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# Appeal Decision

Site visit made on 3 September 2024

**by N Bromley BA (Hons) DipTP MRTPI**

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

**Decision date: 23<sup>rd</sup> October 2024**

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**Appeal Ref: APP/C4235/W/24/3342848**

**Land to the rear of 409 Chester Road, Woodford, Stockport SK7 1QP**

- 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 Ms Clare Sullivan against the decision of Stockport Metropolitan Borough Council.
  - The application Ref is DC/083007.
  - The development proposed is described as "Demolition of all existing buildings on the site and erection of a single detached dwelling with means of access off Chester Road."
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was submitted in outline, with details of access, layout, scale, and appearance provided for consideration. Landscaping is reserved for subsequent approval. I have therefore dealt with the appeal on that basis.
3. On 30 July 2024 the Government published a consultation on "Proposed reforms to the NPPF and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation" (draft Framework). A Written Ministerial Statement (WMS) entitled "Building the homes we need" was also published on 30 July 2024.
4. Whilst a direction of travel has been outlined within the WMS, which is a material consideration of very significant weight, the weight I give to the changes in the draft Framework is limited given that no final document has been published and it is subject to potential change in the future. I have therefore had due regard to these publications in my determination of this appeal and the main parties were given the opportunity to comment on these publications. I have taken into account any comments raised.

## 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, including assessing 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 forms land to the rear of residential properties that front Chester Road located within the Green Belt. Access to the site is via a long, unmade track in between 407 (No 407) and 409 (No 409) Chester Road. The land includes a number of timber buildings used 'for the care of sick and injured animals', primarily set amongst dense vegetation and an abundance of trees, many of which are mature.
8. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 154. Such exceptions include, paragraph 154(e), limited infilling in villages, and paragraph 154(g), which allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
9. The draft Framework includes some proposed changes to the exception under paragraph 154(g) and introduces an additional exception relating to development on grey belt land. However, as the draft document is currently subject to consultation, it carries very little weight.
10. 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 than Policy DEV1 of the Woodford Neighbourhood Plan 2019 (the NP) and the approach set out in 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 in the overall planning balance.
11. There is no dispute between the main parties that the site is located within the village of Woodford and meets the definition of previously developed land (PDL). I have no reason to take a different view.
12. My attention has been drawn to numerous previous appeal decisions<sup>1</sup> that consider infilling in the Green Belt. The Framework does not define limited infilling. However, Policy DEV1 of the NP is broadly consistent with the Framework in terms of permitting infilling in villages. Policy DEV1 sets out that limited infilling should comprise the completion of an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene where the scale of development is compatible in character to that of adjoining properties. The glossary of the NP also identifies infill as the

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<sup>1</sup> APP/C4235/A/14/2222865; APP/H1033/W/23/3317979; APP/P1940/W/17/3183388; PP/F2360/W/20/3244797; and APP/C4235/W/16/3150831.

development of a relatively small gap between existing buildings. I am also mindful that it is a matter of planning judgement for the decision maker, taking into account numerous factors, including the size and location of the development and its relationship to the existing built form of the surroundings.

13. Woodford village comprises large areas of built development. Nonetheless, it is within the Green Belt.
14. The existing dwellings along this part of Chester Road primarily have a linear built form along the road frontage, with long, spacious, rear gardens. Beyond the rear boundary of the appeal site are residential dwellings, which form part of a sizeable development known as Woodford Garden Village (WGV), also located within the Green Belt. However, the appeal site forms part of a large, open gap in the built pattern of development between the linear row of properties on Chester Road and the residential dwellings which form part of the WGV.
15. The proposed dwelling would be located close to the rear boundary of No 407 and No 409. A large rear garden is also proposed. As a result, there would remain a large space to the rear of the proposed dwelling. A spacious gap would also remain beyond each side boundary. Therefore, the proposal would not infill a gap in the existing built pattern of development.
16. In addition, while the scale of development would be compatible in character to that of adjoining properties, the backland location of the site and the position of the proposal would be set noticeably behind the linear row of dwellings that front Chester Road. Consequently, the proposal would not front the road or comprise the completion of an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene. For these reasons, the proposal would not represent limited infilling in a village.
17. Furthermore, the proposal is to replace the existing timber buildings on the site and in order to meet the exception set out at paragraph 154(g), it is necessary for the proposed development to not have a greater impact on the openness of the Green Belt than the existing development. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually.
18. On the evidence before me, the footprint of the proposed dwelling and height would result in a significantly greater footprint and volume of development on the land than the existing buildings that would be replaced. Indeed, the evidence indicates that the existing buildings have a combined footprint and volume of approximately 127 square metres and 342 cubic metres respectively. The proposed dwelling would have a footprint of approximately 382 square metres and a volume of 1013 cubic metres. This would represent a substantial increase in floor area and volume.
19. The significantly greater bulk, mass and height of the proposed dwelling would also be more visible between the neighbouring dwellings, than the existing modest, unassuming buildings on the site. It would also be markedly larger in scale and mass when compared to an ancillary garden building of neighbouring properties or those that could be constructed. As such, there would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt and the proposal would have a greater impact on the openness of the Green Belt than the existing development on the site.

20. Consequently, the proposal would not constitute one of the exceptions set out in paragraph 154, or any other paragraphs, of the Framework.
21. I have also had regard to the Court cases and previous appeal decisions cited by the appellant and the implications of these judgements and decisions. However, these arguments have not changed my reasoning here.
22. For the reasons given above, I conclude that the proposal would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. I attach substantial weight to the harm, by reason of inappropriateness and loss of openness. The proposal is also contrary to Policy DEV1 of the NP, which sets out the circumstances in which "limited infilling" will be permitted and saved policies GBA1.2 and GBA1.5 of the UDP, which seek to protect the Green Belt.

#### *Other considerations*

23. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites, which is suggested to be at 3.2 years. Therefore, the construction of a single dwelling on PDL would contribute to boosting housing supply. The construction of a new dwelling in a well-connected location would also provide both short and long term associated social and economic benefits during the construction phases and following occupation. Moreover, the proposal would be delivered as a custom and self-build plot, which would also contribute to the Councils current shortfall, thereby attracting moderate weight.
24. I note that the proposed development seeks to retain existing trees, which would be supplemented with additional planting. The appellant also sets out that the proposal would be highly energy efficient and use SUDS, permeable surfacing and achieve biodiversity improvements. Furthermore, even if I accepted all planning obligations requested where lawful and met, all these are requirements of planning policy and taken together they carry neutral weight.
25. The appellant suggests that an extant residential planning permission already exists on the site, following planning permission for the WGV, which they allege included the rear part of the appeal site. However, no further details, including the plans, have been provided. The Council also contest this point. Therefore, without any substantiated evidence before me, it has not been demonstrated that the appeal site has an extant planning permission for residential development.
26. It is also suggested by the appellant that the current Green Belt status is clearly outdated and harm to the openness of the Green Belt was caused by the WGV. Therefore, it is suggested that the next iteration of the local plan is likely to take Woodford village and the WGV out of the Green Belt and create a settlement boundary around Woodford. However, the site is designated as Green Belt, and I must determine the appeal on the basis of the adopted development plan at the time of my decision.
27. The WMS is a material consideration. Amongst other things, it sets out that local authorities will be required to review Green Belt boundaries where they cannot meet their identified housing, commercial or other development needs. Whilst this indicates a future direction of policy, I have little evidence before

me regarding the potential for Green Belt review in the borough. As such, I attach some, albeit limited, weight to the WMS in this appeal decision.

### **Green Belt Balance and Conclusion**

28. The proposed development would be inappropriate development in the Green Belt and therefore harmful by definition. 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. The Framework states at paragraph 153 that substantial weight is given to any harm to the Green Belt. I therefore place substantial weight on the harm by inappropriateness and harm to openness and the purposes of the Green Belt that I have identified.
29. The other considerations I have identified, including the contribution to the area's housing supply and custom and self-build plots, are of moderate 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.
30. 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.
31. The proposed 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.
32. For the above reasons, the appeal is dismissed.

*N Bromley*

INSPECTOR