



Appeal Decision

Site visit made on 28 January 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/C4235/W/19/3239419

Land adjacent to Windyridge, 65 Bridle Road, Woodford, Stockport SK7 1QN

- 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 Abode Property Developments Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/073788, dated 17 June 2019, was refused by notice dated 5 September 2019.
 - The development proposed is the erection of two detached dwellings and associated access works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings and associated access works at land adjacent to Windyridge, 65 Bridle Road, Woodford, Stockport SK7 1QN in accordance with the terms of planning application Ref DC/073788, dated 17 June 2019, subject to the conditions in a schedule to this decision.

Procedural Matter

2. A planning obligation by agreement has been executed under the terms of section 106 of the Town & Country Planning Act 1990 (the s106 agreement). I shall return to this matter later in my decision.

Main Issues

3. The site is within the Green Belt. Accordingly, the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
 - 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 Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of limited infilling in villages.

5. Saved Policies GBA1.2 and GBA1.5 of the Stockport Unitary Development Plan Review (UDP) are inconsistent with the more recent Framework as they seek to impose greater restriction to housing and limited infilling within the Green Belt. In the circumstances, I attach greater weight to the provisions within the Framework. Policy DEV1 of the Woodford Neighbourhood Plan (2019) (NP) relates to the erection of buildings constituting limited infilling in the Green Belt and is consistent with the aims of Paragraph 145 of the Framework.
6. The prevailing character of the area is a network of rural roads featuring ribbons of primarily single depth residential development interspersed with agricultural fields. The appeal site is located at the end of a row of development on a semi-rural road and forms part of an agricultural field to pasture. Although the site lies outside of any defined settlement boundary, the main parties agree that the development site lies within close proximity to services and would reflect the existing linear pattern of development such that it would represent development within a village for the purposes of Paragraph 145. At the time of my site inspection I saw no reason to disagree with that conclusion.
7. There is no specific definition of 'limited infilling' within the Framework. Policy DEV1 of the NP describes it as a relatively small gap between existing dwellings for one or two dwellings. In this instance, the quantum of development would be consistent with that definition and this is agreed by the Council. However, the proposal would form a corner plot on the end of a row of development on the south-eastern side of Bridle Road. This is on account of the road turning through about 90° before it continues in a south-easterly direction.
8. Although there is no immediately bordering development on the southern arm of the road, the proposed location of the site is such that it would be read in conjunction with the existing row of development on the south-eastern side of Bridle Road along with the development on the opposite side of the road and a new housing estate on a former aerodrome to the west.
9. At the bend immediately to the west of the site, a pedestrian link exists providing access to the former airfield currently undergoing redevelopment to provide a significant area of new housing. Consequently, although the site would not be immediately adjacent to built development on its western side, due to a corridor formed by the roadway and an adjacent tree line, it would sit within a pocket of land essentially enclosed by residential development on three sides.
10. Whilst the plot would effectively have two frontages, the alignment of the proposed dwellings with the existing row of development on Bridle Road, as it continues from Bridle Way, would maintain the existing character of single depth-development on this part of the road. Consequently, it would have little impact on the more open character of the southern stretch of the lane and avoid isolated outward projection into open countryside. In its effect, the development of the site would complete the line of built development in a similar manner to that on the opposite side of the road at 66 Bridle Road. This would consolidate the existing pattern of residential development with the new housing area. Accordingly, it would appear as infill in this part of the village.

11. The Council has referred me to a number of appeal decisions¹ relating to other sites in the locality. These provide examples of failed attempts to obtain planning permission under the Paragraph 145 e) provision. However, those examples are not directly comparable to the circumstances of the appeal development in terms of their context and, as I am required to do, I have determined this appeal on its individual planning merits.
12. For the above reasons and having regard to the specific circumstances of this case, I conclude that the development would comprise limited infilling within a village under the terms of Paragraph 145 e) of the Framework. It would not, therefore, constitute an inappropriate form of development in the Green Belt in the context of Paragraph 145 of the Framework and policy DEV1 of the NP which, of the policies referred to me, is the most relevant. Accordingly, very special circumstances are not required to justify the development.

Openness

13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Pursuant to the finding in the case of *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1)* [2016] EWCA Civ 404, as I have found that the proposal would constitute limited infilling in a village and therefore would not be inappropriate development in the Green Belt, I conclude that the openness of the Green Belt would not be unduly harmed.

Other matters

14. Although third parties express concern over the proposed appearance of the dwellings, the main parties agree that the scale and design of the development would suitably reflect the character and appearance of development on Bridle Road. Acknowledging the variation of house types, layout and sizes in the locality, I find no reason to disagree with that conclusion.
15. The plot layouts provide suitable means of pedestrian and vehicular access and a number of parking spaces commensurate with the scale of the proposed dwellings. Notwithstanding the quiet and narrow nature of the lane, the level of traffic generation would not, in my view, prejudice highway safety and capacity in the locality. This is a view shared by the Council's highway engineer.
16. The site is currently agricultural land, however, the evidence before me indicates that it falls within Class 3B of the Agricultural Land Classification. As such, its development would not result in the loss of best and most versatile farmland as defined by the Framework.
17. Under the terms of the Framework, any loss of biodiversity value arising from the removal of existing hedges from the site will require mitigation. I am satisfied that this can be secured through a suitably worded planning condition requiring the agreement of landscaping details for the site.

Section 106 Agreement

18. The appellant has provided a copy of a completed and signed legal agreement which makes prior provision for the payment of £9,010.00 as a commuted

¹ APP/C4235/W/19/3230344, APP/C4235/W/15/3002586 and APP/C4235/W/18/3196504

sum, as a contribution to the enhancement and maintenance of public open space infrastructure in the locality. This is required for the provision of new and/or enhancement of existing public open space arising from the increased demand generated by the prospective occupation of the dwellings in accordance with Policy SIE-2 of the Stockport Metropolitan Borough Council Core Strategy Development Plan Document (March 2011) and the Open Space Provision and Commuted Payments Supplementary Planning Document (September 2019).

19. I find the Agreement is required in accordance with the tests set out in Regulation 122 (2) of the Community Infrastructure Levy regulations 2010 and Paragraph 56 of the Framework and is suitably fit for purpose.

Conditions

20. The Council have suggested several conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance (PPG). I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity.
21. In addition to the standard time limit condition, I have imposed conditions specifying the relevant drawings as this provides certainty.
22. In the interests of protecting the character and appearance of the area, I have imposed a condition requiring details of external materials of the buildings and landscaping. Conditions, including the landscaping condition, are attached to protect biodiversity interests on and about the site. To consider the living conditions of nearby residents, details of any means of enclosure are also required.
23. A condition is necessary to require the provision of access, parking and vehicle charging points.
24. In the interests of flood risk and appropriate management of water, I have imposed conditions requiring prior approval of separate foul and surface water drainage schemes.
25. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The PPG states that restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. In the absence of case specific justification I conclude that such a condition would not meet those tests in this instance.

Conclusions

26. For the reasons set out above, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of conditions for planning permission DC/073788

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19-013 (EXT)450; 19-013 (FPL)400; 19-013 (FPL)222; 19-013 (FPL)P1-20; 19-013 (FPL)P1-10; 19-013 (FPL)P1-11; 19-013 (FPL)P2-20; 19-013 (FPL)P2-10; and, 19-013 (FPL)P2-11.
- 3) No development above damp proof course level shall take place until details of all external facing and roofing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 4) Foul and surface water shall not be drained other than in separate systems.
- 5) No development shall take place until a detailed surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall:
 - (a) incorporate SuDS and be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions;
 - (b) include an assessment and calculation for 1 in 1yr, 30yr and 100yr critical storm events (+ 40% climate change figure) showing flood exceedance routes.
 - (c) be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards; and
 - (d) shall include details of ongoing maintenance and management.

The development shall be completed and maintained in full accordance with the approved scheme.

- 6) A scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, the materials to be used on the hard surfaced areas and the boundary treatments. The approved landscaping scheme shall be carried out within 6 months of the date of occupation of the building or substantial completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written approval to any variation.
- 7) The development hereby approved shall not be carried out other than in accordance with best practice reasonable avoidance measures (RAMS) in relation to the protection of Great Crested Newts (GCN). This includes storing any materials on raised pallets so as not to create GCN refuge areas; and, the back filling or covering of excavations overnight or the provision of earth ramps left in the trench overnight to allow GCN to easily climb out.

8) No vegetation clearance should take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds' nests immediately before vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site. Any such written confirmation shall be submitted to the local planning authority prior to the removal of vegetation within that period.

9) No dwelling hereby approved shall be occupied until its means of access has been constructed including the provision of visibility splays in accordance with approved drawing 19-013(FPL)400 and is available for use. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow within the visibility splays hereby approved. The access points shall be retained and be available for use for the planned life of the development.

10) No work shall take place in respect to the construction of the approved driveways until details of the construction, drainage and surfacing of the driveways have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until its driveway has been constructed in accordance with the approved drawings and the driveways shall then be retained and remain available for use for parking of vehicles at all times thereafter.

11) No dwelling hereby approved shall be occupied until it has an electric vehicle charging point that has been provided in accordance with details that have been submitted to and approved in writing by the local planning authority and is available for use. The charging points shall thereafter be retained (unless replaced with upgraded charging points in which case the replacement charging point should be retained).

End of schedule