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## Appeal Decision

Site visit made on 28 March 2023

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 May 2023**

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**Appeal Ref: APP/P3420/W/22/3306086**

**Site of Field House, Old Road, Bignall End, Newcastle under Lyme ST7 8QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Natalia Croxton against the decision of Newcastle-under-Lyme Borough Council.
  - The application Ref 22/00358/OUT, dated 21 April 2022, was refused by notice dated 20 June 2022.
  - The development proposed is the erection of 4 dwellings on site of former house.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is made in outline with access, appearance and landscaping reserved for future consideration. Accordingly, I have treated as illustrative the elements of the submitted plans that detail site access, house types in terms of appearance, and some landscaping.
3. I have taken the above description of development from the Council's decision notice, as it omits additional wording provided on the application form that relates to matters which are not acts of development.

### Main Issues

4. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - if the proposal is 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 required to justify the proposal.

### Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

5. 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. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. The Framework directs that development within the Green Belt is inappropriate, with the exception of the types of developments set out in paragraphs 149 and 150. The appellant refers to the exceptions listed in paragraphs 149 (e) limited infilling in villages; (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and (g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would (i) not have a greater impact on the openness of the Green Belt than the existing development or (ii) not cause substantial harm to the openness of the Green Belt, where the development would re-use PDL and contribute to meeting an identified affordable housing need within the area of the local planning authority.
7. The appeal site is a vacant parcel of land located at the junction of New Road and Old Road and is the former site of Field House, a residential property which was demolished following fire damage. The site is within the Green Belt. Policy S3 of the Newcastle-under-Lyme Local Plan 2011 (adopted October 2003) (LP) sets out the forms of development which would not be inappropriate in the Green Belt. One exception is limited infilling, however the policy states that this would only be allowed within the village of Keele. Furthermore, Policy S3 makes no reference to affordable housing for local community needs or the partial or complete redevelopment of PDL. The Local Plan was published some time before the revised Framework and in terms of residential development, it is more restrictive than the Framework and does not fully accord with it. I consequently give it very little weight in consideration of the case.
8. With regards to paragraph 149 (e), 'limited infilling' is not defined in the Framework. I have also not been provided with any such definition from the development plan. This is therefore a matter of judgement for the decision maker depending upon the individual circumstances of the case and appeal site.
9. To my mind 'limited infilling' would be the filling of a small gap in an otherwise built-up frontage. The appeal site is positioned on the eastern side of Old Road between an existing dwelling to the north and New Road to the south. There is no built form immediately adjoining the site to the east or on the opposite side of New Road. Due to the size of the plot and its open nature, even if the proposed dwellings were to be constructed, there would remain a significant gap between the development and the existing dwelling to the north of the site. When coupled with the absence of any built form to the south of the site the proposal development would not fill a gap between existing buildings. Therefore, whilst the development would be limited in terms of its scale, the proposal would not represent limited infilling in a village and would not meet the exception under paragraph 149 (e).
10. In relation to the exception at paragraph 149 (f) of the Framework, the relevant definition of affordable housing is provided in Annex 2 of the Framework. Whilst the appellant has stated that the proposed dwellings would be aimed at the affordable market, the application form indicates that they would be market dwellings and there is little before me to demonstrate that the

proposal would fall within the scope of that definition, or that it would meet an identified need set out in the development plan. Furthermore, there is no mechanism, such as a signed legal agreement, before me that would enable them to be secured as affordable units in any event. The proposed development would therefore not accord with the exception under paragraph 149 (f).

11. In terms of paragraph 149 (g), given that the site was previously occupied by a dwelling there is no dispute between the parties that it falls within the definition of PDL. However, as there are no buildings on the appeal site at present, regardless of any previous development on the site, the addition of new buildings would have a significant spatial impact on the openness of the Green Belt due to the increase in built form. In addition, despite the site's lower ground levels, due to its prominent location at the junction of Old Road and New Road the proposed development would be highly visible in the street scene, and as such would also visually reduce the openness of the Green Belt. As a result, the proposal would not be an exception under the first section of paragraph 149 (g) due to the scheme's greater impact on the openness of the Green Belt.
12. Turning to the second section of paragraph 149 (g), although the appellant has sought to evidence a local need for affordable housing through comments from a local estate agent and figures from the Council's Housing Department, as detailed above the application form indicates that the proposed dwellings would be market dwellings, with no other evidence to suggest otherwise. Therefore, the proposed development would also not fall under the second section of paragraph 149 (g).
13. For the reasons above, I conclude that the proposal would not fall within the exceptions outlined in the Framework. Accordingly, the proposal is inappropriate development, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

#### *Other Considerations*

14. The appellant has referred to an extant planning permission on the site for the erection of a dwelling, garage and vehicular access which was allowed at appeal<sup>1</sup> in February 2011. For significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
15. Although I do not have the full details of the extant permission before me, the appellant states that the floor area of the appeal proposal would be 22% larger than that of the extant planning permission. The appeal scheme also proposes an increase in the number of dwellings from 1 to 4. From this it follows that the appeal scheme would have a greater impact on the openness of the Green Belt than the extant permission. Consequently, I afford the fallback position limited weight in support of the proposal.
16. The proposal would provide economic and social benefits through the construction of the development and the additional contributions of future occupiers to the local economy. The provision of four new dwellings would also contribute to the area's housing stock. Given the scale of the proposed

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<sup>1</sup> APP/P3420/A/10/2129534

development these contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.

17. There was no dispute between the parties that the location would be accessible to local services and facilities as well as having good public transport links. However, a lack of harm in this or any other matter would be neutral in the planning balance rather than weighing in favour of a scheme.

### **Planning Balance and Conclusion**

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise 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, and any other harm, is clearly outweighed by other considerations.
19. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness, that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal conflicts with 147, 148, and 149 of the Framework.
20. For the reasons set out above, the I conclude that the appeal should be dismissed.

*David Jones*

INSPECTOR