



Appeal Decision

Site visit made on 11 June 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/C3430/W/23/3331733

Clee View, Trysull Road, Trysull, Staffordshire WV5 8DQ

- 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 Howard Sanders against the decision of South Staffordshire District Council.
- The application Ref is 23/00077/OUT.
- The development proposed is outline application for up to seven affordable 'first homes'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved. The Council determined the application on that basis. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative but informative.
3. The Council has included Policy EQ2 of the South Staffordshire Council Core Strategy, December 2012 (CS), within the list of relevant policies. However, the Council has since confirmed that this was an error as the appeal site lies beyond the 15km zone of influence for the Cannock Chase Special Area of Conservation. I have, therefore, not considered Policy EQ2 of the CS any further.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the development on the openness and the purposes of including land within the Green Belt;
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and the accessibility to services and facilities;
 - the effect of the development on the character or appearance of the area; 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

5. The appeal site comprises the existing detached bungalow, Clee View, its associated outbuildings, and the triangular parcel of land surrounding the house. The site lies outside of the settlement boundary of Wombourne and is, therefore, considered to be in open countryside. The site is also within the Green Belt.
6. Paragraph 154 of the National Planning Policy Framework (the Framework) says new development in the Green Belt is inappropriate, though it sets out the categories of development which may be regarded as not inappropriate. One of these, subsection f) of 154, advises that limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) is not inappropriate.
7. The relevant policies in the local plan are Core Policy 1 and Policies GB1, H1 and H3 of the South Staffordshire Council Core Strategy, December 2012 (CS). Wombourne is identified as a Main Service Village. Outside of the identified settlements the policies seek to protect the rural character of the countryside and restrict development. The policies protect the Green Belt from inappropriate development but also include an exception for schemes of 100% affordable housing, where a need has been demonstrated in accordance with Policy H3.
8. The proposal is for up to seven “first homes” which have been acknowledged by the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, as a form of affordable housing. This is supported by the Council’s own First Home Interim Policy which accepts “first homes” as an affordable housing product.
9. The appeal has not been proposed as community-led development under paragraph 73 of the Framework, albeit that the appellant referred to the previous version of this paragraph which supported housing for first-time buyers. Moreover, the footnote to paragraph 73 advises that the exception does not replace the Ministerial Statement.
10. I have been sent a signed Unilateral Undertaking which secures all of the dwellings on site to be provided and retained as First Homes in perpetuity and the Council has confirmed that they accept the agreement is appropriate. I, therefore, find that the proposed development would constitute an affordable housing scheme. Furthermore, the proposal, for up to seven dwellings, in my judgement, would be defined as limited affordable housing for the purposes of 154f) of the Framework.
11. Considering all of the evidence provided by both main parties, the Council has an overall shortfall in affordable housing and has limited, if any, approvals or built out first homes. The information submitted relates to a district-wide need and a southern area-wide need.
12. However, policy H3 of the CS requires a housing need to have been identified in the parish, or in one or more of the adjacent parishes, for the scale and type of development proposed. The policies in the local plan, including the rural exceptions policy, require details of local demand at a Parish level not at district-wide level. The policy requirement is set to ensure that exception sites

are just that, an exception to the general restraint against housing in the Green Belt and based on detailed and specific local evidence. A Parish level survey would also provide more detailed information on the scale and type of development required in the immediate area. In this case, I have no substantive evidence of the specific need for the Parish, or the parishes adjacent.

13. In the absence of this locally specific information the appellant has not demonstrated a genuine local need for affordable housing from people in the locality, contrary to the requirements of Policies H2 and H3 of the CS and contrary to paragraph 154f) of the Framework.
14. Furthermore, the appeal site lies within an area that is characterised by the country road, enclosed by roadside hedges, with sporadic farms, houses and rural buildings set along and back from the road. The area is open and has a countryside and pleasant character. The existing house is not read as part of Wombourne. The presence of the sports pitches and associated buildings to the rear of the appeal site do not harm this character and these facilities are clearly in the open countryside rather than part of the settlement.
15. I accept that the *Corbett v Cornwall Council* case¹ confirmed that the term “immediately adjacent”, which is similar to the wording of Policy H3 of the CS, does not mean the site has to be contiguous with the settlement and that the meaning of “immediately adjacent” can be interpreted to include “next to” or “very near”. However, the *Corbett* case also confirmed that it is a matter of planning judgement whether a proposal is immediately adjacent or not and that the extent of the existing settlement, and how the site and proposal relate to it, are quintessentially matters of fact and judgement for the decision-maker. The *Corbett* case did not provide a legal definition of “immediately adjacent.”
16. Even if I were to accept the appellant’s figure, that the corner of the appeal site lies 100m from the nearest dwelling on the edge of Wombourne, both main parties agree that the site is 300m from the settlement boundary. The site lies in an area that is sporadic and low-density housing. It is beyond both the settlement boundary and the natural boundary of Wombourne. Furthermore, the site is physically detached from the settlement by the intervening field.
17. The proposal would appear as a group of houses built beyond the settlement, in an area of open countryside where the dwellings are more spread out. Although the houses on the edge of Wombourne can be seen from the site the development would not be read as part of the settlement and would, consequently, not relate well to it.
18. Even considering the wider meaning of the words, as advised by the *Corbett* case, in my judgement the proposed development would not lie immediately adjacent to, or next to or very near to, the settlement. The proposal would, therefore, not comply with the locational requirement of subsection a) of Policy H3 of the CS.
19. For the above reasons, the proposal would be inappropriate development in the Green Belt when considered against Policies GB1 and H3 of the CS and against

¹ William Corbett v Cornwall Council and Dymrna Wilson [2022] EWCA Civ 1069

paragraph 154f) of the Framework as it would not constitute limited affordable housing for local community needs.

Openness of the Green Belt

20. At the time of my visit the appeal site contained the existing dwelling, outbuildings and the land associated with the dwelling. The land was laid to grass and enclosed along the roadside with a hedge. However, the site slopes up away from the road and consequently it is open and highly visible from the road. It currently contributes positively to the openness of the Green Belt. The proposal would result in up to seven dwellings, each with parking spaces, domestic gardens, and associated domestic paraphernalia. The development would also result in widening and lengthening of the existing driveway.
21. The appeal proposal would be clearly visible from the road outside the appeal site and also from the adjacent sports pitches. The position of the proposed dwellings, albeit only indicative at this stage, would be set back from the road, but would still be highly visible. The existing roadside hedge and trees around the site are to be retained but would not screen the development. The visual impact would be significant and would result in harm to the openness of the Green Belt. It would also lead to encroachment of an urban form into the countryside contrary to the Green Belt aim of assisting to safeguard the countryside from encroachment.
22. The spatial aspect of openness includes an absence of development, rather than just an absence of sight of a development. Although the submitted layout plan is indicative, it is informative as to how the site would be developed. Albeit that the proposal is up to seven dwellings it is unlikely that the final development would be substantially less in number. To accommodate up to seven dwellings the proposal would need to be spread across much of the appeal site, not just in the location of the existing buildings. The proposed scheme would introduce development on parts of the site which are currently grassed lawns and would result in built development spread across much more of the appeal site than the existing cluster of buildings.
23. Therefore, by introducing development on to parts of the site where currently there is no development, the appeal proposals would be eroding the sense of openness that the site currently offers. This would have a significant spatial impact on the openness of the Green Belt and run contrary to the fundamental aims of Green Belts being their openness and their permanence.
24. For the above reasons, the proposal would have both a spatial and a visual impact which would result in a significant loss of the openness of the Green Belt, contrary to Paragraph 142 of the Framework. The proposal would also be contrary to Policies GB1 and H3 of the CS for the same reasons.

Suitability of location

25. Core Policy 1 of the CS seeks to locate development in the most accessible and sustainable locations, in accordance with the settlement hierarchy, and seeks to restrict development in the open countryside. As I have found that the proposal does not meet the criteria for limited affordable housing in the Green Belt, the development would be contrary to Core Policy 1 and Policies GB1 and H3 of the CS.

26. Wombourne is a Main Service Village and has a range of services and facilities. From the evidence before me and my own observations the local schools, services and facilities are all at least 15 minutes' walk from the appeal site. I have not been given any evidence of the location of the nearest bus stop, however, the nearest one I observed was also approximately 15 minutes' walk from the site.
27. The nearest schools are within the maximum walking distance set out in the South Staffordshire Sustainable Development Supplementary Planning Document, 2018 (the Sustainable Development SPD). Therefore, the future occupants would be able to walk to school. Nonetheless, a number of the other services noted by the appellant are 2km from the site, or further away. Moreover, the first section of the walk would be along an unlit country lane with steep grass verges and high hedges which would not make the walk pleasant or feel safe. Once in the edge of Wombourne there are still sections without any pavement and with pinch points. In this respect, with the exception of walking to the sports pitches behind the appeal site, it is unlikely that residents of the development would walk between the site and the nearby settlement for day-to-day facilities or that the residents would be likely to walk to Wombourne to catch a bus to facilities in other settlements.
28. Considering the above, there are limited opportunities for sustainable transport modes or for residents to undertake many activities without the use of the private car. Consequently, notwithstanding the appellant's assertions, in my judgement, the occupants of the proposed development would rely heavily on the private car, or on home deliveries. As such the scheme would not promote sustainable modes of transport or contribute towards reducing carbon emissions.
29. I accept that the development would not result in long round-trip distances to the services and facilities in Wombourne and the proposal would support the growth of Wombourne. However, this would not be in a manner which promotes alternative means of travel. Moreover, the development would not be in a location that is the most accessible or sustainable and it would not provide a genuine choice of transport modes, as is promoted in the Framework.
30. Consequently, I find that the site is not an appropriate location for the proposed housing, having regard to the accessibility of services and facilities and would be contrary to Core Policy 1 and Policy H3 of the CS which, taken together, support growth in the most accessible and sustainable locations, restricts development in the Green Belt and areas of open countryside, and seeks to ensure that development is appropriate having regard to its proximity to public transport links, key infrastructure and services.

Character and appearance

31. The appeal proposal would introduce up to seven dwellings on a parcel of land which, albeit currently associated with one existing dwelling, is separated from the other housing in Wombourne by an open field. It is within the context of other sporadic housing. It is not read alongside the other housing within the settlement and, although the indicative layout shows the proposed dwellings sited close to the sports pitches, the proposal for up to seven houses would not relate to the small-scale development on the hockey and cricket club.

32. The proposed development would not form part of the existing built form of the settlement and would not form an appropriate transition between the settlement and the countryside. It would not be read within the street scenes provided by the appellant and would be physically and functionally separate from the existing housing on the edge of the settlement. The appeal before me would quite probably introduce a new cul-de-sac form of development into the countryside which would not retain or reinforce the current settlement pattern, as required by Core Policy 1 of the CS.
33. That the backs of properties and domestic outbuildings would not be visible would not reduce the visual effect of the proposed housing and associated development. Furthermore, that other housing on the edge of Wombourne is detached houses would not justify the proposed encroachment into the countryside.
34. For the reasons given above I conclude that the proposed development would be harmful to the character and appearance of the area contrary to Policy H3 of the CS which, amongst other matters, seeks to ensure that development respects the scale, character, and local distinctiveness of its surroundings.

Other considerations

35. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that the proposal would not fall under the exception for limited affordable housing in the Framework. It would also be inappropriate development due to the adverse impact on the visual and spatial aspect of openness of the Green Belt.
36. Substantial weight is given to the harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt, and any other harms, are clearly outweighed by other considerations. The proposal would also result in harm by reason of not being an appropriate location for development, having regard to the accessibility of services and facilities, and harm to the character and appearance of the area.
37. I acknowledge that the proposal would provide additional housing within the context of the Framework's aim of boosting housing supply. The development would also provide First Homes which would help towards the shortfall in affordable housing and specifically this form of affordable housing. The provision of affordable housing, albeit that the appellant has not proven the local need for such housing, would attract moderate weight.
38. There would also be social and economic benefits both during and post construction. However, given the small scale of the development and that the future occupants would be heavily reliant on the private car for access to day-to-day services and facilities, the social and economic benefits would be limited. The scheme would also have limited effects on biodiversity and provide an opportunity for ecological enhancements which is a benefit.
39. That the scheme would not result in any adverse effects on the living conditions of the occupiers of the nearest neighbouring properties; not significantly harm highway safety; and that other technical matters can be resolved through appropriately worded conditions weigh neither for, nor against, the proposal.

40. For the reasons given, the other considerations that weigh in favour of the proposal, taken together, do not outweigh the substantial harm I am to give to the Green Belt harm. Consequently, they do not clearly outweigh the harm from inappropriateness and the other harms. For these reasons, the very special circumstances necessary to justify the development do not exist.

Conclusion

41. The proposal conflicts with the development plan taken as a whole, and the Framework. There are no other material considerations, including the provision of affordable homes, which would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR