



Appeal Decision

Site visit made on 9 April 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/C4235/W/23/3335253

Moorend Farm, 181 Woodford Road, Woodford, Stockport SK7 1QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Holmes against the decision of Stockport Metropolitan Borough Council.
 - The application Ref is DC/088073.
 - The development proposed is Infill development of five bungalows (available for self-build)
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr P Holmes against Stockport Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline, with details of access, layout and scale provided for consideration. Appearance and landscaping are reserved for subsequent approval. I have therefore dealt with the appeal on that basis, treating all submitted plans and drawings as illustrative unless related to access, layout and scale.
4. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach. I have referred to the updated paragraph numbers accordingly.

Background and Main Issues

5. The Council's second reason for refusal relates to a lack of a planning obligation to secure a contribution towards the provision for formal recreation for the proposed development. A completed S106 Obligation by Agreement (S106) has been submitted during the appeal process. However, because the appeal is dismissed for other reasons it has not been necessary for me to consider this matter in any further detail.

6. Consequently, 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;
- the effect of the proposal on the openness of the Green Belt; and
- whether any 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 inappropriate development

7. The appeal site is an overgrown, enclosed storage compound located within the Green Belt. The land was formerly part of a golf driving range and includes a small cabin and two storage containers. The site is accessed from a newly constructed private road off Woodford Road, which serves a complex of newly built residential dwellings (new dwellings).
8. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 154. One such exception, 154(e), is limited infilling in villages.
9. The Council refers to saved policies GBA1.1, GBA1.2 and GBA1.5 of the Stockport Unitary Development Plan 2006 (UDP). These policies pre-date the Framework and are more restrictive and not entirely consistent with it.
10. Policy DEV1 of the Woodford Neighbourhood Plan 2019 (the NP), is broadly consistent with the Framework in terms of permitting infilling in villages. However, the policy is more stringent than the Framework, in that it only allows one or two dwellings. Thereby the policy is not strictly consistent with the Framework. Therefore, having regard to the requirements of Paragraph 225 of the Framework, I give limited weight to policies GBA1.1, GBA1.2 and GBA1.5 of the UDP and policy DEV1 of the NP in the overall planning balance.
11. The Framework does not define 'village' or 'limited infilling'. However, there is no dispute between the main parties that the site is located within the village of Woodford, and I have no reason to take a different view. The parties do disagree whether the proposal would amount to 'limited' and 'infilling', which is a matter that I now turn to.
12. The term 'limited infilling' is a matter of judgement for the decision maker depending upon the individual circumstances of the case and appeal site. To my mind 'limited infilling' would be the filling of a small gap in an otherwise built-up frontage.
13. The existing dwellings along Woodford Road primarily have a linear built form along the road frontage, with long, spacious, rear gardens. This is the main characteristic of the pattern of development along the road. However, the exception to this is the position and arrangement of the new dwellings, located at the end of the private road. The new dwellings are set significantly back from the existing dwellings on Woodford Road. This results in a substantial gap between the two.

14. The appeal site is located forward of the new dwellings and adjacent to a modern agricultural style building beyond the side boundary. There is no other built development beyond the rear gardens of the properties that front Woodford Road. As a result, there is still a large, spacious gap to at least two sides and the construction of the proposed dwellings would not infill a gap in the existing built form and pattern of development. Likewise, it would not comprise the completion of an otherwise continuous and largely uninterrupted built frontage. Therefore, the proposed development on the land would not represent infilling.
15. In addition, the site is not a small gap between existing dwellings and even if I were to accept that the construction of five dwellings would be considered a limited number, for the reasons given, the proposed development would not represent limited infilling in a village.
16. Reference is made to an extant outline planning permission, granted at appeal (Ref: APP/C4235/W/21/3270672) for a single dwelling fronting Woodford Road, at the junction with the private road. That development has not been constructed but the new dwelling would front Woodford Road and would have a similar building line to the existing dwellings. The Inspector found the development to be limited infilling in a village and thus it would not be inappropriate development in the Green Belt. The characteristics of that site are materially different to the appeal site.
17. My attention has also been drawn to a series of other appeal decisions that consider infilling in the Green Belt. These relate to proposals for between four and nine dwellings, in different parts of the country. I have not been provided with a copy of the plans or the full details for each case and I cannot be certain that the circumstances are directly comparable to the appeal scheme. Moreover, the appeal decisions establish that the Framework does not define what limited infilling is, it is a site specific judgement, inevitably turning on the individual circumstances of each case. Therefore, these other appeal decisions have limited weight in favour of the development, and I have come to my own judgement based on the specific context of this appeal site, my observations, and the evidence before me.
18. I have also had regard to the Court cases cited by the appellant and the implications of these judgements. However, these arguments have not changed my reasoning here.
19. For the above reasons, I conclude that the proposal would not meet the exception set out in paragraph 154(e) of the Framework as limited infilling in a village. The proposal is therefore inappropriate development in the Green Belt and conflicts with paragraph 154 of the Framework and saved policies GBA1.2 and GBA1.5 of the UDP, which seek to protect the Green Belt, and with policy DEV1 of the NP, which sets out the circumstances in which "limited infilling" will be permitted.
20. Paragraph 152 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. In accordance with paragraph 153 of the Framework, substantial weight is given to any harm to the Green Belt.

Openness

21. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. One of the five purposes of the Green Belt identified by paragraph 143 of the Framework includes to assist in safeguarding the countryside from encroachment.
22. The small cabin and two storage containers have a functional appearance, and their removal would be a benefit, to which I attribute limited favourable weight.
23. Even though the proposed development would be located a reasonable distance from Woodford Road, with some tree screening, a cluster of five dwellings beyond the linear pattern of built development on Woodford Road would inevitably lead to additional built mass and a reduction in the openness of the Green Belt. This would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt.
24. For the reasons given, the proposal would have a harmful effect on the visual and spatial openness of the Green Belt and would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open and safeguarding the countryside from encroachment.

Other considerations

25. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It goes on to state in paragraph 153 that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites, which is suggested to be at 3.78 years. Therefore, the construction of five additional dwellings on brownfield land would redevelop the land and would add to the mix and range of dwelling types in a rural location. Furthermore, the construction of five new dwellings would also provide both short and long term associated social, economic, and environmental benefits during the construction phases and following occupation. The appellant also highlights that the dwellings would be custom and self-build plots, which would also contribute to the Council's current shortfall. However, there is limited evidence before me of how the proposed dwellings would be secured as custom and self-build plots. In particular, a mechanism for securing the dwellings as custom and self-build plots is not included in the completed S106. Overall, I attach limited weight to the provision of five additional dwellings.
27. I note that no concerns have been raised with regards to the impact on wildlife or visual impact. Furthermore, even if I accepted all planning obligations requested where lawful and met, all these matters carry neutral weight.

Other Matters

28. The appellant raises concerns about the Council's failure to engage in discussions during the planning application. Whilst unfortunate, this does not affect my consideration of the planning merits of the proposed development.

Green Belt Balance

29. The proposed development would be inappropriate development in the Green Belt which in line with Paragraph 152 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight.
30. The other considerations I have identified, including the contribution to the area's housing supply, are of limited weight in favour of the proposal. Those other considerations would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. Therefore, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework.
31. The lack of a five-year housing supply means the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained, there would be harm to the Green Belt that would not be clearly outweighed. This provides a clear reason for refusing the proposed development. Therefore, the proposal would not benefit from the presumption in favour of development in this instance.

Conclusion

32. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
33. For the above reasons, the appeal is dismissed.

N Bromley

INSPECTOR