



Appeal Decision

Site visit made on 4 July 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/B3438/W/19/3226958

Land adjacent to Park Lodge Farm, Folly Lane, Cheddleton, ST13 7DA

- 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 P Bailey against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2018/0466 dated 19 July 2018, was refused by notice dated 19 October 2018.
 - The development proposed is outline application for the erection of up to two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all detailed matters reserved for later consideration apart from access. I have dealt with the appeal on this basis.

Main Issues

3. The main issues to be considered are i) whether the proposal would be inappropriate development in the Green Belt, ii) the impact of the proposal upon the openness of the Green Belt, iii) the impact of the proposal on the character and appearance of the area and iv) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations.

Reasons

Inappropriate Development in the Green Belt

4. The appeal site lies a short distance to the South of the development boundary of Cheddleton accessed off a rural lane and is located within the Green Belt. It is adjoined by open parcels of land to the North and East and the farmhouse of Park Lodge Farm lies immediately to the South. To the West there are large open fields on the opposite side of Folly Lane. There is a notable gap between the built-up confines of the village and the boundary of the appeal site.
5. The revised National Planning Policy Framework 2019 (the Framework) outlines the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this, in paragraph 145 e), is limited infill in villages. The terms 'limited' and 'infilling' are not defined in the revised Framework. These are essentially a question of fact and planning judgement having had regard,

for example, to the nature and size of the development itself, the location of the application site and its relationship to existing development adjoining and adjacent to it¹.

6. Given my observations during my site visit, as outlined above, I find that the proposal would fail to represent infilling given the lack of relationship to existing development and lack of development adjacent to the appeal site boundaries. The proposal would therefore be inappropriate development within the Green Belt which is, by definition, harmful and which carries substantial weight.

Effect upon Openness

7. Openness is an essential characteristic of the Green Belt. Impact is implicitly part of the concept of openness of the Green Belt. The absence of visual intrusion does not mean there is no impact on the Green Belt as a result. Whether any change would cause harm to the openness can depend on factors such as the scale of the development, the locational context and its spatial or visual implications.
8. The site would have notable visual impact due to its location and I find that the spatial effect of the proposal would have a negative impact upon the openness of the Green Belt. The dwellings would encroach into the Green Belt into a relatively open space, away from the bulk of existing built form. Furthermore, the creation of garden areas would then lead to a domesticated appearance which would have further harmful effect on openness as an encroachment into the countryside compared to what is currently a green, open, space with a rural appearance.
9. As a result of this the principle of erecting dwellings in this area would be outside of the exceptions outlined in paragraph 145 of the Framework and the proposal would represent inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be contrary to the Staffordshire Moorlands Core Strategy Development Plan Document (CS) Policy SS6c which requires strict control be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy.

Character and Appearance

10. The appeal site, as described above, is outside of the built-up form of the village. At the time of my visit I approached the appeal site from the North. Folly Lane itself, as you leave the village, becomes more akin to a country lane outside of the appeal site and I noted that the edge of the village very quickly reverts to rural, open, countryside with very limited development and predominately open fields. I found the separation between built form and the countryside to be easily definable even more so that Park Lodge Farm, particularly when looking from the village itself, is well-screened with vegetation and trees.
11. I do not find that it would be a logical extension of the existing residential development along this side of Folly Lane nor that it would be seen in the

¹ R (Tate) v Northumberland County Council [2018] EWCA Civ 1519

context of other development. The proposal would result in built form being introduced within this green, open, space which would be out of character for the area with the prevailing development pattern. The proposal would be notable in views for users of Folly Lane. It would appear as an intrusion into the countryside and I find this to negatively impact upon the appearance of the immediate surroundings as a result of it being detached from, and failing to relate to, the built-up part of the village.

12. A condition requiring additional landscaping may take some positive steps to addressing the visual impact on the appearance of the area from Folly Lane, but it would do little to address the impact on the character of the area which I have identified. Overall, I do not feel the development could be made acceptable through the application of conditions.
13. The proposal would be contrary to CS Policy SS6a which requires development, where required to be met on land outside the built-up area, to relate well to the built-up area. The proposal would also be contrary to CS Policy SS7 which requires development to conserve and enhance the landscape of the area and CS Policy DC3 which similarly requires development to respect and enhance local landscape character.

Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations

14. The Council cannot currently demonstrate a five-year housing land supply which means that paragraph 11 of the Framework is engaged. The proposal would result in the provision of two dwellings as a social benefit but the contribution to housing supply would be limited. The short-term economic benefits from construction works, and then longer-term benefits of Council Tax, would be benefits in favour of the proposal but which would be limited for two dwellings. The proposal being inappropriate Green Belt development, and the impact identified on the character and appearance, would weigh against the proposal in relation to the environmental aspect of sustainability.
15. It is acknowledged that the site is within walking distance of services and facilities within a large village, however, paragraph 11 d) states that planning permission should be granted unless i) the application of policies in the Framework that protect areas provides a clear reason for refusing the development proposed. Footnote 6 confirms Green Belt as one such policy. Given my findings, that the proposal is inappropriate development within the Green Belt, this is a clear material consideration that indicates planning consent should not be allowed for the proposal.
16. I note the appellant's reference to the case of R (Lee Valley Regional Park Authority) v Epping Forest DC and Valley Grown Nurseries Ltd (2016), however, that case concerns an agricultural building which was held to not be inappropriate development in the Green Belt. In the case of this appeal I have, found the proposal to be inappropriate development in the Green Belt.
17. Paragraph 144 of the Framework requires that substantial weight be given to any harm to the Green Belt and this case the harm is by reason of inappropriateness and loss of openness. There is further harm found through the impact upon the character and appearance of the area. The proposal

would provide some limited benefits, discussed above, but these do not clearly outweigh the totality of the harm and very special circumstances do not exist.

Other Matters

18. I note that the Staffordshire Moorlands Local Plan (LP) was submitted for examination last year and that it is, therefore, at a relatively advanced stage. The appellant considers that only limited weight should be given to the plan, however, the Council have referred to the emerging policies within the refusal reasons which suggests they attach moderate weight to the policies of the emerging plan as outlined in the delegated report. The same report assesses the Local Plan against paragraph 48 of the Framework. The statement of case has not provided any further update, or reference to, the emerging plan.
19. Within the emerging LP the development boundary for Cheddleton is not proposed to be changed. Emerging LP Policy SS8 contains scope for limited infilling on the edge of settlement boundaries, subject to LP Policy H1. Emerging LP Policy H1, outside settlement boundaries, allows limited infill residential development providing it adjoins the boundary of a larger village, is well related to the existing pattern of development and will not lead to a prominent intrusion into the countryside. I do not, as already outlined, find the proposal would constitute limited infilling so it would be in conflict with emerging LP Policy SS8 as well as emerging Policy H1.
20. Emerging LP Policy SS10 essentially carries forward adopted CS Policy SS6c in that it controls Green Belt development in line with the Framework. Emerging LP Policy SS11 carries forward the requirement in adopted CS Policy SS7 and requires enhancement and protection of the landscape character. Emerging Policy DC3 carries forward adopted CS Policy DC3 and seeks to resist development which would lead to prominent intrusion into the countryside.
21. When assessing the proposal against the emerging policies of the LP I find there would be conflict which would still result in the proposal being refused.

Conclusion

22. I find that the other considerations in this case do not clearly outweigh the Green Belt and other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR