M Robinson against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 18/00451/FUL, dated 30 May 2018, was refused by notice dated 6 November 2018.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site lies within the administrative boundary of two local planning authorities. An appeal has also been lodged against the decision of Stafford Borough Council. This is the subject of a separate decision.

Main Issues

3. The main issues are as follows:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect of the development on the openness and the purposes of including land within the Green Belt;
 - the effect on the character and appearance of the area; 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

Inappropriateness

4. The appeal site falls within the Green Belt as defined in the Council's development plan, which comprises the Newcastle Under Lyme Local Plan (LP)

2011 and the Newcastle Under Lyme and Stoke on Trent Core Spatial Strategy (CSS) 2009.

5. The appellant contends that the appeal site appears on two Land Registry plans dated 1974 and 1988 whereby the site does not encroach into the Green Belt. However, there is no evidence before me of these plans. In any event, the plans would predate the LP and the CS and therefore, even if the site was not within the Green Belt on those dates, it is plausible that the Green Belt has been extended since. I note the appellant's argument that if the Green Belt was extended during more recent times then the landowner was not consulted. However, both the LP and the CS would have gone through an extensive public consultation exercise and there is no evidence before me that the landowner was not invited to participate in this. Notwithstanding this, the fact remains that the site falls within the Green Belt.
6. The Framework states that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. There are a number of exceptions to this. However, the appellant does not contend that the proposal falls within any of these.
7. I find therefore that the proposal would be inappropriate development, and therefore would be contrary to saved Policy S3 of the LP, which seeks to protect the Green Belt from inappropriate development, and the Framework. In accordance with the Framework, substantial weight must be given to this harm.

Openness of the Green Belt

8. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
9. The dwelling would be located in what is currently a densely wooded area that is free from any built-form, to the south of an existing housing development. Whilst the site is overgrown with various trees and undergrowth, it nevertheless provides a verdant openness that makes an important role in defining the edge of the Green Belt. The introduction of a dwelling on the site, and the resultant loss of trees and vegetation, would create an intrusive form of development.
10. Moreover, the erosion of three-dimensional space arising from the overall size of the buildings would in itself result in an erosion of openness, which would conflict with paragraph 133 of the Framework which identifies openness as an essential characteristic of Green Belts. Accordingly, I attribute significant weight to the effect it would have on openness.
11. In addition, the dwelling would extend the existing built form of the adjacent housing development therefore encroaching into the countryside. This would be contrary to one of the five purposes of the Green Belt set out in paragraph 134 of the Framework, which seeks to safeguard the countryside from encroachment.

12. I therefore find that the visual intrusion of the dwelling and its erosion of three-dimensional space arising from its size would result in the erosion of openness, which would conflict with paragraph 133 of the Framework. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment.

Character and Appearance

13. The existing trees and undergrowth form part of a wider woodland that links in with the nearby nature reserve. Whilst the site is unkempt and many of the trees are likely to have been self-set, I do not find that this has a detrimental effect on the visual amenity of the area. On the contrary, I find that it makes a positive contribution to its character and appearance, defining the boundary between the built and natural environment.
14. It is proposed that many of the existing trees would be retained to the front, rear and side of the dwelling, therefore reducing its visual impact. However, many of these trees would be in proximity to number of the windows in the dwelling and therefore would likely reduce the level of light entering the dwelling when the trees grow larger. Furthermore, much of the outdoor amenity space would be in shadow, particularly when the trees are in leaf, thus reducing the usability of the amenity space. In addition, due to the proximity of the proposed dwelling to the retained trees, in time there would be pressure to remove overhanging branches given that they could be directly above the dwelling. The potential fear of falling branches and damage to the dwelling would likely give rise to an increase in pressure for the reduction or, at worst, removal of the trees. Consequently, such works would have a significantly detrimental effect on the appearance of the site and the overall character and appearance of the area.
15. The dwelling would extend no further south than the existing development on the opposite side of the road and, on plan, would be read as rounding off the existing development. However, this does not provide sufficient justification for the harm I have identified above.
16. I find therefore that the proposal would significantly harm the character and appearance of the area, contrary to saved Policies N12, N13, N17 and N19 of the LP, which, amongst other matters, seek to ensure that development is informed by and be sympathetic to landscape character, including the protection of trees. In addition, it would fail to accord with the design objectives of the Framework.

Other Considerations

17. The dwelling would logically fit between the existing Nos 4 and 6 Melville Court. However, the numbering of the dwellings has had no bearing on my consideration of the planning merits of the proposal.
18. The appellant has referred me to numerous Ordnance Survey maps. However, these plans are not before me and therefore I attribute them very limited weight.

Planning Balance

19. The appeal scheme has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and

the conflict with the purpose of including land within it. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Furthermore, the development would significantly harm the character and appearance of the area.

20. I consider that the substantial weight given to Green Belt harm is not clearly outweighed by any considerations advanced by the appellant. Therefore, there are no very special circumstances to justify the new dwelling and the proposal would conflict with saved Policy S3 of the LP and the Framework.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR