



Appeal Decision

Site Visit made on 2 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/C4235/W/20/3259535

46 Spath Lane East, Cheadle Hulme, Cheadle SK8 7NL

- 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 Goehler against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/076547, dated 16 April 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the erection of 1 no detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's third reason for refusal concerns the failure to make provision for recreation and amenity open space for the proposed development. Since the original decision and the lodging of the appeal, a Section 106 Agreement to secure the necessary contribution has been completed and signed by the relevant parties. The Council have commented that they no longer wish to defend this reason for refusal. I have no reason to form a different view and accordingly will determine the appeal on the basis of the remaining reasons for refusal.

Main Issues

3. The main issues are:
 - Whether the appeal development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework including the effect on openness;
 - The effect of the proposed development on the character and appearance of the area;
 - If the appeal development is inappropriate development, 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 it.

Reasons

Site and proposal

4. The appeal site comprises part of the garden of 46 Spath Lane East which is a two-storey detached dwelling. It is located in a street of residential properties

of various styles, that are set in their own landscaped grounds. The area has a distinct semi-rural character that is reflected in the prominent landscape features in the street scene and, save for the background noise of the nearby road, a relatively tranquil setting.

5. The application was in outline with all matters reserved.

Whether or not inappropriate development in the Green Belt including the effect upon openness

6. 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. The Framework outlines that 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 g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. For this exception, the development must not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Saved Policies GBA1.2 and GBA1.5 of the Stockport Unitary Development Plan Review (2006) restrict new buildings in the Green Belt to a limited number of exceptions that are in general accordance with the aims of the Framework.
7. The appellant considers that as the proposed development would be located on previously developed land it would comply with exception g). Although the proposal would satisfy this element of the exception, it is also required not to have a greater impact on the openness of the Green Belt.
8. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. Although there is a relatively dense hedge around the appeal site, the proposal to construct a dwelling, where there is currently none, cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms, and thus cause harm. Despite having no details in relation to scale, appearance or layout, I consider that given there is no development currently on site, the harm to the openness of the Green Belt from a spatial aspect that would be caused by a new dwelling, would be significant.
9. The development would be located to the side of the existing residential property which forms the last property in the street. Although the hedge would screen part of the development, it would be unlikely to screen it entirely. I observed on my December site visit that some views through the hedge were permissible. Due to its height, the hedge would also fail to screen any upper floors or roof of the dwelling. Consequently, again despite having no details in relation to scale, appearance or layout, I consider that given there is no development currently on site, the harm to the openness of the Green Belt from a visual aspect that would be caused by a new dwelling, would be significant.
10. The Design and Access Statement refers to a two-storey dwelling being proposed; however, I consider that this greater impact would ensue regardless

of whether the dwelling was single or two storey. This is despite having no details in relation to scale, appearance or layout.

11. I therefore consider that in both spatial and visual terms the proposal would cause significant harm to the openness of the Green Belt and thus have a greater impact than the existing situation. Furthermore, in doing so the scheme also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Collectively, I give this harm substantial weight.
12. For these reasons, the proposal would not constitute one of the exceptions outlined in the Framework and would therefore be inappropriate development in the Green Belt.

Character and appearance

13. As outlined, the appeal site is located in a large residential garden. The street on which the appeal site is located contains a number of large properties set within landscaped grounds. The host property, 46 Spath Lane East, has one of the larger gardens in the area. I find that the size of both of the curtilages that would be formed as a result of the development, neither would be out of character with the area or harm the character and appearance of the area in this regard.
14. I have considered the impact of the development on the openness of the Green Belt above. Notwithstanding the impact on the Green Belt, I find that whilst the garden is a pleasant feature of the property and the surrounding area, it is not of such significance that the partition and resulting development involving the creation of one dwelling should be prevented on the basis of its impact on the character and appearance of the area.
15. Matters of scale, appearance, layout and landscaping are reserved for future approval, and I am satisfied that the application of local and national policies that are applicable to these matters would result in a form of development that would not cause harm to the character and appearance of the area.
16. The proposal would therefore comply with Policy LCR1.1 of the Stockport Unitary Development Plan Review (2006) which requires, amongst other things, that development in the countryside should protect or enhance the quality and character of the area and be sensitively designed in a manner appropriate to the area.

Other considerations

17. The appellant has referred to the possibility of erecting a substantial outbuilding on the site using permitted development rights. The appellant does however recognise that this would not give rise to a building of the mass envisaged for a new dwelling.
18. Given the significant differences between the construction of an outbuilding, incidental to the host property, using permitted development rights, and the appeal proposal for a new dwelling, I find little comparison between the two to give this argument significant weight. In any event, no comparable evidence has been provided for me to compare the impacts. I have also determined the appeal on its own individual planning merits.

19. It is put forward that the proposal would contribute to meeting an undersupply of housing in the area. I consider that the unmet demand, which in this instance would be contributed to by one additional dwelling, is not such that would outweigh the harm to the Green Belt. The undersupply of housing may be a temporary situation, whereas the harm caused by the development to the Green Belt would be permanent. The additional housing therefore has moderate weight.

Planning Balance

20. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues by stating 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.
21. The proposal would constitute inappropriate development in the Green Belt. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, significant harm would be caused to the openness of the Green Belt and the purposes of including land within it. Although, notwithstanding the Green Belt considerations, no harm would be caused to the character and appearance of the area, having considered all matters raised in support of the proposal, including the creation of an additional dwelling in relation to an undersupply in the area, I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. Therefore, the proposal would be contrary to Saved Policies GBA1.2 and GBA1.5 of the Stockport Unitary Development Plan Review (2006) which restrict new buildings in the Green Belt to a limited number of exceptions, none of which apply in this instance. The proposal would also be contrary to the Framework.

Other Matters

23. The appellant has referred to the Council's statement under article 35(2)¹. This statement appears on the Council's decision notice; however, it is not a reason for refusal, nor is it pertinent to the main issues. These are not relevant matters for the appeal process and in determining the appeal I have only had regard to the planning merits of the proposal.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR

¹ The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)