



Appeal Decision

Site Visit made on 13 July 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/P3420/W/21/3273335

Land adjacent to Park House, Dales Green Road, Mow Cop ST7 4RJ

- 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 Gary Baskerville against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 20/00728/FUL, dated 4 September 2020, was refused by notice dated 2 November 2020.
 - The development proposed is a new 3 bed detached dwelling with integral garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect of the proposal on openness;
 - the effect of the proposal on highway safety;
 - whether this location would offer a genuine choice of sustainable modes of transport to the future occupiers of the development; and
 - is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations and if so, does this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development?

3. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions, of which one is limited infilling in villages. Policy S3 of the Newcastle-under-Lyme Local Plan is generally consistent with the Framework. One of the exceptions listed in that policy also allows for infilling, but only within the village of Keele.
4. The site comprises an area of garden to the side of Park House which is the last dwelling in a row of houses stretching north along Dales Green Road. To the south and the rear of the site there is open pasture. Consequently, the

development of the site could not constitute infilling as it would not comprise the filling in of a gap between built form.

5. Another exception in paragraph 145 is the development of affordable housing for local community needs under policies set out in the local development plan. The appellant suggests the development could constitute this exception, and highlights Policy CSP6 of the Newcastle Under Lyme and Stoke on Trent Core Strategy as providing support for affordable housing on sites adjoining a village. However, there is no indication that the proposed dwelling would be affordable as defined by the Framework, nor is there any formal mechanism to ensure that. Furthermore there is no evidence of a local need for affordable housing, as required by policy CSP9 and the Framework. As such the proposal could not fall within this exception either.
6. As such, the proposal would conflict with Policy S3 and paragraph 145 of the Framework as it would not fall into any of the exceptions listed therein. It is therefore inappropriate development.
7. Paragraphs 143 and 144 of the Framework say that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness

8. Although the development would be in an existing domestic garden and would be just one dwelling, it would nonetheless reduce the openness of the Green Belt. This would be in a spatial sense, as it would involve the erection of a building on an area of land which is currently devoid of built form, and in a visual sense as some views from the road towards the landscape behind would be obscured by the dwelling. Overall, the proposal would have a significantly harmful effect on the openness of the Green Belt, to which substantial weight should be given.

Highway safety

9. The proposed access would require a visibility splay measuring 2.4m x 43m. From the plans provided the southwards splay is achievable due to the presence of a pavement which allows the splay to remain unobstructed. To the north there is no pavement and so the splay would cross over private land that is not owned by the appellant. There is no mechanism to ensure this land will be kept free of obstruction. Indeed, at my site visit I saw that there were boundary walls either side of the alleyway between Nos. 2 and 4 that were around 1m high as well as tall bushes in the front garden of No.4, all of which would be within the splay and would obstruct visibility from the access.
10. The slope of the road could mitigate for this if it was possible to see oncoming traffic coming down the hill above any obstruction. However, it would not be possible to limit the height of features in front of these neighbouring houses and the obstructions currently in situ, particularly the vegetation at No. 4, is of such a height that the incline of the road provides no mitigation.
11. The lack of a sufficient visibility splay means cars exiting the site, even in forward gear, would not have sufficient visibility of traffic coming down the hill from the north and vice versa. This would be to the detriment of highway safety. The development therefore would conflict with paragraph 108 of the Framework which says that safe access to sites should be achieved.

Location

12. Mow Cop does not appear as a compact settlement and instead it primarily clings along the main roads through the settlement in ribbon form. Dales Green Road is part of this pattern and the houses on it, starting with Park House, run continuously up the hill to the junction with Mow Cop Road which then connects to the centre of the settlement. There is not an extensive range of services focussed in the centre of Mow Cop, but across the settlement there is a school, some pubs, churches, a community hall and a small convenience shop. Some of these are a fairly long walk from the site and reaching them would involve an uphill walk and, in part, along a short stretch of Dales Green Road without a pavement. Nonetheless, the dwelling would feel part of the settlement and access to these services for the occupiers of the development would be reasonable for residents of a sprawling rural settlement like this and comparable to their neighbours on this part of Dales Green Road. Moreover, there are bus stops a short distance both up and down the hill from the site providing a sustainable mode of transport to the larger towns further afield.
13. Consequently although not within a defined village envelope, the site would have reasonable access to services by sustainable modes. I acknowledge my view appears to differ from that reached by the Inspector of an appeal for a detached house on the opposite side of Dales Green Road¹. However that decision pre-dates the current iteration of the Framework and related to a site which seems to be slightly further from Mow Cop than this site, so is not directly comparable.
14. I consider the proposal would align with the Framework which, in paragraph 103, supports development in locations which offer a genuine choice of transport modes whilst noting that opportunities to maximise sustainable transport solutions will vary between rural and urban areas.

Other considerations

15. The Framework states that inappropriate development should not be approved except in very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.
16. The proposed dwelling would be for the appellant and his wife whose father lives at Park House. At present Mrs Baskerville travels twice a day from her home in Kidsgrove to Park House to provide care for her father. The development would therefore reduce her car journeys and would allow Mrs Baskerville to continue to provide care. However it has not been demonstrated that there is no other way to enable Mrs Baskerville to live close to her father or which would be more harmful to the Green Belt than the proposal before me. I therefore give limited weight to this personal circumstance. I note the assertion that the house would not be sold on the open market and would pass on to the appellant's own children, but this could not be ensured and so is of no benefit to the proposal.
17. The Council have demonstrated that they now have a five years supply of housing land. As such paragraph 11 d) of the Framework is not engaged.

¹ Ref APP/P3420/W/17/3184282

Green Belt balance

18. I find that the other considerations in this case do not clearly outweigh the harms to the Green Belt by virtue of its inappropriateness and to openness, and the harm to highway safety. The fact that the development would have access to a choice of sustainable modes of transport carries neutral weight in the balance. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

A Owen

INSPECTOR