The Planning Inspectorate

# Appeal Decision

Site visit made on 29 October 2018

**by Rachel Walmsley BSc MSc MA MRTPI**

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

**Decision date: 23 November 2018**

**Appeal Ref: APP/B3438/W/18/3202074**
**2 Land adjacent 2 Canal Cottages, Stanley Moss Lane, Stoke-on-Trent ST9 9LR**

- 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 Andrew Holmes against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0116, dated 16 February 2018, was refused by notice dated 25 April 2018.
- The development proposed is proposed detached dwelling.

## Decision

1. The appeal is dismissed.

## Procedural matter

2. A revised version of the National Planning Policy Framework (the Framework)[1] has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework and any comments received in reaching my decision.

## Main Issues

3. As the appeal site is in the Green Belt, the main issues are:

   (i) whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt; and,

   (ii) if the development is inappropriate, 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.

[1] National Planning Policy Framework, Ministry of Housing, Communities and Local Government (July 2018)

## Reasons

*Inappropriate development and openness*

4. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, unless the exceptions listed apply. The Council and the appellant have referred to exceptions e) limited infilling in villages and g) limited infilling or the partial or complete redevelopment of previously developed land.

5. In addition to the Framework, policy SS6c of the Core Strategy[2] exercises strict control over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government Policy; the exceptions relevant to this appeal being e) and g) of paragraph 145.

6. It is apparent from the location plan before me and from my observations on site that the appeal site is within a cluster of existing properties. This cluster is loosely arranged, characterised by properties within spacious plots and set at various distances of each other. Beyond the cluster of properties the area is rural in character, defined by fields and a verdant and open landscape. This is corroborated by the main parties who maintain that the site is within a Rural Area of the District.

7. The appellant asserts that the appeal site is within an *obviously recognisable settlement.* The site is within a cluster of properties, as described above, but this is not the same as saying that the appeal site is within a village. The Framework does not specify what comprises a village or what its limits should be. A Court of Appeal[3] case found that what comprised a village for the purpose of the Framework is a matter of planning judgement for the Inspector.

8. There is nothing within the evidence before me that demonstrates that the appeal site is within the settlement boundaries of the villages of Endon, Stanley, Bagnell and Stockton Brook. When travelling about the site I observed that these villages are notable settlements. I also saw that the appeal site is disconnected from them, both visually and physically. The appellant suggests that the services and facilities within these villages and within settlements further away, including Hanley and Burslem, can be accessed from the site on foot and by bus respectively. However, this does not place the site within these villages.

9. Therefore, when assessing whether or not the appeal site is within a village for the purposes of Green Belt policy, I find that the site is not within a village. As such the development would not meet exception e) of paragraph 145 of the Framework.

10. Exception g) concerns limited infilling or the partial or complete redevelopment of previously developed land subject to its impact on the openness of the Green Belt. The Framework defines previously developed land as *land which is or was occupied by a permanent structure.* Excluded from this definition is land in built-up areas such as residential gardens and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

[2] Staffordshire Moorlands Local Development Framework, A Local Plan for the Future of Staffordshire Moorlands, Core Strategy Development Plan Document (Adopted Version 26 March 2014)
[3] Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

11. The appellant maintains that the site is garden land, relating to a former dwelling on the site. Whilst enclosed by mature planting, the site has been left to go back to nature with no evidence of cultivation. The presence of building materials and a portacabin are testament to this, that alternative uses for the site have been found.

12. I note that a pile of bricks exists on site. There is nothing within the evidence before me that connects these materials to an earlier dwelling. Nonetheless, even if I was to draw a connection between the two, for the reasons above, the appeal site is not previously developed land and as such, exception g) of paragraph 145 of the Framework does not apply.

13. Openness in the context of the Green Belt means freedom from development. The proposal would result in the creation of a dwelling with a driveway and parking area. This would result in a significant quantum of development compared with what is currently on site. As a result the proposal would have a greater effect on openness than the existing site.

14. I therefore conclude that the proposal would not fall within the exceptions of development in the Green Belt and would adversely affect its openness, contrary to the Framework and Policy SS6c of the Local Plan. As such the development would be inappropriate development in the Green Belt and would by definition be harmful to the Green Belt and should not be approved except in very special circumstances. I attribute substantial weight to this harm as required by paragraph 144 of the Framework.

*Other considerations*

15. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

16. The appellant points to evidence that the current supply of housing land is below the recommended five years. This has not been disputed by the Council. The contribution one dwelling would make to the need for housing is limited. Furthermore, it is national policy that unmet housing need is unlikely to clearly outweigh the harm to the Green Belt and any other harm to comprise very special circumstances. The benefit to housing supply, therefore, carries minimal weight.

17. The appellant draws my attention to examples of precedent, some of which I observed on site. Permissions at Endon Riding School and Coltslow were granted on the basis that developments would result in an overall reduction in built form and footprint. The same cannot be said for the appeal proposal. Equally, developments at Wyn Dene and Rose Cottage were found to be infill developments but for the reasons in my decision, the same does not apply to the appeal proposal. As such I find no precedent in favour of the development proposed. This attracts minimal weight.

18. I note that no objection was raised by the Council to matters including highway safety, design and character and appearance. These matters carry limited weight.

*Very special circumstances*

19. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

20. I have concluded that the development would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the openness of the Green Belt. Substantial weight must be given to these harms.

21. The 'other considerations' identified carry limited weight in favour of the proposal and therefore do not clearly outweigh the substantial weight which I give to the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

**Conclusion**

22. For the reasons given above, the overall conclusion is that the appeal is dismissed.

*R Walmsley*

INSPECTOR