

Appeal Decision

Site visit made on 21 October 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector, appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/P3420/W/19/3235214

Land between 164 and 180 Mow Cop Road, Mow Cop, Kidsgrove ST7 4NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Taylor against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 18/01004/OUT, dated 13 December 2018, was refused by notice dated 10 May 2019.
 - The development proposed is construction of three detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline. Access is sought with matters of appearance, landscaping, layout and scale reserved. I have therefore dealt with the appeal on this basis.

Main Issue

3. The site falls within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy; and
 - The effect of the proposal on the openness of the Green Belt; 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

Whether Inappropriate Development in the Green Belt

4. The National Planning Policy Framework (2019)(the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions

as set out in paragraph 145. One of the exceptions cited is limited infilling in villages.

5. The Council cites Policy S3 of the Newcastle-Under-Lyme Local Plan (Local Plan)(2003) within their reason for refusal. The Local Plan was prepared some time before the publication of the Framework. Policy, S3 which seeks to control development in the Green Belt, states that development for residential purposes of a small gap (no more than 1 or 2 plots in width) as an exception in the Green Belt, within the built-up area of the village of Keele, as defined on the Proposals Map, may be permitted so long as the gap makes no material contribution to the amenity of the locality. With respect to residential development, this is more restrictive than the Framework and does not fully accord with it. I therefore give it very limited weight in my consideration of this appeal.
6. The appellant asserts that the appeal site is within the village of Mow Cop and has drawn my attention to case law¹. I accept that whether the site is in the village is a matter of planning judgement having regard to relevant facts and circumstances and is not limited to a designated village boundary. Mow cop is a sprawling settlement, with development near to the appeal site generally characterised by tightly knit dwellings set out in a linear fashion, fronting onto Mow Cop Road and Dales Green Road.
7. The appeal site comprises a paddock bound by dry-stone walls and mature hedgerows, located off Mow Cop Road, a gently winding road which links the settlements of Mow Cop and Mount Pleasant. An access track and public footpath separate the appeal site from No 164 Mow Cop Road. To the south west of Nos 164 and 159 Mow Cop Road, the character of the area changes markedly, with mature hedgerows, open spaces and views across open countryside giving this section of the road and beyond a distinctly rural character.
8. Whilst the Council concluded that the appeal site is within the village, given the undeveloped nature of the site and its location to the south west of built development, I would characterise the site as open countryside and not as being within the village of Mow Cop. Furthermore, although there are residential properties to the south west of the appeal site, Nos 180 and 182, they are physically and visually detached from the settlement of Mow Cop by the appeal site and a change in topography and do not therefore read as part of the village.
9. Thus, even if I were to agree that the appeal scheme could be considered limited, it would not constitute 'limited infilling in a village' since neither the appeal site nor the dwellings to the south west of the site are in the village. It is therefore not an exception set out within paragraph 145 of the Framework. Accordingly, the appeal scheme would be inappropriate development in the Green Belt.
10. The appellant has drawn my attention to examples of infill development approved within the locality, reference 18/00188/FUL and 18/00454/FUL, as

¹ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) and Barwood v East Staffordshire Borough Council and Secretary of State for Communities and Local Government [2017] EWCA Civ 893.

well as a number of appeal decisions², however, I am not persuaded that these decisions are directly comparable to the appeal scheme before me. Furthermore, I have considered the appeal on its own merits.

Openness

11. A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open. Although the appeal scheme is in outline and details of scale, layout, appearance and landscaping are reserved for subsequent approval, three dwellings in this location would inevitably lead to a loss of openness since there are no buildings on site at present.
12. Therefore, the proposal would result in a loss of openness which would harm the openness of the Green Belt, undermining the fundamental aim of keeping land permanently open and have a modest but significant adverse impact on the related Green Belt purpose to assist in safeguarding the countryside from encroachment, contrary to the relevant expectations of the Framework.

Other Considerations

13. I acknowledge that the proposed dwellings would not be isolated and would be within walking distances of the facilities and services of Mow Cop. However, as the proposal is for three dwellings, any social benefits arising from the appeal scheme would be limited. The proposal would provide some limited economic benefit during the construction phase and result in a slight increase in spending in the local area. There would also be opportunity to secure additional landscaping.

Conclusion

14. The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
15. The proposal would be inappropriate development in the terms set out in the Framework and lead to a loss of openness to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The substantial weight to be given to Green Belt harm is not clearly outweighed by the modest benefits arising from three dwellings. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework.
16. For the reasons set out above, and having regard to all matters raised, I therefore conclude that the appeal should be dismissed.

M Savage

INSPECTOR

² APP/A0665/W/14/3000557, APP/R0660/W/16/3155854, APP/R0660/W/16/3156493, APP/R0660/W/18/3201548, APP/R0660/W/18/3211980.