



Appeal Decision

Site Visit made on 13 October 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2020

Appeal Ref: APP/B3438/W/20/3256859

Newfold Farm, Sytch Road, Brown Edge ST6 8QX

- 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 Slater against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2020/0095, dated 21 February 2020, was refused by notice dated 16 July 2020.
 - The development proposed is demolition of existing building yard sheds and the erection of 2no. residential properties.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that the policies from their Core Strategy Development Plan Document (2014) referred to in the Officer Report and Decision Notice have been superseded by policies from the Staffordshire Moorlands Local Plan (Adopted 9 September 2020) (LP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policies SS10 and H1 of the LP are relevant to the determination of the appeal. The appellants are aware of the policies in the LP and have had the opportunity to comment upon their relevance to the appeal.

Main Issues

3. The main issues are: -
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposal is consistent with development plan policies relating to housing in rural areas; and
 - if the development is inappropriate within the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The National Planning Policy Framework 2019 (the Framework) sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The LP reiterates this stance in Policies H1 and SS10. In particular, the latter states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.
6. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. Moreover, paragraph 145(g) refers to the 'limited infilling or the partial or complete redevelopment of previously developed land'.
7. The main parties agree that the appeal site would qualify as previously developed land; and the proposal would involve its redevelopment. However, the conclusion on whether the proposal would accord with this exception, and not be inappropriate development, would hinge on if the proposal would not have a greater impact on the openness of the Green Belt than the existing development. I shall come to this point in the next main issue.

Openness

8. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof being their openness and permanence. The physical presence of built forms may affect openness, which can also have a visual element.
9. The majority of the appeal site is currently occupied by a large rectangular single-storey flat-roofed building that abuts the boundaries of the site to the north, east and west. The building varies in height but does not project any higher than four metres. The proposal is for two detached two-storey houses, each with gables and single-storey projections to either end. The first-floor accommodation would be within the roof space and the ridge of the houses would be to a height of 6.1m.
10. Although the proposed houses would be separated by a gap of just under four metres, the scale and height of the built form within the site would increase considerably. Together with the garden areas proposed to the north of the site, and the domestic paraphernalia therein, the proposal would be clearly discernible in the publicly available views of the site, particularly from the north and east. For these reasons, the proposed development would have a greater and more adverse impact on the openness of the Green Belt in both visual and spatial terms. The appeal scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.

11. I appreciate that there is planning permission on the site for two single-storey houses¹, and I will cover the implications of this approved scheme in the section relating to 'other considerations'.

Location of development

12. The site is situated within the open countryside, as defined by Policy H1 of the LP. Notwithstanding the requirements of national Green Belt policy, Policy H1 suggests that only certain forms of housing development will be permitted in such areas. In the case of the appeal scheme, the site is previously developed and there is no substantive evidence before me to suggest that it would be of high environmental value. With this in mind, I conclude that the proposal would accord with the aspects of Policies SS10 and H1 of the LP that relate to the location of housing development in the open countryside. Matters relevant to the consideration of Green Belt are dealt with above and below.

Other Considerations

13. At the time of the planning application the Council was not able to demonstrate a five-year supply of deliverable housing sites (5YHLS). In accordance with the requirements of paragraph 74 of the Framework, on the adoption of the LP, the Council can now demonstrate 5YHLS. However, I am mindful of the support offered in the Framework to the Government's objective to significantly boost the supply of homes but the approved scheme already contributes two homes to the 5YHLS in the district, so the weight afforded to this benefit would be limited.
14. The economic benefits that would arise from, for example, employment and procurement of materials during the construction period and the contribution of future occupiers to local services and facilities through expenditure in the local economy, would also be likely to be similar in scale and kind to those that would be forthcoming by virtue of the approved scheme, and the site remains in an accessible location. However, the approved scheme will not result in the same harms identified with the appeal scheme.
15. I am also mindful that there is agreement between the parties that there would not be harm emanating from the proposal to the living conditions of occupiers of neighbouring houses and the safety of users of the highway. The absence of such harms would have a neutral impact that would neither weigh in favour or against the appeal scheme.
16. The approved scheme is for two houses, the height of which would closely resemble houses predominantly found in the locality. The same could not be said of the proposed houses, which would be taller than those found to the north and east. For this reason, I afford limited weight to the argument that the appeal scheme would enhance the character and appearance of the area to a greater extent than the approved scheme.
17. In comparing the approved scheme as a 'fallback position', the proposed arrangements for parking and garden areas and any domestic paraphernalia therein would be similar. I also accept that the footprint of the proposed dwellings would be smaller and more widely spaced from one another than in the approved scheme. The proposal would therefore result in no greater impact on the openness of the Green Belt in spatial terms. Nevertheless, the ridge of

¹ Planning Reference: SMD/2019/0382.

the proposed dwellings would set to a greater height with a steeper pitch. Given their overall height and scale, the proposed dwellings would be of greater prominence and therefore have a more harmful impact on the openness of the Green Belt in visual terms.

Planning Balance and Conclusion

18. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness which gives rise to additional harm. These harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.
19. Paragraph 144 of the Framework advises that substantial weight should be given to any harm 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 resulting from the proposal, is 'clearly outweighed by other considerations.'
20. The other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
21. Despite the location of the proposed development according with the relevant parts of corresponding development plan policies, the proposal would be contrary to those elements of the development plan that refer to development in the Green Belt. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR