



Appeal Decision

Site visit made on 24 March 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/N1025/D/22/3306628

Yew Tree Farm, 39 Morley Lane, Stanley, Derbyshire DE7 6EZ

- 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 Daniel Fletcher against the decision of Erewash Borough Council.
 - The application Ref ERE/0422/0030, dated 4 April 2022, was refused by notice dated 29 July 2022.
 - The development proposed is the construction of a double garage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a double garage at Yew Tree Farm, 39 Morley Lane, Stanley, Derbyshire DE7 6EZ in accordance with the terms of the application, Ref ERE/0422/0030, dated 4 April 2022 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing No: 3433-010 Revision C), Existing Block Plan (Drawing No: 3433-004 Revision A), Existing Elevations (Drawing No: 3433-05), Existing Elevations (Drawing No: 3433-06 Revision A), Proposed Block Plan (Drawing No: 3433-011 Revision C), Proposed Plan (Drawing No: 3433-12 Revision D), Proposed Elevations (Drawing No: 3433-13 Revision C) and Proposed Elevations (Drawing No: 3433-14 Revision D).
 - 3) No development above floor slab level shall take place until details and samples of all proposed external facing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples.

Main Issues

2. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - whether the proposed development would preserve or enhance the character and appearance of the Stanley Conservation Area (Conservation Area) and,
 - if the proposal is inappropriate development, 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 inappropriate development

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
4. The National Planning Policy Framework (the Framework) at paragraph 149 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant has set out that the development can be considered under the exception at paragraph 149 e) relating to limited infilling in villages. The Framework does not define a 'village' or 'limited infilling', although my attention has been drawn to Saved Policy GB2 of the Erewash Borough Saved Policies Document (Saved Local Plan) which sets out a criteria-based approach to limited infilling development within settlements washed over by the Green Belt. The refusal notice references Saved Local Plan Policy GB1, but this is not consistent with the Framework in that it does not reflect the exception at Paragraph 149 e) and accordingly, I have given it limited weight.
5. The proposed garage would be positioned within the curtilage of the dwelling, between the existing house and the neighbouring property to the north. The garden area where it would be located appears as a small gap in a linear, relatively close pattern of development along Morley Lane. The built-up area of Stanley continues to the north, up to the junction of Morley Lane with Common Lane, and I consider the appeal site to be within the village.
6. As such, it would represent limited infilling in a village. I therefore conclude that the proposal would not be inappropriate development in the Green Belt. It would not be contrary to the Framework in this regard. It would also not conflict with Policy 3 of the Erewash Core Strategy (Core Strategy) or with Policy GB2 of the Saved Local Plan which seek, amongst other matters, for the principle of the Green Belt to be retained. A finding of the acceptability of the proposed development on the openness of the Green Belt and the purposes of including land within it are implicit in a finding of it not being inappropriate development. I am not therefore required to consider this matter further or the need to demonstrate very special circumstances.

Conservation Area

7. The Conservation Area within which the appeal site is located is characterised by a range of buildings, of varying ages and styles together with open areas of land in and around it. The differing topography provides views of surrounding fields which alongside boundary hedges and other vegetation and trees along Morley Lane, give the area a verdant, spacious character. This alongside the varied, but generally traditional built form contributes to the significance of the Conservation Area.
8. The garage would have a contemporary design, with a flat roof that would differ from the traditional pitched roofs on buildings in the area, as would the green roof finish that is proposed. Despite this, the flat roof form and the

positioning of the garage adjacent to a high wall, would result in the proposal being well contained, even without the presence of boundary planting. Only a small section of the roof would be visible above the wall, but given the verdant character of the area, I do not consider this would appear incongruous.

9. The Council has raised concerns on the proposal being within a heavily developed site but as it would be an ancillary building within the curtilage of an existing dwelling, with parking and garden areas around it, the development would appear subordinate within the site and there would be no harmful effects arising in this regard.
10. I therefore conclude that the proposed development would preserve the character and appearance of the Conservation Area. As such, it would comply with Policy 11 of the Core Strategy and Policy EV5 of the Saved Local Plan, which seek, amongst other matters, for the significance of heritage assets and their settings to be sustained and enhanced. It would also not conflict with guidance at Section 16 the Framework, which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Matters

11. Reference has been made to other alternative locations that would be more suitable for a garage and the need for the proposal. I am however required to determine the appeal before me on its own merits.

Conditions

12. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework.
13. A condition specifying matching external materials has been suggested, but as the proposal is for a detached garage with different proposed materials to the existing house, I consider it necessary for material samples and details to be submitted and agreed in writing with the Council in order to preserve the character and appearance of the Conservation Area.

Conclusion

14. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR