



Appeal Decision

Site visit made on 7 June 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/K3415/W/21/3284264

Land North of Back Lane, Whittington, Lichfield, Staffordshire WS14 9NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Nick Misselke of Elford Homes against the decision of Lichfield District Council.
 - The application Ref 21/01439/PIP, dated 6 August 2021, was refused by notice dated 14 September 2021.
 - The development proposed is the demolition of a storage building to be replaced with 2no. dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Planning Practice Guidance ("the PPG") advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ("technical details consent") stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. As explained in the PPG, the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application, if permission in principle has been granted.

Main Issues

4. The appeal site is within the Green Belt, and accordingly I consider that the main issues are:
 - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies;
 - The effects of the proposal on the openness of the Green Belt; and

¹ Paragraph: 012 Reference ID: 58-012-20180615

- If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development within the Green Belt

5. The appeal site is located on the north side of Back Lane, adjacent to (although outside of) the village of Whittington. It contains a portal frame building clad in profile metal sheeting, which is used for storage purposes within the B8 use class under a planning permission granted in 2021² (although I understand the building to have been erected at least five years previously). The entire site lies within the West Midlands Green Belt.
6. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate.
7. Core Policy 1 of the 2015 Lichfield *Local Plan Strategy* ("the LPS") sets out the overall spatial strategy for the district; among other things it seeks to direct growth towards the most accessible and sustainable locations (which include Whittington as a Key Rural Settlement), and to recognise and protect the important role of the Green Belt.
8. Policy NR2 of the LPS specifically addresses development in the Green Belt within the district. It largely reflects national policy, stating that "the construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework". NR2 also provides for limited infilling within Green Belt villages "with appropriate 'infill' boundaries being determined through the Local Plan Allocations document, which may, where appropriate, be informed by local community-led plans", and for limited affordable housing for local community needs on small rural exception sites.
9. The Whittington and Fisherwick Neighbourhood Plan was made and became part of the development plan in April 2018. However, there is nothing before me which indicates that it significantly affects the planning policy position in respect of the appeal proposal. It has not been argued that either of the exceptions described in Policy NR2 of the LPS applies in this case. It therefore falls to me to consider this issue with reference to the requirements set out in the Framework, in accordance with Policy NR2.
10. There is no disagreement between the main parties that the appeal site is previously developed land. Paragraph 149(g) of the Framework allows for "the partial or complete redevelopment of previously developed land" where this would either "not have a greater impact on the openness of the Green Belt than the existing development", **or** [my emphasis] where it would "not cause

² LPA Ref: 20/01685/COU

substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

11. None of the other exceptions described within Paragraph 149 of the Framework were put forward in respect of the proposal, nor would the development fall within any of the other “not inappropriate” forms set out in Paragraph 150. It is not part of the appellant’s case that the proposed development would meet an affordable housing need within the district, so it is not argued that the exception provided for by the second part of 149(g) should apply. Whether or not the proposal would be inappropriate development within the Green Belt is therefore dependent on my assessment of whether or not it would have a greater impact on the openness of the Green Belt than the existing development, as provided for by the first part of 149(g).

Openness of the Green Belt

12. The most important characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and has both a spatial and visual aspect. Assessing openness is of course a matter of judgement based on the circumstances of each case and, in considering the matter here, I have had regard to the way in which the site is currently developed.
13. The application for permission in principle was accompanied by a site layout drawing and eye level views of the existing and proposed development, although these were clearly marked as “indicative”. I accept that the final arrangement and size of dwellings on the site would ultimately be a matter to be assessed at the technical details stage. However, establishing the amount of development proposed for the site, and its likely effect on the openness of the Green Belt, forms an essential part of this first stage of the permission in principle route.
14. The existing portal frame building on the appeal site measures around 4.6m to the eaves and 7m to the ridge and a floor area of around 423m². By the appellant’s calculation (which has not been disputed) it has a volume of around 2,500m³. It is a substantial and prominent building, dominating and terminating views along stretches of Back Lane whether approaching from the south (when travelling from the T-junction with Church Street) or from the north-east (from the junction with Chapel Lane).
15. The two proposed dwellings would have a total built volume of around 2,250m³ (according to the submitted indicative site layout drawing) or 2,500m³ (the original Planning Statement). Either way, there would be the same or slightly less total built volume on the site when compared to the current position; there would be no greater impact on the openness of the Green Belt *in spatial terms* than the existing development.
16. It is likely that any residential buildings would be more spread out on the site than the existing building, given that they do not need a single large space in the same way as a commercial storage use. While I again acknowledge that the drawings before me are only illustrative, they reflect this different use of space – although the two dwellings are shown as being no taller than the existing storage building, they extend across a greater part of the site. Like the existing building on the site, the dwellings would close views along Back Lane in both directions. The indicative eye level views show that the proposed dwellings

would also appear wider than the current building in those views. It also seems to me that the same effect would be likely to arise with any similar arrangement where the volume of the proposed dwellings would be the same as, or close to, the volume of the existing buildings on the site. I therefore consider that the proposal would lead to a demonstrable loss of visual openness when compared to the existing development.

17. The appellant has suggested that activity generated on the site by the proposed development, including traffic movements, would be less than at present, and that this would contribute to preserving or improving a sense of openness. However, at the time of my visit there was no sign of activity or comings and goings on the site, and no substantive evidence has been put forward which supports this argument. It does not therefore affect my findings on this matter.
18. I find that there would be a loss of the visual openness of the Green Belt. Given the scale of the proposed development, I consider that this would cause moderate harm to the openness of the Green Belt. I therefore conclude that the proposal would not fall within any of the exceptions described in Paragraph 149 of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance. The moderate harm to the openness of the Green Belt would also be contrary to national policy set out in the Framework. The proposal also conflicts with Core Policy 1 and Policy NR2 of the LPS, which reflect national policy as I have described above.

Other considerations

19. The appeal site is close to, although outside the settlement boundary of, the village of Whittington. The village offers a range of shops, services and community facilities, and these would be within a convenient walking distance for many future occupiers of the proposed dwellings. There is also a bus service operating along Back Lane, which stops close to the appeal site and provides an hourly connection (albeit only until mid-evening) to Lichfield and Tamworth, and the greater array of shops, services and onward public transport connections they offer. I consider that this accessibility to a range of services by a choice of modes of transport carries moderate weight in favour of the proposal.
20. The proposed development would provide two additional dwellings which, while a benefit, would make only a very small contribution towards boosting the supply of housing in the district. This consideration therefore carries only limited weight in favour of the proposal.
21. The appellant also drew my attention to comments apparently made by Whittington and Fisherwick Parish Council (although I was not provided with these in full) that the existing building on the site is unsympathetic in scale and character. The proposed dwellings on the site would be likely to be more in keeping with the character and appearance of other housing to the south and east of the site. However, while the existing building on the site may not be in agricultural use, it is agricultural in its appearance, and of a size and form which is neither unexpected nor alien within the countryside. Any benefit which might therefore arise from its replacement with more traditionally-styled

domestic buildings (the detail of which would, in any case, be a matter for the technical details stage) carries moderate weight in favour of the proposal.

Other Matter

22. The appeal site falls within the 15km zone of influence of the Cannock Chase Special Area of Conservation ("the SAC"). As such, development would (in combination) have a significant impact on the SAC, and a suitable mitigation package would be required by Policy NR7 of the LPS. I note the consultation response submitted by Natural England and the Council's statement that "it is not considered that the scheme would result in a negative impact or significant effects on the Cannock Chase SAC, and as such mitigation or an appropriate assessment is not required in this case". As I am dismissing the appeal for other reasons it has not been necessary for me to consider this matter in detail, as it could not change the overall decision.

Planning Balance and Conclusion

23. The proposal would be inappropriate development in the Green Belt, and would cause moderate harm to the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 148 of the Framework. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations.
24. I attach limited to moderate weight in favour of the proposal to the other considerations advanced by the appellant. I find that these, taken together, do not clearly outweigh the harm to the Green Belt which would arise from the proposal. Consequently, the very special circumstances needed to justify inappropriate development in the Green Belt have not been demonstrated.
25. For the reasons set out above, the proposal would conflict with the development plan taken as a whole. The material considerations in this case, including the Framework, do not justify a decision other than in accordance with the development plan. The appeal is therefore dismissed.

M Cryan

Inspector