



Appeal Decision

Site visit made on 26 July 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/C4235/W/21/3270672

Moorend Farm, 181 Woodford Road, Woodford, Stockport SK7 1QE

- 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 and Mrs P and B Holmes against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/077533, dated 23 July 2020, was refused by notice dated 21 January 2021.
 - The development proposed is erection of one infill dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one infill dwelling at Moorend Farm, 181 Woodford Road, Woodford, Stockport SK7 1QE in accordance with the terms of the application Ref DC/077533, dated 23 July 2020, subject to the attached schedule of conditions.

Procedural Matters

2. All matters are reserved except for access, layout and scale. Appearance and landscaping are reserved matters for future approval. I will proceed on the basis that details shown on the submitted drawings in respect of matters that are reserved for future approval are for illustrative purposes.
3. Since the application was determined, a revised version of the National Planning Policy Framework (the 'Framework') has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. The main parties did not have any comments on this matter.
4. During the course of the appeal, the appellant submitted a S106 agreement. The Council was given the opportunity to comment on any relevant implications for the appeal and thus have not been prejudiced. The Council did not have any comments on this matter. I have had regard to the S106 agreement in my decision.

Main Issues

5. The main issues are:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - ii. The effect of the proposal on the openness of the Green Belt;

- iii. Whether the proposal makes adequate provision for recreation and amenity open space; and
- iv. If the development is inappropriate, 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

- 6. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. This includes e) limited infilling in villages.
- 7. Saved Policies GBA1.1, GBA1.2 and GBA1.5 of the Stockport Unitary Development Plan (2006) (UDP) set out forms of development which would not be inappropriate in the Green Belt. These policies are more restrictive than Policy DEV1 of the Woodford Neighbourhood Plan 2018-2033 (2018) (NP) and the approach set out in the Framework. In line with paragraph 219 of the Framework, I concur with the main parties that as these UDP policies are not consistent with the Framework they should be given limited weight.
- 8. The appeal site is located within a village and this is not disputed by the main parties. The main issue, in this regard, therefore relates to whether the proposal amounts to limited infilling. I note that the appellant has provided a Counsel opinion to demonstrate that the proposal represents infill within a village.
- 9. The Framework does not define limited infilling. However, Policy DEV1 of the NP sets out that limited infilling should comprise the completion of an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene where the scale of development is compatible in character to that of adjoining properties.
- 10. Although there is a gap between 181 and 201 Woodford Road, there is an otherwise continuous built up frontage along the eastern side of the road. I observed on my site visit that Woodford Road is characterised by large dwellings located within substantial plots. The size of the proposed plot would be similar to other plots within Woodford Road.
- 11. I noted on my site visit that there is a large gap between the two-storey element of No 201 and the appeal site. However, No 201 has a large double garage adjacent to the boundary.
- 12. A similar scheme, to that proposed, was refused and dismissed at appeal at the appeal site¹. The two main parties dispute whether the garage was built when the appeal decision was made. The Inspector stated that the proposed garage would be of limited height and would not significantly alter the perceived openness of the side garden. I note that the Inspector used the phrase 'the proposed garage' consequently, based on the evidence submitted, I do not consider that the garage had been erected. Thus, the Inspector could not fully

¹ APP/C4235/W/15/3002586

assess the proposal's relationship with the garage and since that decision the NP has been made.

13. No 201's garage is smaller in height and scale than the main two-storey dwelling. In addition, the boundary treatment does to a degree screen the garage and it is less visually dominant than the main dwelling when viewed from public vantage points. Nonetheless, the garage does erode the gap between the appeal site and the main dwelling of No 201. The garage results in a continuation of built development to the side boundary and the proposed dwelling would be read in conjunction with the existing built up frontage along the eastern side of Woodford Road.
14. Both main parties have drawn my attention to the residential development at the former golf course and driving range². Based on the evidence submitted, the approved houses will be in a similar position to the previous buildings, with a smaller footprint and would be no higher than the previous buildings. Nonetheless, it would alter the character of that site to residential. The access to this site would be between the appeal site and No 201.
15. Given the context of the surrounding area where dwellings are situated within large plots, the dwelling would be seen to have built development to either side of the plot. The access to the former golf driving range would be relatively small. The proposal would therefore fill a space in an otherwise continuous and largely interrupted built frontage.
16. The appellant and Council have drawn my attention to a number of appeal cases and applications determined by the Council. The context of these sites cannot be directly compared to the case before me. In any event, each appeal and planning application must be determined on its individual merits.
17. For the reasons given above, the proposed development would be limited infilling in a village. Whilst the proposal would not strictly accord with saved Policies GBA1.1, GBA1.2 and GBA1.5 of the UDP, it would accord with Policy DEV1 of the NP, which, I consider, is the most relevant development plan policy, and contemporary advice within paragraph 149 e) of the Framework. I therefore conclude that the proposal would not be inappropriate development in the Green Belt.

Openness

18. As I have found that the proposed development would not be inappropriate development in the Green Belt, there is no requirement for a subsequent assessment of the effect of the development on the openness of the Green Belt, or the impact on Green Belt purposes.

Open space provision

19. Saved Policy L1.2 of the UDP and Policy SIE-2 of the Core Strategy DPD (2011) (CS) seek to ensure that applications for small new residential developments contribute towards the provision of open space for formal and casual recreation and children's play as there is a shortfall for such facilities within the Borough.
20. In order to comply with these Policies a commuted sum payment calculated in accordance with the Council's Open Space Provision and Commuted Payments

² DC070971, DC075538 and DC076298

Supplementary Planning Document (2019) (SPD) is required which should be secured by way of a S106 agreement.

21. The Council state in their appeal statement that the payment of £3,604 secured by way of a S106 agreement will address and overcome this reason for refusal. As set out in the procedural section above, the appellant has submitted a S106 agreement.
22. Even though the proposed development is for one dwelling, 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 57 of the Framework and is suitably fit for purpose given the identified need set out within local planning policy and the SPD.
23. For the reasons above, given the completed and signed S106 agreement, the proposal would adequately make provision for recreation and amenity open space in accordance with Policy SIE-2 of the CS, saved Policy L1.2 of the UDP and SPD.

Other Considerations

24. Given that the proposed development would not amount to inappropriate development in the Green Belt, there is no need for me to assess other considerations, and whether very special circumstances exist in order to justify the development.

Other Matters

25. The main parties agree that the Council cannot demonstrate a five year supply of deliverable housing sites. The Framework is clear that in such circumstances, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Land designated as Green Belt is included within the list of policies that protect areas or assets of particular importance and which provide a clear reason for refusing the proposed development.
26. The proposal would not be inappropriate development. Thus, the Framework, as a material consideration, does not provide a clear reason for refusing the development. The adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits, which include the contribution to housing supply.
27. I note the general comments and concerns raised by Woodford Neighbourhood Forum. Appearance and landscaping are reserved matters for future approval. I am satisfied that a dwelling in this location could be accommodated on the appeal site without causing harm to the character and appearance of the area. I also acknowledge their comments regarding surface water management and this matter can be addressed through a planning condition.
28. I also note that the comments received by the Highways Engineer have been addressed by way of an amended plan and therefore there are no highway safety issues.

Conditions

29. The appellant states that they agree to all of the conditions suggested by the Council, including pre-commencement conditions. I have assessed the suggested conditions in light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision.
30. The conditions relating to the detailing of the reserved matters and to accord with the approved plans are necessary for clarity.
31. In the interests of residential and visual amenity conditions relating to boundary treatment and refuse storage are necessary. I also consider conditions relating to access, driveways and parking to be necessary to ensure that adequate and useable means of access and parking are provided.
32. Conditions requiring details of an electric charging point and cycle parking are also reasonable and necessary in order to encourage sustainable solutions and to reduce the impact of vehicular emissions, in line with the Framework.
33. To ensure satisfactory drainage of the site, conditions are required to control foul and surface water drainage of the site. Furthermore, to protect the ecological interest of the site, a condition is necessary to protect nesting birds.
34. The Council suggested a condition removing permitted development rights. Such a condition rarely meets the tests of reasonableness and necessity. Based on the evidence submitted, this condition has not been justified and thus is unreasonable and not necessary.

Conclusion

35. For the reasons given above the appeal should be allowed.

L M Wilson

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 20-260-LP A, Proposed Site Plan 20-260-01 D, Site Plan Siting and Massing 20-260-02 B.
- 5) The development hereby permitted shall not be occupied until details of boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the dwelling is occupied and retained thereafter.
- 6) The development hereby permitted shall not be occupied until the means of access, driveways and parking areas to both the dwelling hereby approved and the adjoining existing dwelling (Moorend Farm, 181 Woodford Road) have been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall be retained and remain available for the intended use at all times thereafter.
- 7) The development hereby permitted shall not be occupied until details for an electric vehicle charging point has been submitted to and approved in writing by the local planning authority. The charging point shall be carried out in accordance with the approved details before the dwelling is occupied and retained thereafter (unless it is replaced with an upgraded charging point in which case the replacement charging point should be retained).
- 8) The development hereby permitted shall not be occupied until details of a sheltered secure bicycle storage has been submitted to and approved in writing by the local planning authority. The bicycle storage shall be carried out in accordance with the approved details before the dwelling is occupied and retained thereafter.
- 9) The development hereby permitted shall not be occupied until details of refuse storage arrangements have been submitted to and approved in writing by the local planning authority. The refuse storage arrangements shall be carried out in accordance with the approved details before the dwelling is occupied and retained thereafter.
- 10) Prior to the commencement of any development, a detailed surface water drainage scheme shall be submitted to and approved 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 1in 1yr, 30yr and 100yr + 40% climate change figure critical storm events 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 details.

11) Foul and surface water shall not be drained other than on separate systems.

12) No vegetation clearance should take place between 1st March and 31st 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 interest on site. Any such written confirmation should be submitted to the LPA prior to the removal of vegetation within that period.