



Appeal Decision

Site Visit made on 16 November 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/Y3425/W/21/3280959

Adjacent to Stallington Grange Farm, Grindley Lane, Blythe Bridge, Stoke-On-Trent ST3 7TA

- 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 B Scriven against the decision of Stafford Borough Council.
 - The application Ref 21/33855/FUL, dated 12 February 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the demolition of existing redundant outbuildings and erection of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 20 July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
 - whether or not the proposal would provide a suitable location for housing
 - the effect of the proposed development on the living conditions of prospective occupiers with particular regard to land contamination and noise
 - if the development is 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

Green Belt

4. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that

new buildings are inappropriate in the Green Belt. However, a number of exceptions are made, of which, the appellant draws my attention to the provision of limited infilling in villages.

5. Policy SP7 of the Plan for Stafford Borough 2011-2031 [2014] (PSB) states that development in the Green Belt will only be supported where it is consistent with national policies for the control of development.
6. The site lies within a small cluster of about 8 residential properties washed over by the Green Belt. The dwellings are accessed via an unmade track off the southern side of Grindley Lane (B5029) and are bordered by open fields to south, east and west. A large commercial shed lies beyond a paddock area to the north of the site.
7. At my site visit I saw that the group appears detached from the main settlement area. The combined distance of the site from Grindley Lane and the wide landscape buffer on the northern side of the road, providing a strong edge to the main housing area, results in a clear degree of separation between the areas of development. This is emphasised in the contrast between the informal arrangement, the diversity of the ages and the appearances of the houses within the isolated group against the planned estate layouts to the north. The group setting and appearance give it a distinctly rural character.
8. Aside from the unlit access track, there are no shared community facilities or services to indicate that the small assemblage of buildings forms a distinct 'village', either in itself or as part of a wider dispersed settlement. In support of the development, the appellant contends that the location has some historical association with the village of Stallington. However, there is a significant degree of separation between those developed areas. The intervening rolling open fields and convoluted road linkage ensure they appear as visually and functionally separate places.
9. The limited number of buildings and absence of local services or community amenities within or directly linked to the group, leads me to the conclusion that the location of the infill would not be within a 'village' for the purposes of Paragraph 149 e). The proposal therefore would not be an exception under this provision.
10. The 1½ storey scale of the proposed building would have significantly greater height and massing than the group of small single-storey buildings presently on the site. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The dwelling would have a greater visual presence and exceed the combined scale of existing development. This would reduce the spatial and visual openness of the Green Belt.
11. I note that a previous outline application for a detached dwelling on the site was submitted as an exception under Paragraph 149 g) (then Para.145 g) of the Framework. However, permission was refused and dismissed at appeal. Although those decisions are not provided in evidence, pursuant to my finding in relation to the harm to the openness of the Green Belt, I conclude that the proposal falls outside the other exceptions listed in Paragraph 149.
12. For the reasons set out above, I conclude that the development would constitute inappropriate development within the Green Belt that would erode its

openness. It would not fall within the exceptions outlined in the Framework and would be contrary to Policy SP7 of the PSB which seeks to restrict development in the Green Belt in accordance with national policy.

Locations for Housing

13. Policies SP3 and SP7 set out the Council's spatial strategy for the delivery of new development. New housing is directed to the main towns and settlements within the borough. Policy C5 of the PSB requires proposals for market housing development in rural areas, which lie outside of the defined settlements listed in Policy SP3, to demonstrate a local housing need and that that need could not be met within the relevant settlements.
14. There is little before me to demonstrate a specific need in the locality. Although the appellant indicates that the proposal would be well-connected to public transport and close to local facilities and services, a matter which is not contested by the Council, I am not persuaded that this justifies a departure from policies seeking to control rural housing to that meeting a demonstrated need.
15. For those reasons, the proposal would conflict with the Council's spatial strategy and detailed policies for housing delivery. It would be contrary to Policies SP1, SP3, SP7 and C5 of the PSB as they seek to achieve the sustainable distribution of development by directing it to areas best served by infrastructure, facilities and services and ensuring easy accessibility to them, now and in the future.

Living conditions

16. The site lies near to some industrial units to the north and east. At the time of my site visit, albeit only a snapshot in time, no significant noise was being generated by those premises such that any significant adverse impacts on the living conditions of future occupiers would arise. I acknowledge that this may not always be the case. However, there is little substantive evidence provided by the Council, such as noise measurements or details of complaints made, for example, to indicate that those premises are sources of concerns to existing nearby residential occupiers.
17. In the absence of information to demonstrate that significant noise concerns exist, or that they could not be mitigated by measures secured through planning condition/s, I find there is little basis to conclude harm would arise to the living conditions of prospective occupiers through existing noise pollution.
18. According to the Council, the site is also close to a former landfill area. Alongside the proximity to the industrial sites, this is identified as a possible source of site contamination. Given the size of the plot, that it is currently situated between residential buildings and is partly covered by hard surfaces, I find the extent of contamination from off-site sources is unlikely to be preventative to the safe development of the site. In the circumstances, a contamination assessment and, if necessary, site remediation could be secured through planning condition/s to achieve a safe form of development.
19. For those reasons and having regard to the provisions in Paragraph 55 of the Framework in relation to the use of planning conditions, I find that the proposal could deliver a development that was not at unacceptable risk from noise or ground pollution sources. It could thereby achieve a suitable standards of living

conditions for prospective occupiers to align with Paragraph 174 of the Framework, as it seeks those aims.

Other Considerations

20. In support of the development, the appellant highlights that the proposal would be in compliance with Policies E2 and N1 of the PSB relating to sustainable rural development and the design of development respectively. It would include the redevelopment of land currently accommodating buildings and hard standings in a manner to conserve or improve the rural environment. This could be achieved without detriment to the amenity of the area.
21. The design and scale of the building would assimilate with the mixed nature of development in the locality and address the street frontage. It would be constructed to a high standard and incorporate energy conservation techniques in its modern design. The layout would use a relatively small proportion of the plot and the building would be finished in materials used in the area. However, as requirements of the development plan, these are not benefits in favour of the development.
22. The appellant contends that the proposal would replace timeworn development to provide an overall visual improvement in the locality. Whilst the proposal would provide a new building on the site, the poor condition of buildings or land is not a strong argument in favour of an alternative development that would cause harm to the Green Belt. It is therefore a matter of limited weight.

Conclusion

23. The building would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The scale of the building would also cause harm to the openness of the Green Belt, which is one of its essential characteristics. The location of the proposal would also conflict with the Council's spatial strategy for sustainable development.
24. The considerations presented by the appellant, or my finding in favour of the appellant in relation to the living conditions of prospective occupiers, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policies SP1, SP3, SP7 and C5 of the PSB and the Framework taken as a whole.
25. I have noted the objections from third parties to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these matters.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR