

Appeal Decision

Site visit made on 8 October 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/Y3425/W/19/3226934

96 Grindley Lane, Meir Heath, Stoke-on-Trent ST3 7LP

- 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 Target Property Developments against the decision of Stafford Borough Council.
 - The application Ref 18/28748/OUT, dated 14 June 2018, was refused by notice dated 30 January 2019.
 - The development proposed is described as: 'Outline application for redevelopment of a previously developed site for residential use'.
-

Decision

1. The appeal is allowed, and planning permission is granted for outline planning application for redevelopment of a previously developed site for residential use at 96 Grindley Lane, Meir Heath, Stoke-on-Trent ST3 7LP in accordance with the terms of the application, Ref 18/28748/OUT, dated 14 June 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Outline planning permission is sought, but with all matters reserved, except for access. A drawing showing possible layout has been submitted. However, given that layout, scale, appearance and landscaping are reserved matters, I have treated the plan solely as an indication of how the site might be developed. I have determined the appeal on this basis.
3. The Council has not cited any issues surrounding the Green Belt on its decision notice. However, in the Council's Statement reference is made to the scheme having a harmful effect on the Green Belt. Thus, as both parties have had the opportunity to comment on this issue, I will not prejudice either party in taking it into consideration in the determination of this appeal.

Main Issues

4. The main issues of this appeal are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, including the effect on the openness of the Green Belt and the purposes of including land within it, and;
 - whether the proposed development would conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development.

Reasons

Inappropriate Development

5. The appeal site currently accommodates a window company and its associated commercial buildings that provides approximately 5651m² of B1(c)¹ (Light Industrial) and B8 (Storage and Distribution) floor space. The site has two accesses from Grindley Lane that are used individually for access and egress purposes. The site amounts to approximately 0.685 Hectares and is located in the North Staffordshire Green Belt. The proposal is to demolish the existing buildings and erect a residential scheme of up to 7no. dwellings, as outlined on the application form.
6. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate, unless the development falls within certain listed exceptions. The relevant exception which is sought to be applied to the appeal site in this case is of partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. I note that no Development Plan Policies have been cited by the Council on this issue. I therefore have regard to the general provisions of the Framework on this matter, as appropriate.
7. The exceptions listed in paragraph 145 of the Framework reflect the fundamental aim of Green Belt policy listed at paragraph 133 of the Framework, to prevent urban sprawl by keeping land permanently open, openness and their permanence are identified as essential characteristics of the Green Belt. The outline status of the current appeal proposal means that the required assessment of the effect of a proposal on the Green Belt and character and appearance of the appeal site and surrounding area is more limited. Nevertheless, the submitted indicative drawings demonstrate how the appellant intends to provide the residential development, clearly setting out the relevant parameters.
8. It is common ground between the main parties that the proposed development would potentially result in a notable reduction in development when compared to the existing situation. Overall it is demonstrated that the proposed development could result in a reduction of hardstanding by approximately 44% and built volume of approximately 58%. Additionally, it is claimed that soft landscaping could be significantly increased. Whilst, these figures are based on an indicative approach of providing a residential scheme, I am satisfied that a successful scheme could be produced through a reserved matters submission which would avoid any harm to the Green Belt through the redevelopment of this site as proposed, and through the imposition of suitably worded conditions.
9. Both parties refer to and accept potential fall-back positions, through the conversion of the existing buildings on site. In order to establish the validity of the fall-back position it is necessary to first establish whether there is a greater than theoretical possibility that the fall-back may take place. Although, there are no schemes before me, I note that the appellant considers that the site would best be developed for bungalows and this approach is preferred to the other fall-back schemes. Additionally, I note that the appellant does confirm

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO)

that these alternative schemes are options that would secure the residential re-development of the site should this appeal fail. This is not disputed by the Council. I find the proposed alternative development through the fall-back is therefore a realistic possibility.

10. Therefore, on the basis of the evidence before me, I consider that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. In addition, when taking account of the site and its surroundings, including the ribbon of residential properties along Grindley Lane, the proposed development would not have a harmful visual effect on the surrounding countryside.
11. For the reasons given above, I conclude that the proposal is not inappropriate development in the Green Belt with regard to the Framework. The proposed development complies with the exception listed at paragraph 145 g) of the Framework. As I have found that the proposal is not inappropriate development in the Green Belt and that no other potential harm to the Green Belt has been identified, it is not necessary for me to consider whether any very special circumstances exist.

Sustainable Location

12. Policy SP3 of The Plan for Stafford Borough 2011-2031 (Part One, 2014) (LP1) seeks for the majority of future development to be delivered through the Sustainable Settlement Hierarchy (SSH) based on the County town of Stafford, the market town of Stone and through numerous Key Service Villages. The appeal site is not situated in any of the named settlements in the SSH, and the Meir Heath does not benefit from any defined settlement boundary in The Plan for Stafford Borough 2011-2031 (Part Two 2017) (LP2). Policy SP4 of LP1, identifies the distribution in the SSH for new residential development accordingly: Stafford 70%; Stone 10%; Key Service Villages 12% and Rest of Borough Area (ROBA) 8%. The appeal site falls within the ROBA.
13. The Council confirm that they have 6.83 years of Housing Land Supply² (HLS statement), and I note that the Council has met its Housing Delivery Target with a measurement of 224% in 2018. Additionally, I note that in the Council's Monitoring Report 2018³ (AMR), the Council could demonstrate a 5.93 years HLS. This year's HLS statement therefore demonstrates an increase on the figures produced in the AMR. However, whilst I do not have any other figures than those presented in Table 4.4 of the AMR, given the increase in the 5-year HLS that the Council can demonstrate, I am confident that the figures in the AMR relating to residential development in the SSH have also increased proportionally.
14. Policy SP7 of the LP1 apply to development in the countryside that includes compliance with Policy C5 of the LP1 in seeking to support rural sustainability. Policy C5A, includes a requirement that provision can not be accommodated within the settlement hierarchy in Policy SP3 and identification that it will meet defined needs via a Parish based Local Housing Needs Assessment, amongst other things. The supporting text of Policy C5⁴ indicates that the policy relates

² Statement of Five Year Housing Land Supply (at 31 March 2019)

³ Stafford Borough Authority Monitoring Report 2018 (covering the period 1st April 2017 – 31st March 2018)
Published October 2018

⁴ Paragraph 11.17 of LP1

to residential development proposals (excluding gypsy and traveller pitches) outside of the settlement hierarchy including areas of Green Belt.

15. I note the Council's concerns that the development would contribute to a disproportionate amount of development occurring outside the SSH. However, the proposed development is up to 7no. dwellings and I find this to represent a relatively modest number of units contributing to the number of dwellings located within the ROBA. Thus, the proposed development would only make a small contribution to the Council's 5 year HLS. However, I am mindful that the 5 year HLS figure is not a maximum figure, and that the Framework seeks to significantly boost the supply of housing.
16. The appellant has referenced 2no. appeal decisions⁵ for residential development in the Council area. However, relatively little detail has been provided regarding the particular planning backgrounds to these schemes and I do not know what evidence was before the Inspectors at the time of their decisions. Additionally, both decisions are for sites not located in the Green Belt. Consequently, I cannot be sure that these are entirely representative of the circumstances in the appeal before me. In any event all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.
17. Although, Meir Heath is classified as being within ROBA, I find that the site is sustainably located with various shops and services located within walking distance. Additionally, I note the presence of 2no. bus stops, one on each side of the road, located a modest distance away from the site. However, I have not been provided with any substantive details of the service. On balance, the above factors lead me to conclude that the proposed development would be in a suitable location, with reference to the housing strategy for the area. The development of the appeal site would represent an accessible location and maintain the vitality of rural communities and based on this particular circumstance, would weigh in favour of the site being an appropriate location for residential development.
18. For the reasons given above, I find that the proposed development would not conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development. Although there would be minor conflict with LP1 Policies SP7 and C5A, I have found that there would be no conflict with the Council's overall development strategy in LP1 Policies SP3 and SP4. Therefore, when the development plan is taken as a whole, I find the minor conflicts with LP1 Policies SP7 and C5A are clearly outweighed. Furthermore, the location of the proposed development can be considered sustainable as it would accord with guidance contained within Paragraphs 78 and 103 of the Framework.

Other Matters

19. I note representations from Fulford Parish Council and neighbouring occupiers who have also expressed a range of concerns on the application including, but not limited to the following: future development, wildlife, affordability, infrastructure, living conditions, amongst other things. However, I note that these matters were considered where relevant by the Council at the application

⁵ APP/Y3425/W/17/3181164 and APP/Y3425/W/17/3183468

stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

20. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 55 of the Framework and the Planning Practice Guidance (PPG). Conditions regarding reserved matters and time limits are required by statute.
21. In addition to conditions relating to the time limit for implementation and the approved plans, in the interests of the openness of the Green Belt and character and appearance of the area, I also consider it reasonable and necessary to impose a condition limiting the number of dwellings proposed. Whilst, I contemplated including volume limitations, on reflection, I am satisfied that a development of 7no. dwellings is highly unlikely to result in a scheme, in excess of the volume of the existing buildings and structures currently on site. Additionally, this aspect would be further controlled by the Council through the submission and assessment of a more detailed future Reserved Matters application.
22. In order to facilitate the proposal, and to ensure that it has an acceptable effect on the character and appearance of the area, it is necessary to impose a condition requiring the removal of the existing buildings on the site to enable the proposed development. A condition is necessary for the access, footway, surfacing materials and parking/turning arrangements in the interest of highway safety. A condition is necessary, if piling methods are to be used in the construction process in the interest of living conditions of neighbouring occupiers.
23. A condition is necessary for the development to be constructed in accordance with recommendations in the ecological report and survey in the interest of the natural environment and protected species. Additionally, pre-commencement conditions are necessary for the submission to, and approval by the Council of a Construction Method Statement and Construction Environmental Management Plan to ensure that the proposed development does not result in any adverse effects on highway safety and the living conditions of existing neighbouring occupiers.
24. I have included a condition for a vehicle charging point to be installed in the dwelling to give future occupiers the option for using electric powered vehicles to promote the use of alternative forms of transport.

Planning Balance and Conclusion

25. The provision of what is likely to be family homes would generate additional social benefits. In addition, there would be economic benefits for the locality, both during construction and occupation of the dwellings. I do not consider that the 7 no. dwellings as proposed by the scheme would harm the rural nature of the settlement or the aims of the SSH.
26. Although the proposal would conflict with LP1 Policies SP7 and C5A, it would nonetheless be in an accessible location and would not conflict with guidance in

the Framework. It would also likely result in the reduction of development on this Green Belt site, resulting in a moderate improvement to openness, and would make a modest contribution to the housing stock in the Borough.

27. Overall, I consider that there would be no adverse effects resulting from the proposed development that would significantly or demonstrably outweigh the benefits associated with the development. Therefore, in this instance there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan and planning permission should be granted.
28. For the reasons given above, the appeal should be allowed.

W Johnson

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 5602-003D and 5602-004A.
- 5) No more than seven dwellings shall be constructed.
- 6) The existing buildings on the site shall be demolished in full before any construction of new buildings commences.
- 7) The development hereby permitted shall not be brought into use until the access and footway has been provided in accordance with the approved plans.
- 8) The development hereby permitted shall not be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority: - Surfacing materials for the access road. - Layout of the site including disposition of buildings and provision of parking, turning and servicing within the site curtilage.
- 9) If piling work is proposed for the construction phase, in order to demonstrate the use of best practicable means, details shall be submitted to the local planning authority before construction commences to show sufficient justification for the use of driven piles over other piling methods.

- 10) The proposed development shall be carried out fully in accordance with the recommendations of the Preliminary Ecological Appraisal Report⁶ (PEAR) and The Bird and Bat Presence/Absence Survey⁷.
- 11) Prior to first use and occupation of the proposed dwellings bird boxes shall be installed in accordance with the recommendations and specifications outlined in the PEAR.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a site compound with associated temporary buildings;
 - the routing of construction vehicles to and from the site;
 - the removal of demolition materials from site;
 - the parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - measures to prevent the deposition of deleterious material on the highway including wheelwash facilities.
- 13) No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Council's Pollution Control Team
 - All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - There should be no burning on site during development
 - Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
 - Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.

⁶ Preliminary Ecological Appraisal (PEA) Report, undertaken by Evolution Ecology, dated 22 February 2018

⁷ Bat and Presence/Absence Survey Report, undertaken by Evolution Ecology, dated September 2018

- Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
 - Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- 14) Details of an Electric Vehicle Charging Point (EVCP) at each dwelling (as specified in a future accompanying Reserved Matters application) shall be first submitted to and approved in writing by the Local Planning Authority. The EVCP's shall then be implemented fully in accordance with the approved details prior to first use and occupation the dwellings, and thereafter maintained and retained for the life of the development.

End of Schedule