The Planning Inspectorate

Appeal Decision

Site visit made on 19 September 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 10 October 2017

Appeal Ref: APP/B3438/W/17/3172514
New House, Beat Lane, Rushton Spencer SK11 0QY

- 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 Sarah Evans against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0746, dated 24 November 2016, was refused by notice dated 20 January 2017.
- The development proposed is the formation of a new vehicle entrance.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   i. Whether or not the proposal is inappropriate development in the Green Belt;

   ii. The effect on the openness and character of the Green Belt; and

   iii. If inappropriate development whether the harm 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 or not the proposal is inappropriate development in the Green Belt

3. The appeal site is a relatively remote dwelling situated in the Green Belt and mainly surrounded by agricultural land. The side elevation of the property faces the road with the front elevation being prominent from the eastern approach across the property's garden and the countryside.

4. Policy SS6c of the Core Strategy Development Plan Document March 2014 (the CS) states clearly that strict controls will be exercised over inappropriate development in the Green Belt allowing only for exceptions as defined by Government policy. The National Planning Policy Framework (the Framework) states that inappropriate development within the Green Belt should not be approved except in very special circumstances.

5. According to Paragraph 90 of the Framework certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and the purpose of including land within it. The current proposal would constitute an engineering operation involving excavation and the construction of a surface for the parking and manoeuvring of vehicles. The land in question is currently an attractive extended area of garden which is screened by the existing boundary hedge.

6. The engineering operation would result in an extensive area of gravel and bound permeable paving in an area of currently undeveloped Green Belt. Such a development would constitute encroachment into the countryside which would conflict with one of the aims of Green Belt policy to safeguard the countryside from encroachment. Consequently the proposal would be inappropriate development and by definition harmful to the Green Belt.

7. As a consequence I find that the proposed development would be contrary to Policy SS6c of the CS and the Framework.

Openness and Character

8. I understand that the proposed surfacing, parking and vehicle manoeuvring area would be situated outside the original curtilage of the host dwelling and would involve the removal of a visually prominent, attractive and important section of hedgerow which lies between the existing highway verge and the garden area. The Council states that such hedgerows are identified in the Landscape and Character Appraisal as a key characteristic of this particular area and I consider that the visual relationship between the property, the hedgerow and the highway is an important visual feature in the immediate vicinity of the site.

9. The attractive grass verge would be replaced by hard surfacing which in a high quality attractive countryside location would detract from the visual quality of the countryside. Furthermore, the setting of the attractive rural residential property 'New House' would be compromised to an unacceptable degree. The proposed surfacing and parked vehicles themselves in this location would detract from the openness of the Green Belt and the surrounding landscape.

10. The appellant has stated that the proposal would incorporate surfacing materials that complement that used at a nearby property and that other properties in the area have new vehicle entrances. However, I have considered the appeal proposal on its own merits in the light of the specific circumstances of the site and its surroundings.

11. I understand that significant replacement hedge planting would take place around the site which would go some way to mitigating the harm that would result from the proposal. However, on balance in this particular case I consider that the disruption to the relationship between the existing highway verge, the boundary hedge and the property would be harmful to the openness and character the area which is designated as Green Belt and conflict with Policies SS1, SS1a, SS6c, DC1, DC2 and DC3 of the CS and the Framework. Among other objectives these seek to ensure that the use of land contributes positively to the environment of the District, strictly control inappropriate development in the Green Belt, all development should be of a high quality respecting the site and surroundings and resist development which would harm the character of the local and wider landscape.

Other considerations

12. I understand that the proposal is to provide a new vehicular access and parking area to address safety concerns associated with the use of the existing access. At my site visit I noted that visibility from the existing access to the west is relatively good, but visibility to the east is restricted, the main obstruction being the boundary wall with hedge planting above it. An area of hard surfacing adjacent to the access could be used to improve the safety of manoeuvres onto or off the highway, although at the time of my visit a vehicle was parked on this land, preventing its use. I accept that the appellant has no control over this land and as such it is and may not always be available for manoeuvring vehicles. I also accept that vehicle manoeuvres into the site involve some encroachment into the main road carriageway and that in the past there have been collisions in the vicinity of the site.

13. However, whilst the proposal would improve visibility to the east it would somewhat compromise visibility to the west which would not be as good as the existing access. Overall I accept that the proposal would improve the visibility for vehicles accessing the appeal property and this must be balanced against the harm I have found with respect to the openness and character of the Green Belt.

Conclusions

14. The proposal would provide some benefit in terms of improving the highway access to the appeal site and resultant highway safety. However, compared to the existing arrangement the proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. To be added to that harm is the harm to openness and character that I have identified. I have also found that the proposal would conflict with the development plan and the Framework.

15. I do not consider that in this case very special circumstances have been demonstrated in the context of the substantial weight that is attached to inappropriate development in the Green Belt. Therefore, in planning terms I am not persuaded that the very special circumstances necessary to justify the development in the Green Belt have been demonstrated which outweigh the harm caused by reason of inappropriateness and the effect on the openness and character of the Green Belt.

16. Accordingly, for the reasons set out above, I conclude that on balance the appeal should not succeed.

Alastair Phillips

INSPECTOR