The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2018

Appeal Ref: APP/B3438/W/18/3200337
Land off Micklea Lane, Longsdon ST9 9QA

- 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 Marc Jones against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0647, dated 21 September 2017, was refused by notice dated 9 March 2018.
- The development proposed is a dwelling and detached garage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. In addition to those drawings which are listed on the Council's decision notice, the Council has confirmed that its decision was also based on revised drawing 17-117-06 Revision A, which it received during the course of the application. I determine the appeal on the basis of this revised drawing, and I have also had regard to a further revised drawing (17-117-04 Revision A) supplied by the appellant which, the Council advises, did not form part of its assessment. I make further reference to this issue in my Other Matters section to follow.

3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have given the main parties the opportunity to comment on this, and I have had regard to further comments received.

Main Issues

4. 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;
    - The effect of the proposal on the openness of the Green Belt;
    - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

5. The Framework regards the construction of new buildings as inappropriate development in the Green Belt. One of several exceptions to this is limited infilling in villages. Furthermore, Policy SS6c of the Staffordshire Moorlands Core Strategy Development Plan Document, March 2014 (the Core Strategy) seeks, among other things, to exercise strict control over inappropriate development in the Green Belt.

6. Longsdon is identified as a smaller village in Policy SS6b of the Core Strategy. The supporting text to this policy states that the settlements identified will continue to be subject to Green Belt policies, but in addition some limited infilling is considered acceptable. However, whilst reference is made to the definition of an Infill Development Boundary, no such boundary exists for the village of Longsdon at present.

7. I note the appellant's reference to emerging policy regarding infill development. However, as this is not specifically before me, and is not part of the current development plan, I can afford this little weight. Therefore, and in the absence of any definition of 'village' in the Framework, I have considered the character of the site and its immediate surroundings, and whether it relates more to the village or to the countryside.

8. Longsdon includes a stretch of the A53 Leek Road, together with a series of roads extending from it, with varyingly sporadic degrees of ribbon development. The Council has identified the 'core' of the village as being located around the junction of the A53, School Lane and Sutherland Road, and along the A53 and Sutherland Road. This cluster of development, focused along a busy transport route, is one of the most continuously-developed parts of the settlement, and is where a number of community buildings are located, including the church, a memorial hall and a pub. I therefore agree with the Council's assessment in this respect.

9. The appeal site is some distance from the A53, and is clearly separated from this main road, and from the cluster of development around the Sutherland Road junction, by open fields. Whilst some groups of buildings lie along the stretch of Micklea Lane around and beyond the site, they are more sporadic, with larger gaps between them allowing views through to the surrounding countryside, which is thus a prominent feature of the street scene. This, together with the nature of this section of Micklea Lane, which is of limited width, and which has no road markings or pedestrian footpaths for much of its length, combines to give the site and its surroundings a significantly more rural, countryside feel.

10. Therefore, taking into account the more rural character and appearance of the site's immediate surroundings, its physical and visual separation from the cluster of housing and community buildings along the A53, and the open appearance of the site itself, I find that the site is not within a village for the purposes of the exception as detailed in the Framework. Although the development may be considered limited infill development, it would be inappropriate due to its location outside the village.

11. I note the appellant's comment that regard should be had to the contribution that a site makes to the Green Belt. However, it is clear from the Framework that new buildings are inappropriate in the Green Belt unless they fall within one of the exceptions specified in paragraph 145. For the reasons given above, the proposed development would not fall into any of the specified exceptions. It is therefore inappropriate development which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

12. I therefore go on to consider whether any other harm would result from the proposal, which includes an assessment of the effect of the development on openness and the purposes of the Green Belt.

Effect on openness

13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The construction of a dwelling and garage on the site would result in built development where there is currently none. I acknowledge that the proposed area of hard surfacing could be reduced. However, the volume and bulk of the dwelling and garage would nonetheless inevitably lead to a loss of openness on an area of land within the Green Belt which is currently undeveloped, and which allows uninterrupted views from Micklea Lane towards the open fields, trees and hedgerows beyond. The proposed development would therefore lead to significant harm to openness.

14. Furthermore, as I conclude that the site is within the countryside rather than part of the village, the proposal would lead to the encroachment of development into the countryside. It would therefore conflict with one of the purposes of the Green Belt as identified in the Framework.

Other considerations

15. Despite its split-level design, the proposed house would appear as a two storey building when viewed from Micklea Lane, and its lower-ground floor would only be evident to the rear, which backs onto open fields. Sufficient space would be maintained between the proposed buildings and neighbouring properties to prevent their appearing cramped. Existing houses along this section of Micklea Lane vary in their age and design. Although the proposed dwelling would include some large expanses of glazing, its external materials would reflect those of surrounding housing, and its design would also incorporate traditional features such as parapets and stone window heads and sills. It would therefore not appear incongruous in its context.

16. Given the degree of separation between the proposed buildings and the neighbouring dwellings to either side, and as they would be roughly aligned with these neighbouring properties, the development would not have significant implications for the living conditions of neighbouring occupants with regard to light or outlook. Any direct overlooking from the rear balcony could be satisfactorily prevented by the incorporation of opaque screens of sufficient height to either side of the balcony. This could be secured by planning condition, as suggested by the appellant.

17. Although I do not find that the development would have an adverse effect on the character and appearance of the appeal site and its surroundings, or on the living conditions of neighbouring residents, the lack of harm in these respects is a neutral consideration, rather than a factor weighing in favour of the proposal.

18. The Council has raised no objections with regard to highway safety. I have nothing before me to suggest that the small-scale development proposed would have significant implications for biodiversity, noise or light pollution, or that satisfactory drainage could not be provided. However, the lack of harm in these respects is also neutral.

19. It is agreed by both parties that the Council is unable to demonstrate a five year housing land supply. However, even if I were to accept the less optimistic figure cited by the appellant, the presumption in favour of sustainable development would not apply. Paragraph 11 and footnote 6 of the Framework make it clear that land designated as Green Belt is a specific policy in the Framework that protects an area or asset of particular importance and provides a strong reason for restricting the development proposed. Given the harm to the Green Belt that I have identified in this case, the decision-taking criteria in paragraph 11 are not engaged, notwithstanding the five year housing land supply position.

20. Nevertheless, the absence of a five year housing land supply and the need for local housing are still matters to be weighed in the overall planning balance. Whether the Council or the appellant's figure is used, it appears that the Council has fewer than 2 years' housing land supply. However, whilst the proposed development would provide a new house in a rural location, whose occupants may support local services, the contribution made by this single dwelling would be modest, even in the context of such a significant shortfall. Therefore, I attach only limited weight to this matter in support of the development.

21. I have had regard to other benefits referred to, including the incorporation of measures aimed at reducing CO_2 emissions and optimising water efficiency, and the provision of ample private amenity space for the proposed dwelling. These weigh in favour of the development, and I afford them moderate weight.

22. I have been referred to two recent instances where the Council has granted planning permission for infill development elsewhere in Longsdon[1]. However, on the basis of the information before me, it appears that the sites referred to are located within the ribbon of development along the A53. For the reasons given above, I consider the context of the appeal site and its surroundings to be inherently different to that of the development along the A53. The sites referred to are thus not directly comparable to the appeal site in terms of their setting and context, and therefore I attach little weight to these examples.

Green Belt Balance

23. The Government attaches great importance to Green Belts. Therefore, substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and to the openness of the Green Belt. Balanced against that are the other considerations discussed above. However, for the reasons given, these do not clearly outweigh the harm to the Green Belt.

24. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with the

[1] Council application reference numbers: SMD/2014/0748 and SMD/2017/0783

Green Belt protection aims of Policy SS6c of the Core Strategy, and with those of the Framework.

Other Matters

25. I note that objections were received from a number of local residents in response to the application as originally submitted. The Council has confirmed that it based its decision on an amended drawing, 17-117-06 revision A, which was not the subject of further publicity by the Council. I am also in receipt of a further drawing, 17-117-04 revision A, which appears to differ from the original version in that it has been updated to include a 'proposed street scene' drawing. The Council states that this drawing did not form part of its decision. However, despite the various changes made, I find the proposal unacceptable for the reasons given above. I therefore do not consider any parties to be unduly prejudiced by my having based my decision on the amended drawing received by the Council in this instance, consistent with the Council's own consideration, or by my also having regard to the further amended drawing provided by the appellant.

Conclusion

26. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR