The Planning Inspectorate

APPENDIX A

Appeal Decision

Site visit made on 6 October 2014

by P Willows BA DipUED MRTPI

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

Decision date: 12 November 2014

Appeal Ref: APP/B3438/A/14/2223274
Land adjoining 157 Park Lane, Knypersley, Stoke-on-Trent ST8 7PN

- 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 Mr D Brown against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2014/0297, dated 1 May 2014, was refused by notice dated 15 July 2014.
- The development proposed is the erection of a detached dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Land adjoining 157 Park Lane, Knypersley, Stoke-on-Trent ST8 7PN in accordance with the terms of the application, Ref SMD/2014/0297, dated 1 May 2014, subject to the following conditions:

   1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

   2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

   3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

   4) The development hereby permitted shall be carried out in accordance with Drawing Number DB/KR/2014/1 insofar as it shows the access and layout of the development.

Procedural Matter

2. The proposal seeks outline planning permission, with approval also sought for the access and layout. Other matters are reserved for future consideration.

Main Issues

3. The site falls within Green Belt. Accordingly, the main issues are:

- Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
- The effect of the development on the openness of the Green Belt and the character of the area;
- Whether the development would comply with development plan policies that seek to control development in rural areas; and
- If the development is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The development plan currently consists of the Core Strategy Development Plan Document. The decision notice refers to this as an emerging plan, but it was, in fact, adopted before the decision was made. Policy SS6c sets out an area strategy for *Other Rural Areas* (it is implicit in the Council's case that the site falls within an *Other Rural Area),* while Policy R2 deals with rural housing. Neither of these policies addressees the question of whether a development is inappropriate in the Green Belt. This must be determined with regard to the National Planning Policy Framework (the Framework).

5. The Framework advises at Paragraph 89 that, other than in the case of a number of specified exceptions, the construction of new buildings should be regarded as inappropriate in Green Belt. One of these exceptions is, 'limited infilling in villages'.

6. Neither side has commented on whether the site is within a village. I must therefore base my assessment on what I saw on site and on the limited written material before me. The appeal site lies within a lengthy run of ribbon development along Park Lane. The setting of this ribbon development is largely rural, but it continues along Park Lane where it meets with more widespread residential development. In my judgement it has the qualities of a village and can be regarded as such for the purpose of applying Green Belt policy. The proposal is for a single dwelling on a modest plot, which has existing dwellings to either side. Accordingly, the proposal amounts to limited infilling.

7. With these matters in mind, I conclude that the exception I have highlighted applies in this case. Consequently, in accordance with Paragraph 89 of the Framework, the proposal is not inappropriate development within the Green Belt. It is not, therefore, necessary to consider the question of whether there are very special circumstances in this instance.

Openness and character

8. The creation of a new dwelling on this site would have an effect on its openness and hence on the openness of the Green Belt as a whole. The effect of this would be limited, reflecting the fact that only a single dwelling is proposed. Nevertheless, the Framework advises that openness is an essential characteristic of Green Belts[1]. Accordingly, some harm arises from this.

9. The development would be seen within the context of the ribbon of development to either side, and would appear entirely appropriate within this setting. The character of the area would therefore not be harmed.

Development plan policies

10. The effect of Policies SS6c and R2 is to restrict development within *Other Rural Areas*, other than in the case of a number of specified exceptions, none of which apply to the appeal proposal. Thus the development runs counter to these policies. Planning determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

11. Nevertheless, despite the reference to these policies, the only specific concerns the Council raises relate to the Green Belt. I can see nothing in the Council's case to suggest that the underlying aims of SS6c or R2, would be compromised. The Council acknowledges that the development would fit in well with its surroundings and indicates that it would not give rise to any other planning difficulties. Accordingly, it does not appear to me that the conflict with these policies would give rise any specific planning concerns or undermine their purposes.

Other considerations

12. The development would provide a new dwelling. This is a significant benefit of the scheme. The Framework seeks to significantly boost the supply of housing[2]. Furthermore, the Council cannot currently demonstrate a 5 year supply of housing land. The Framework advises at Paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At Paragraph 14 it states that where the development plan is absent, silent or relevant policies are out of date, development proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Thus, it is clear that the lack of a 5 year supply is a significant consideration to be weighed in favour of the proposed development.

Conclusion

13. There is conflict with development plan policies, but I have concluded that the underlying aims of the policies would not be compromised. There would also be some harm to the openness of the Green Belt. Set against this harm is the benefit of the new home that would be provided. In my judgement, this is sufficient to tip the balance in favour of the proposed development, and I will

[1] Para 79
[2] Para 47

therefore allow the appeal. I have attached a condition specifying the approved plan for the avoidance of doubt and in the interests of proper planning. I have noted the planning conditions suggested by the Environmental Health Officer and Staffordshire County Council, but have insufficient evidence to show that they are necessary. Moreover, the District Council have not requested any such conditions and state that no highway safety or environmental health issues are raised by the proposal.

Peter Willows

INSPECTOR