



Appeal Decision

Site visit made on 7 March 2022

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/C3430/W/21/3287069

51 Chapel Lane, Smestow DY3 4PL

- 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 Faulkner against the decision of South Staffordshire District Council.
 - The application Ref 21/00984/FUL, dated 10 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is retrospective application for a single detached dwelling and associated curtilage including garden, detached garage and associated hardstanding areas at land north of 51 Chapel Lane.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address above has been taken from the appeal form which more accurately describes the location of the site.
3. The development which is the subject of this appeal has been implemented. I have considered the appeal on this basis, taking into account the evidence before me and what I saw on site.

Main Issues

4. These are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (the Framework) and any relevant development plan policies;
 - the relationship of the development to the development strategy for the area, and;
 - if the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The main parties agree the relevance of exception e) of Paragraph 149 of the Framework to the appeal and in light of the evidence before me, I concur with this view. Exception e) allows development in the Green Belt if it would constitute limited infilling in villages.
6. It is apparent from the evidence before me that the main parties agree, albeit for different reasons, that the new dwelling is outside a village. The Council and the appellant explain that the appeal site is outside of Wombourne and without evidence of a settlement boundary to suggest otherwise, I concur with this view based on the aerial views and plans before me. The appellant also refers to the appeal site being within a cluster of dwellings within Smestow which reinforces the point that the development is not within a village.
7. The appellant refers to two appeal decisions (ref APP/Q4625/W/17/3191758 and APP/Q4625/W/17/3188046) whereby a 'common sense' approach was taken regarding the physical extent of villages. The appellant suggests that a similar approach is relevant to the appeal, giving the Oxford English Dictionary definition of a 'village' which is stated as 'a group of houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area.' The extent of Wombourne is clearly defined by an expanse of built development which extends as far as the industrial area close to the appeal site. However, Smestow Brook and a band of woodland and open land clearly separates the two. Indeed, when on the ground and in and around the appeal site, there is no clear visual reference to Wombourne. The character of the area is more akin to a rural area than a Main Service Village. There is a footpath connecting the appeal site to the built-up area described, but this is rural in character and does not readily integrate the appeal site with Wombourne.
8. And so, irrespective of the proximity of other buildings to the appeal site, the new dwelling is in an area that is rural in character and in a location that is not physically or functionally related to Wombourne. Therefore, I find that the new dwelling is not within a village and so it does not meet exception e) of Paragraph 149 and therefore is inappropriate development.
9. Given that the dwelling is outside of a village, I find no precedent set by the appeals which the appellant references (ref APP/C3430/W/20/3258269 and APP/C3430/W/18/3198392) which refer to development being within a village.
10. Policy GB1 of the Core Strategy Development Plan Document (2012) (DPD), and the Green Belt and Open Countryside Supplementary Planning Document 2014 (SPD), make exceptions for development in the Green Belt. Relevant to this appeal is limited infilling only where the development does not have a greater impact on the openness of the Green Belt and the purposes of including land within it.
11. As the dwelling has been constructed on a site which was free from built development, the new dwelling has resulted in a spatial and visual reduction in the openness of the Green Belt. However, given the modest size of the site, its secluded location and the presence of existing buildings nearby, this harm to the openness of the Green Belt and the purpose of safeguarding the countryside from encroachment is moderate. However, the Local Plan predates the Framework by several years and in this regard is inconsistent with the Framework. Para 219 states that the weight to be given to policies that predate the Framework is predicated upon consistency with the Framework. As

such, I give greater weight to the Framework and conclude that the development is inappropriate development in the Green Belt.

Development Strategy

12. Policy CP1 of the DPD directs development to the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Wombourne is defined as a Main Service Village and the main focus for housing growth, employment development and service provision. Parties agree that the development is outside the settlement boundary of Wombourne and in my findings above, I have found this to be the case.
13. Policy CP1 also seeks to protect the Green Belt from inappropriate development but recognises the need to release some land for development within the Main and Local Service Villages. As I have found that the new dwelling is outside a village and is inappropriate development, it is in conflict with Policy CP1.
14. However, as already noted, the Local Plan predates the Framework and Policy CP1 takes a more restrictive approach to directing development than the Framework. The Framework seeks new housing in areas according to need and at Paragraph 79, encourages new housing where it will enhance or maintain the vitality of rural communities.
15. Occupiers of the new dwelling rely on Wombourne for local shopping needs. There is a footpath linking the appeal site to Wombourne and a supermarket. Both are within a reasonable walking distance, although the footpath is not well-lit, not surfaced to make walking attractive in all weathers, nor is it obvious from the appeal site. It is highly likely, therefore, that occupiers will access Wombourne by car. Nonetheless, the harm that would ensue as a result of the development generating an unsustainable overreliance on the private motor vehicle would be limited given that the development concerns one dwelling.
16. The appellant refers me to application ref 18/00949/OUT as a form of precedent. However, I note that the Council found that this development would be supported by public transport, which is not the case for the appeal proposal.
17. Nonetheless, in light of the above, I give limited weight to the conflict with Policy CP1. Moreover, the limited harm associated with the development's location would be outweighed by the provision of one dwelling. As such, the proposal is in an appropriate location for market housing and compliant with the Framework

Other Considerations and Very Special Circumstances

18. When determining applications, the Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The Council raised no objection to matters including residential amenity, design and highway safety. This is neutral in the planning balance.

20. I have concluded that the development is inappropriate development and is, therefore, by definition harmful to the Green Belt. Substantial weight is given to this harm.
21. The lack of harm related to the location of the development and the 'other considerations' in this case carry limited weight in favour of the proposal and therefore do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the proposal does not accord with the Framework.

Conclusion

22. For the reasons given above, the appeal is dismissed.

R Walmsley

INSPECTOR