



Appeal Decision

Site visit made on 4 October 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/P3420/W/19/3233863

Hillcot, Clough Hall Drive, Kidsgrove ST7 1UT

- 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 Ms Lawler against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00272/FUL, dated 11 April 2019, was refused by notice dated 19 July 2019.
 - The development proposed is 2 bed detached new build dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF).
 - The effect of the proposal on the openness of the Green Belt.
 - 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. The appeal site is located within the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, which include limited infilling in villages and the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt.
4. The site is located outside of a defined settlement boundary and therefore in the countryside. The appellant has made reference to the Court of Appeal Judgement *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council* [2015] which determined that

the 'village' in paragraph 89 of the NPPF (now paragraph 145) may not be the same as the settlement boundary, depending on the situation 'on the ground'.

5. The site is visibly separated from Talke by the A34. A tall tree lined boundary screens properties on the other side of the road. In combination, this severs the site from the settlement and consequently it does not feel part of Talke, even if a footpath provides a linkage into the settlement.
6. The appellant says a commonly used definition of infilling is small scale development that fills a gap in an otherwise largely built up frontage. Whilst a single dwelling on the appeal site may represent limited infilling in a row of dwellings, some of which have a similar plot size to the appeal site, the proposed development would not constitute infilling in a village. The proposal would therefore be inappropriate development in the Green Belt and would conflict with paragraph 145 of the NPPF.

Openness

7. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'.
8. The site is currently garden land free from development. As such the proposal would lead to built development where currently there is none. The scale and massing of the 2 bedroom dwelling and associated domestic paraphernalia that would accompany it would result in a loss of openness.
9. The proposal would reduce openness and therefore constitute inappropriate development. As such, the development would conflict with national policy in this regard.

Other Considerations

10. Paragraph 144 of the NPPF states that substantial weight should be given to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
11. The development would lead to the construction of an additional single residential dwelling on previously developed land. However, the small scale of the scheme would mean that it would make a minimal contribution to the housing land supply which limits the weight I attribute to it.
12. With reference to 2 other appeals¹, the appellant says Policy H1 of the Newcastle-under-Lyme Local Plan 2011 and Policies ASP6 and SP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 are out of date and therefore paragraph 11(d) of the NPPF is engaged with a presumption in favour of sustainable development. This means 'granting permission unless: ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
13. Even if I were to conclude that the development plan policies that are most important in determining the proposal were out of date, national Green Belt policies provide a clear reason for refusing the development proposed and

¹ Ref: APP/P3420/W/18/3219254 and APP/P3420/W/19/3225154

footnote 6 makes it clear that the presumption in favour of sustainable development would not apply.

14. The appellant has included a copy of an appeal decision with their statement². I have little detail of the case in which to draw meaningful comparisons with the case before me. In any event, each case is determined on its own merits and my conclusions have been drawn from the information before me.

Planning Balance and Conclusion

15. The development would constitute inappropriate development in the Green Belt which by definition is harmful. Paragraph 144 of the NPPF requires that substantial weight be attributed to harm to the Green Belt. For the appeal to succeed the combined weight of other considerations must clearly outweigh the harm caused. The other considerations do not clearly outweigh the totality of the harm caused as so very special circumstances to justify the development do not exist. For the reasons identified, I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR

² Ref: APP/R0660/W/16/3156493