



Appeal Decision

Site Visit made on 22 June 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/B3438/W/21/3271925

Wildacres, Consall Lane, Consall ST9 0BE

- 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 & Mrs A & S Wardle against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2020/0693, dated 9 December 2020, was refused by notice dated 10 March 2021.
 - The development proposed is a single self-build dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

(i) Whether the proposal would be inappropriate development in the Green Belt including the effect on its openness.

(ii) Whether the proposal would be suitably located having regard to the sustainable development requirements of the Staffordshire Moorlands District Council Local Plan (2020) (LP) and national policy.

(iii) If the proposal would be 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 or not inappropriate in the Green Belt

3. Policy SS10 (Other Rural Areas Strategy) of the Staffordshire Moorlands District Council Local Plan (2020) (LP) confirms amongst other things that strict control will be exercised over inappropriate development within the Green Belt allowing for exceptions as defined by Government policy.
4. The Government attaches great importance to Green Belts and the construction of new buildings within the Green Belt should be regarded as inappropriate development other than where it falls under any of the exceptions set out at paragraphs 145 and 146 of the National Planning Policy Framework (the Framework). The exceptions include amongst others 145 g) limited infilling or the 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.

5. The dwelling would be located on previously developed land currently occupied by a tennis court. Even accounting for the hard surfacing and boundary mesh fence, the tennis court retains relatively open characteristics devoid of any buildings. The volume of the dwelling would undoubtedly affect openness in spatial terms. Part of the tennis court would also be replaced by a soft landscaped garden. However, this would be counterbalanced to some degree by the likely necessity to provide a more substantial surface to the proposed access drive which is of substantial length and currently comprises of a mainly grassed track.
6. From a visual perspective, the dwelling would be a significant distance from the nearest publicly accessible vantage points and would be substantially screened by surrounding vegetation and buildings at Wildacres. However, there are gaps in the vegetation to the south eastern boundary that have the potential to facilitate distant views of the dwelling from the opposing hillside.
7. Taking both the spatial and visual factors into consideration, I conclude that the proposal would result in moderate harm to the openness of the Green Belt and this impact on openness would be greater than that associated with the existing development. Therefore, the proposal would not meet any of the exceptions in the Framework and constitutes inappropriate development in the Green Belt. In that regard it would conflict with the aims of including land within the Green Belt when assessed against the relevant policy in the development plan and the Framework.

Whether the proposal would be suitably located

8. The Framework sets out a presumption in favour of sustainable development. It confirms amongst other things that the planning system should be genuinely plan-led and should promote sustainable transport options.
9. Policy SS 10 of the LP seeks to limit new build housing development outside the development boundaries of the District's towns and villages to that which has an essential need to be located in the countryside and to rural exceptions housing. Policy DC1 (Design Considerations) of the LP requires amongst other things that new developments are well integrated for car, pedestrian and cycle use as well as other sustainable transport links. In these respects the LP is consistent with the sustainable development requirements of the Framework.
10. There is no substantive evidence before me to indicate that there is an essential need for a dwelling in the countryside nor would the proposal fall under the definition of affordable housing in order to qualify as a rural exception.
11. The appeal site is located next to existing dwellings at Wildacres and The Lodge Bungalow. However, the site does not sit within a recognisable settlement, village or hamlet. There is no public footpath on Consall Lane. The nearest public transport options and services and facilities to meet day-to-day needs are not conveniently located and the distances involved are unlikely to encourage cycling or walking. It is therefore likely that occupants of the development would be heavily reliant on the use of the private motor vehicle for the majority of day-to-day trips.

12. For the above reasons, I conclude that the site is isolated in the terms described in the Framework and a new dwelling in this location would not accord with the sustainable objectives of the LP and the Framework.

Other Considerations

13. Paragraph 131 of the Framework states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability. Whilst not unattractive, the dwelling would be of a relatively simple form and layout. The evidence before me indicates that the dwelling would be based on Passive House principles and would incorporate energy efficient technologies including triple glazing, mechanical ventilation, air source heat pumps, solar photovoltaic systems, rainwater harvesting and energy storage. The incorporation of such environmentally sustainable technologies would be commendable. However, the features proposed are relatively well-known techniques for achieving sustainable construction. Overall, I do not find the proposal would be of an outstanding or innovative design.
14. The evidence before me indicates that the proposal is for a self-build dwelling for the appellants who wish to downsize. The Framework recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. The provision of one self-build dwelling has the potential to make a limited but important contribution towards the housing mix and the need for such plots in the area.
15. However, there is no substantive evidence before me to suggest that the proposal would meet unmet demand on the Council's self-build register. Furthermore, a planning obligation to secure a self-build dwelling has not been provided. This would be the appropriate mechanism to ensure the development of the dwelling would meet the legal definition in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). These factors greatly diminish the positive weight which I afford to the potential provision of a self-build house.
16. The appellant's submission indicates that the development would incorporate the planting of trees, hedges and a wildflower area. The Preliminary Ecological Appraisal (Elite Ecology September 2020) provided also recommends amongst other things that a pond is incorporated into the scheme of works. However, the precise details of such measures and any potential biodiversity net gains are not before me. I am therefore not convinced that any benefits to biodiversity would be of a significant magnitude in this instance.
17. The appellant has provided a copy of an appeal decision¹ which granted planning permission for residential development in the Green Belt. However, that particular decision included amongst other things the demolition of substantial buildings within a former agricultural complex and their replacement with buildings of a substantially reduced built form. The other considerations in that particular instance also included amongst other things the viable use of the site, the design approach which took an innovative approach to replicating the form of the agricultural structures on the site in addition to renewable energy technologies and the benefits of the proposal for the appearance of an Area of Outstanding Natural Beauty (AONB). Therefore, I

¹ Appeal Ref APP/X0415/W/19/3233363

do not find the material considerations in that particular appeal comparable to the proposal before me.

18. I have seen the third-party support for the proposal as well as the comments of the appellants made during the planning application process. In the latter instance reference is made to other developments that have taken place in the Green Belt in the Consall area. However, I am unaware of the full details of those particular developments and have assessed the proposal on its own merits.

Conclusion

19. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. In addition, I have found that the development would result in moderate harm to the openness of the Green Belt. The development would not be sustainably located, a matter which adds further weight against the proposal. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome.
20. The other considerations advanced would collectively carry moderate weight in favour of the proposal. However, in conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by these other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
21. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR