



Appeal Decision

Site visit made on 16 February 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/K3415/W/22/3306527

Giddies, Hay Lane, Longdon Green, Rugeley, Staffordshire WS15 4QQ

- 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 Dave Tyler against the decision of Lichfield District Council.
 - The application Ref 22/00505/FUL, dated 24 March 2022, was refused by notice dated 8 June 2022.
 - The development proposed is 2 detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted a duly executed unilateral undertaking (UU) during the appeal. It provides for a contribution towards ecological mitigation and I have considered this later in my decision. The Council was given an opportunity to comment on the UU and has not raised any objections to its terms and conditions.

Main Issues

3. In their statement the Council identify that the submitted landscape scheme is sufficient to contribute to a net gain to biodiversity and that the landscaping scheme is acceptable. I have no reason to disagree and this overcomes the Council's fourth reason for refusal. I therefore consider the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any other relevant development plan policies.
 - The effect of the development on the integrity of the Cannock Chase Special Area of Conservation.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The appeal site is located in a settlement washed over by Green Belt. Paragraph 147 of the National Planning Policy Framework (NPPF) 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 NPPF states that the construction of new buildings in the Green Belt is inappropriate, other than for listed exceptions. One exception is (e) limited infilling in villages.

5. The appeal site is located on Hay Lane. Part of the site accommodates a stable and paddock area although most of it is open and free from development. The site is positioned between 2 sets of semi-detached dwellings and a single detached dwelling. Beyond these properties on both sides are open fields. There are also open fields behind and to the front of the site. The site is not therefore within an established area of development. Development in the area is sporadic and interspersed with open fields and agricultural holdings. The appellant acknowledges that development is dispersed.
6. The Longdon Parish Neighbourhood Plan identifies Longdon as a rural parish that comprises the 4 settlements of Longdon, Upper Longdon, Longdon Green and Gentleshaw. For the purposes of the Lichfield Local Plan Strategy 2015 (Local Plan), the settlement of Longdon Green is designated as 'other rural' in the settlement hierarchy, as acknowledged in the Neighbourhood Plan. The area is open countryside with an open rural character.
7. Limited development is not defined in the NPPF or the Local Plan and it is therefore a matter of judgement by the decision maker. Two houses would represent limited development. However, in the context of the appeal site I am of the view that the site is not within the built form of a settlement. For the reasons identified the proposal would not constitute infilling in a village and so would not comply with paragraph 149 (e) of the NPPF.
8. Paragraph 149 (g) of the NPPF defines partial or complete redevelopment of previously developed land as not inappropriate development in the Green Belt. This is subject to the proposal having no greater impact on the Green Belt than existing development. Whilst there is a small stable building on the site visible from the road frontage, the proposal would substantially increase the amount of built development on the site. It would be significantly larger in volume than the existing building. There would therefore be a loss of spatial openness of the site.
9. New planting, added to existing boundary vegetation would help screen the development. However, there would be some visibility of the development through gaps in the planting. There would consequently also be a loss of visual openness. Accordingly, there would be a greater impact on the openness of the Green Belt than the current situation. The development would not therefore conform with paragraph 149 (g) of the NPPF.
10. The proposal would not conform with paragraph 149 (e) or (g) of the NPPF and no case has been made that it would fall under any of the other exceptions in paragraph 149 of the NPPF. I therefore conclude that the proposal would be inappropriate development in the Green Belt.
11. The development would conflict with the referenced parts of the NPPF. It would also conflict with Policy NR2 of the Local Plan which seeks to protect the Green Belt in line with national policy and with regards to new buildings refers to the list of exceptions in the NPPF.

Suitability of Location

12. Core Policy 1 of the Local Plan sets out the spatial strategy for the district, identifying the locations where the majority of new development will be directed. In rural areas new housing will be directed mainly to 5 identified key rural settlements with smaller villages accommodating housing to meet local needs. Core Policy 6 of the Local Plan identifies criteria where residential development outside the key rural settlements will be permitted. The appellant claims that the proposal would comply with criterion 4 which refers to small scale development supported by local communities, identified through the Local Plan Allocations Documents or community led plans. In Policies 3 and 7 of the Neighbourhood Plan, amongst other things, development is supported where it aligns with the NPPF and would not impact on the openness of the Green Belt. For the reasons identified above I do not share the view of the appellant.
13. The appellant acknowledges that the proposal would not comply with any of the other acceptable forms of residential development in rural areas as set out in Core Policy 6 and so the development would conflict with the Local Plan Spatial Strategy.
14. The proposed scheme would be located next to existing dwellings and so would not be isolated dwellings in the countryside. However, future occupants would need to travel to access services and facilities. They are limited in the immediate area and travel distances are likely to necessitate the use of a car. The development would not be a suitable location having regard to Core Policy 1 and Core Policy 6 and Policy Rural 1 of the Local Plan. Relevant parts of these policies direct growth to accessible and sustainable locations in accordance with a settlement hierarchy and outline criteria for development in rural areas.

Green Belt and Planning Balance

15. The NPPF says inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where any harm is clearly outweighed by other considerations. The NPPF states that substantial weight should be given to this balancing exercise.
16. Against the development is the harm due to inappropriateness and the erosion of the openness of the Green Belt. It is a fundamental aim to keep Green Belt land open. The proposal also conflicts with the spatial strategy of the Local Plan and the NPPF and weighs against the scheme.
17. The development would generate economic and social benefits during the construction and occupation of the dwellings thereafter. However, given the number of dwellings proposed the scale of the benefit would be limited.
18. I do not consider the benefits of the development would clearly outweigh the harm that would be caused to the Green Belt and the other harm identified. Consequently, very special circumstances to justify the development do not exist and so it would conflict with national and local policy.

Cannock Chase Special Area of Conservation

19. The site is located within the zone of influence for the Cannock Chase Special Area of Conservation (SAC). As the competent authority I am required under the provisions of the Conservation of Habitat and Species Regulations 2017 to

- consider the effects of the development on the integrity of the SAC. The Regulations require that the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of European sites. This requires consideration of whether the proposal would have an effect on the qualifying features of the site, either alone or in combination with other plans and projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of whether the plan would affect the integrity of a European site must be undertaken.
20. The Cannock Chase SAC is designated for its unique heathland habitat. It is designated for Annex 1 habitats European dry heaths and Northern Atlantic wet heaths with cross-leaved heath. The conservation objectives for the Cannock Chase SAC are to maintain and restore the extent and distribution of qualifying natural habitats, as well as their structure and function, and the supporting processes on which the qualifying natural habitats rely in order to ensure the integrity of the site is maintained or restored.
 21. Evidence indicates that the main threat to the SAC is visitor pressure and that any additional dwellings within the zone of influence, in combination with existing pressures, will have a negative impact on the integrity of the SAC. I am therefore required to undertake an appropriate assessment.
 22. The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. New development within a 15km radius of the SAC is required to either provide bespoke mitigation or make a financial contribution which will be spent on an identified programme of mitigation implemented by the Cannock Chase Partnership.
 23. The appellant has indicated a willingness to pay the standardised payment per dwelling and has submitted a Unilateral Undertaking on this basis using the Cannock Chase SAC Partnership template. I am satisfied that it would secure the contribution as required.
 24. On the basis of my appropriate assessment I can conclude that the proposed development would not, either alone or in combination with other plans or projects, adversely affect the integrity of the Cannock Chase SAC. The development would consequently accord with Core Policy 13 and Policy NR7 of the Local Plan. Amongst other things these policies only permit development where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect on the integrity of the SAC and that effective avoidance and/ or mitigation is secured prior to the approval of development.
 25. I am satisfied that the obligation contained within the UU would meet the tests contained in paragraph 57 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations. The obligation is necessary and it is directly related to the development proposed and would fairly and reasonably relate to the scale of the development. Nevertheless, this does not alter my findings in relation to the Green Belt.

Other Matters

26. The appellant has referred to other appeals in support of their case. However, on the evidence before me the examples given are in different locations where the pattern of development is different and so the schemes are not directly

comparable. In any event, each case is determined on its own merits and my assessment is based on the information before me.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

K Ford

INSPECTOR