



Appeal Decision

Site Visit made on 6 July 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021

Appeal Ref: APP/B3438/W/21/3272703

Land at Basford View, Cheddleton ST13 7HJ

- 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 A & J Palin against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2020/0447, dated 16 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is affordable dwelling and replacement of garage with car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The parties have been provided with an opportunity to provide comments as to whether this is of relevance to the appeal, and I have taken any comments received into account as part of my assessment.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - (ii) The effect on the openness of the Green Belt.
 - (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

4. Policy SS 10 (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.

5. 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 149 and 150 of the National Planning Policy Framework (the Framework). The exceptions include amongst others 149 f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).
6. The evidence provided by the appellant demonstrates that there is an acute need for affordable housing when the District is considered as a whole. In terms of the local community need referred to in the above exception, my attention has been drawn to the Cheddleton Parish Housing Needs Survey (2015) (HNS) which identifies a need for 12 affordable dwellings of a mix of house types. Most of this demand relates to one-bedroomed accommodation, although the house types identified include a single three-bedroomed house which is the house type proposed in this appeal. Even so, in order to meet the exception in the Framework, the proposal must accord with the approach to delivering affordable housing set out in the development plan.
7. Policy SS8 (Large Villages Strategy) identifies Cheddleton as one of its larger villages and with regards to affordable housing allows for rural exceptions housing in appropriate locations on the edge of settlements. The appeal site is located away from and not on the edge of the main concentration of development forming Cheddleton village. Consequently, the site is located in the countryside and the Green Belt for decision making purposes.
8. Policy SS 10 of the LP confirms amongst other things that new build housing will be restricted to that which has an essential need to be located in the countryside and rural exceptions housing in accordance with Policies H1 (New Housing Development) and H3 (Affordable Housing). These policies confirm amongst other things that affordable housing in the other rural areas will be permitted where such forms of housing cannot be met elsewhere. In or on the edge of villages, affordable housing schemes that are of an appropriate scale for the spatial strategy will be permitted on suitable rural exception sites which are well related to services and facilities and where a demonstrable need exists within the local area which cannot be met by means of provision within the plan.
9. There is no evidence before me to suggest that the Council cannot demonstrate a 5-year housing land supply. I am therefore not persuaded that the housing requirements of the district, including for affordable housing, cannot be met elsewhere. Even if the affordable housing needs of Cheddleton Parish have not been catered for by previous planning applications in the area, there is no compelling evidence before me to suggest that there are no opportunities to provide the single affordable unit proposed in or on the edge of the village of Cheddleton in accordance with the above policies of the development plan. Therefore, I am not persuaded that there is an essential need for the proposal to be located in the countryside and the Green Belt.
10. I conclude, the delivery of a single affordable unit within Green Belt would not accord with the approach to delivering affordable housing set out in the policies of the development plan and so the proposal would not meet the exception under Paragraph 149 f). The development would therefore be inappropriate

development in the Green Belt having regard to the development plan and the Framework.

The effect on the openness of the Green Belt

11. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development.
12. Two detached garage buildings would be removed from the site as part of the development. These buildings would be replaced by a timber carport of the same footprint. In that particular regard there would be a relatively neutral effect on openness.
13. However, the dwelling would occupy a more central position within the plot where no buildings currently exist. Consequently, the footprint, height and volume of the dwelling would undoubtedly effect openness from a spatial perspective. There would also be additional hard surfacing when compared with the existing situation in respect of the forecourt and patio areas serving the proposed dwelling.
14. I noted on my site visit that mature boundary vegetation including substantial leylandii hedges substantially screen the site. Residential occupation of the site could lead to pressure for the vegetation to be removed or for it to be reduced in height which has the potential to open up views of the development in the wider landscape. Even so, the position of the dwelling close to the existing built form of the neighbouring row of terraced dwellings to the north, the bungalow to the east and the storage building to the south means that from a visual perspective the dwelling would be likely to be appreciated as siting within a cluster of buildings rather than resulting in any significant encroachment into the countryside.
15. When the spatial and visual effects of the proposal are considered together, the proposal would have a modest effect on the openness of the Green Belt.

Other Considerations

16. I have seen the completed planning obligation provided by the appellant which would allow me to secure the proposed dwelling as a discounted market sales house in accordance with the definition under Annex 2 of the Framework. A single affordable dwelling would make a modest contribution towards affordable housing need in the area. The relative proximity of the dwelling to the services and facilities in Cheddleton village also has the potential to result in some modest social and economic benefits for the local community.
17. I acknowledge the proposal was not refused on grounds relating to its design nor in terms of its relationship with neighbouring living conditions, highway safety or trees. However, the acceptability of these usually expected requirements carries neutral weight.

Green Belt Balance and Conclusion

18. 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. I have also found that the development would result in some modest harm to the openness of the Green Belt. Very special circumstances will not exist unless the potential 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. The other considerations put forward in favour of the proposal would only carry modest weight.

19. 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 other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
20. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR