The Planning Inspectorate

APPENDIX

Appeal Decision

Site visit made on 30 June 2014

by Tom Cannon BA DIP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2014

Appeal Ref: APP/B3438/A/14/2217581
Equestrian Building at Mount Pleasant farm, Well Lane, Gillow Heath, Staffordshire, ST8 6QR

- 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 & Mrs Menzies against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2013/1177, dated 12 December 2013, was refused by notice dated 27 March 2014.
- The development proposed is the demolition of equestrian building and erection of dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of equestrian building and erection of dwelling at Mount Pleasant farm, Well Lane, Gillow Heath, Staffordshire, ST8 6QR in accordance with the terms of the application, SMD/2013/117, dated 12 December 2013, subject to the conditions set out in the Schedule of Planning Conditions attached hereto and forming part of this decision.

Procedural Matters

2. My site visit was carried out unaccompanied after the Council's representative failed to attend at the pre-arranged date and time. I was given access to the site by the appellant's agent. There was no discussion regarding the appeal at the site visit.

3. The Council's reason for refusal acknowledges that they cannot demonstrate a 5 year housing land supply. The decision was issued only one day after the Council's Core Strategy Development Plan Document 2014 (CS) was adopted on 26 March 2014. However, I note that the examining Inspector found the CS to be sound, despite the Council's inability to demonstrate a 5 year housing land supply, based on a clear commitment to an early and comprehensive review of the CS for the period 2016-2031.

4. The parties have been given the opportunity to comment on the recent High Court decision on Redhill Aerodrome Ltd v SSCLG and others. Comments on the Redhill Judgement have been received from the appellant. On the 9 October, the Court of Appeal [2014] EWCA Civ 612 overturned the decision of Patterson J on Redhill Aerodrome Ltd v SSCLG and others.

Main Issues

5. The main issues are:

   - Whether the proposal is inappropriate development in the Green Belt; and
   - Whether or not the proposal would provide a suitable site for housing, having regard to the principles of sustainable development.

Reasons

6. The appeal site comprises of a portal framed equestrian building, situated to the north-west of a group of residential barn conversions and the farmhouse at Mount Pleasant Farm. It is served by an access drive which connects the site to Bailey's Bank, Well Lane and the nearby settlement of Gillow Heath.

Whether the proposal would amount to inappropriate development

7. The appeal site is situated in the Green Belt. Policy SS6c of the Council's Core Strategy Development Plan Document 2014 (CS) directs that strict control will be exercised over inappropriate development within the Green Belt, allowing only for the exceptions as defined by Government Policy.

8. Paragraph 89 of the National Planning Policy Framework (the Framework) states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Included in this list, and not therefore to be regarded as inappropriate, is the '*partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.*

9. The Council in their delegated report imply that the proposed dwelling would not have a greater impact on the openness of the Green Belt than the existing building. However, from the evidence before me it is not entirely clear if they accept the development would fall under the above exception and not therefore represent inappropriate development in the Green Belt.

10. Nonetheless, the site in this case has clearly been previously developed and the proposal is for its complete redevelopment. I acknowledge at about 170 m^2 the footprint of the proposed dwelling would be the same as the existing structure and it would have a slightly higher ridge height. However, the reduced eaves height of the proposed building would significantly reduce its overall bulk and massing in comparison to the existing structure.

11. Although the introduction of a subterranean level, would result in an overall increase in volume, this element of the scheme would be enclosed on all sides and would not therefore impact on openness. The garden and parking area would also be tightly drawn around the building, limiting any potential encroachment into the open countryside and reducing the scope for domestic paraphernalia associated with the proposed dwelling. This would contrast with the area surrounding the existing building, which currently comprises of an array of fencing, jumps and equipment connected with the equestrian use of the site.

12. Consequently, the scheme would not have a greater impact on the openness of the Green Belt than the existing development or conflict with the five purposes of including land within the Green Belt set out in paragraph 80 of the Framework. It would not therefore amount to inappropriate development.

Principles of sustainable development

13. The appeal site falls within the open countryside, outside a defined settlement. Policies SS6c and R2 of the CS specifically seek to restrict new build housing in other rural areas, other than in certain prescribed circumstances, such as the provision of housing which is essential to local needs. Whilst the appellant's have strong connections to the local area and require a larger property for their growing family, these circumstances do not amount to an 'essential local need'. Furthermore, I have no evidence before me to indicate that this need cannot be met elsewhere in the local area. Consequently, the appeal development would be contrary to Policies SS6c and R2 of the CS in this respect.

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

15. At the heart of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and should be jointly sought to achieve sustainable development.

16. The Council have confirmed they cannot demonstrate a five-year supply of deliverable housing sites. The proposal would add to the local housing stock and make a positive, albeit modest, contribution towards reducing the current deficit of housing in the area. This is a clear economic and social benefit associated with the scheme to which I attach significant weight.

17. The appeal scheme through the construction of the dwelling and expenditure associated with an additional household in the area would deliver further economic benefits. I afford modest weight to these considerations. The provision of an on-site turning area of a sufficient size to accommodate larger refuge and delivery vehicles would provide an additional social benefit to both the future occupiers of the property and the adjacent barn conversions. I attribute limited weight to this matter.

18. The appeal scheme would involve the re-use of a previously developed site in the countryside. As the overall bulk and massing of the proposed new dwelling would be smaller than the building it is replacing and the domestic curtilage would be less extensive than the existing equestrian activity on site, it would enhance the character and appearance of the countryside and openness of the Green Belt. The simple form and design of the proposed building, combined with its siting along the north-east boundary of the plot would further reduce its visual impact and prominence. This is a clear environmental benefit related to the development to which I attach significant weight.

19. Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes should be avoided unless there are very special circumstances (those cited are not relevant to the current case).

20. The building is situated adjacent to a small cluster of residential properties at Mount Pleasant Farm. I acknowledge that Bailey's Bank and Well Lane, which link the site to the nearby settlement of Gillow Heath, are narrow country lanes without pedestrian footways or street lighting. However, I observed that the lanes were lightly trafficked, and at a distance of about 200m the proposed dwelling would be located within close proximity of the built up area. Although local services in Gillow Heath are limited, the adjoining town of Biddulph, which provides a range of shops, schools and potential employment opportunities, is within reach of the site by foot or bicycle. Moreover, Well Lane is also on a bus route providing a regular service to the centre of Biddulph and other larger towns in the area. This adds to the sustainability credentials of the scheme.

21. The proposal would not therefore result in an isolated development in the countryside, and would be consistent with the Framework principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.

22. In considering what is sustainable development the Framework should be taken as a whole. In this case, although the development would be contrary to Policies SS6c and R2 of the CS, as it would not provide a dwelling to meet an essential local need, this harm would be substantially and demonstrably outweighed by the benefits I have identified to housing supply in the District, social and economic benefits to the local area, character and appearance of the countryside and openness of the Green Belt. I therefore find that, the proposal would provide a suitable site for housing, having regard to the principles of sustainable development.

Other Matters

23. I note that footnote 9 to paragraph 14 of the Framework lists Green Belt sites as being one of the categories where specific policies of the Framework indicate development should be restricted. However, I have already identified that the scheme would not represent inappropriate development and thus, is in accordance with the Framework's policies concerning development in the Green Belt. In this respect the Framework does not indicate that the appeal development should be restricted.

24. I acknowledge the site, due to its location is unlikely to be included in subsequent revisions to the Biddulph Development Boundary. However, this does not affect my conclusions on the main issues in this appeal.

Conclusion

25. Accordingly, I find the proposal would not represent inappropriate development in the Green Belt and would be consistent with the principles of sustainable development as set out in the Framework.

26. For the reasons set out above, and having regard to all other matters raised I conclude that the appeal should succeed.

Conditions

27. I have considered the conditions suggested by the Council, in light of advice in paragraphs 203 and 206 of the Framework and the Planning Practice Guidance (PPG). In addition to the standard time limit condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.

28. Samples of facing and roofing materials and details of window, door and rainwater goods are needed to protect the character of the area. Although not suggested by the Council, for similar reasons, it is also necessary for details of the photovoltaic panels and boundary treatments to be provided. In the interest of highway safety a condition is needed requiring the approved parking and turning areas to be constructed prior to the occupation of the dwelling.

29. I acknowledge the PPG advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I also note the Council has not requested that permitted development rights are removed. However, given my conclusions on the main issues and to reduce any subsequent harm to openness, I consider it necessary to remove permitted development rights in respect of extensions, ancillary buildings, and roof alterations.

30. In the interests of precision and enforceability, and to accord more closely with advice in the PPG, I shall amend the Council's suggested wording where appropriate.

T Cannon

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: AB-ST-PL-01, AB-ST-PL-02, AB-ST-PL-03, AB-ST-PL-04 and AB-ST-PL-05.

3) No development shall take place until samples of the facing and roofing materials to be used in the dwelling and details of windows, doors, rainwater goods and photovoltaic panels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) No development shall take place until details of the position, design, materials and type of boundary treatment and any fencing or means of enclosure within the site have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed prior to first occupation of the dwelling or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

5) The building shall not be occupied until the parking and turning area's shown on drawing No AB-ST-PL-02 has been constructed, and these areas shall not thereafter be used for any purpose other than the parking or turning of vehicles.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations, alterations to the roof, garages, garden sheds or out buildings shall be erected.