The Planning Inspectorate

# Appeal Decision

Site visit made on 22 January 2019

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 31 January 2019**

**Appeal Ref: APP/B3438/W/18/3213058**
**Coltslow, Stanley Moss Lane, Stockton Brook, Stoke on Trent ST9 9LH**

- 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 Alan Grocott against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0381, dated 1 June 2018, was refused by notice dated 13 August 2018.
- The development proposed is demolition of existing buildings and their replacement with a detached dwelling.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was submitted in outline with only landscaping matters reserved for future consideration. Indicative plans have been submitted. These have formed part of my consideration of this appeal.

3. The planning application subject of the appeal is a stand-alone development proposal to the outline planning permission granted by the Council on 17 May 2017 (Ref: SMD/2016/0561) with all matters reserved (except for access) for the demolition of existing buildings and replacement with a detached bungalow (the approved scheme). I have considered the appeal on this basis.

4. The Council accept that it cannot currently demonstrate a five year supply of deliverable housing sites with an appropriate buffer. On this basis, the Council accept that the policies most important for determining the application are out-of-date, and that the tilted balance of Framework paragraph 11 d) is engaged. I shall turn to this later in my decision. Policies in the Council's Core Strategy Development Plan Document (CS) are largely general in their nature. This limits the weight they attract in this case. Part 6 of CS Policy SS6c relates to development in the Green Belt. The policy has a specific purpose broadly in tune with the National Planning Policy Framework (the Framework) in that it seeks to protect the Green Belt from inappropriate development other than in very special circumstances. It therefore carries full weight.

5. The Council has submitted its Local Plan Submission Version (LPSV) for Examination in Public. This has now been held, but based on the information before me, the extent of any modifications and unresolved objections are unknown. Further public consultation will take place before the examining Inspector produces their report. Thus, the emerging policies carry little weight.

However, the Council does not rely on any LPSV policies as part of its case.

## Main Issues

6. The main issues are: (i) whether the proposal comprises inappropriate development, having regard to the Green Belt policies of the development plan and the Framework; (ii) the effect of the proposal on the character and appearance of the appeal site and the Stanley Conservation Area (SCA); and (iii) 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 required to justify the proposal.

## Reasons

*Whether inappropriate development*

7. The appeal site lies outside any defined settlement boundary and is therefore located in open countryside and within the Green Belt. In rural areas, and other than on allocated housing sites, CS policies SS6c and R2 restrict new development to specific categories, allowing only for exceptions as defined by Government policy. The appeal scheme does not relate to an allocated site.

8. Parts of the site are occupied by various buildings, a gravelled access track and a yard. The latter is not precisely defined, but collectively these form previously developed land. Other parts of the appeal site are greenfield. The proposed dwelling would appear to straddle greenfield and previously developed land. However, if I am incorrect, and the proposed dwelling is wholly on previously developed land, then consideration needs to be given to whether the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing development. Volumetric calculations have been provided by the appellant with a view to demonstrating this.

9. Even if I were to take the appellant's stance that no planning conditions were imposed on the approved scheme which require the existing buildings to be demolished, the appellant's volume calculations are incorrect based on my own observations. Two of the buildings (Nos 1 and 10), on land edged blue, were not present on site. Furthermore, as the existing stables (No 9) are outside the site edged red, I would be unable to condition their removal. The stables and the former buildings should be discounted from the volume calculations. I did, however, find that the buildings within the proposed site edged red reflect the plans that are before me.

10. For these reasons, the volume of the proposed dwelling would exceed the collective volume of existing buildings within the site edged red. Thus, even with some of the land returned to a greenfield state, the appeal scheme is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be contrary to CS Policy SS6c and Framework paragraph 145 g). Substantial weight should be given to any harm to the Green Belt. Moreover, I conclude that the proposal would be contrary to CS Policy R2, which carries limited weight, as it does not accord with any of the criteria listed in the policy.

*Character and appearance*

11. The site lies within, but on the edge of the SCA which is characterised by a

residential and commercial uses spread around a network of narrow rural lanes with a varied topography. Buildings in the SCA display a mixed style, age and use of materials. Mature trees and landscaping soften the built form.

12. The site is viewed in the context of vacant staff accommodation and outbuildings to the west, and Homestead on the southern side of Stanley Moss Lane. These properties are reasonably large dwellings. Outline planning permission was granted to redevelop Endon Riding School for up to 10 no. dwellings[1]. I note that a reserved matters application was refused by the Council in October 2018 due to layout and design concerns, but time remains for another reserved matters scheme to be made to the Council for their consideration before the outline planning permission lapses.

13. On this issue, I consider that the proposed dwelling would broadly reflect the character and appearance of the area. As a result, the proposal would preserve the significance of the SCA, and I conclude that the appeal scheme would accord with CS Policies SS1, SS6c, DC1 and DC3; which jointly seek high quality development that protects and maintains the distinctive character of the site and its surroundings, thereby allowing heritage assets to be conserved.

*Other considerations*

14. A new detached dwelling would contribute to the provision of housing in the District. I give this social benefit moderate weight due to the Council's current inability to demonstrate a five year supply of deliverable housing sites, and based on the scale of the supply stated by the appellant. Future occupants of the dwelling would have reasonable access to the shops, services and facilities for their everyday needs. Limited benefits would also arise from the dwelling's construction and future occupants spending in the local economy.

15. Compared to the site's current appearance, notwithstanding the vehicles and building materials stored on the land, the proposal would improve the character and appearance of the site. Moreover, access to the dwelling would not result in harm to highway safety, and there is enough space on the site for vehicles to park and turn around so they enter and leave in forward gear. The proposal would also remove the potential for the commercial use of the site causing harm to neighbouring residents living conditions. This matter carries moderate positive weight. I agree that all of these considerations would broadly reflect the economic, social and environmental roles of sustainable development as set out in CS policies SS1 and SS1a, and in the Framework.

**Conclusion**

16. The proposal amounts to inappropriate development in the Green Belt, and the appeal scheme would also result in a loss of openness of the Green Belt. These are harmful effects by definition that I attach substantial weight as required by Framework paragraph 144. Consequently, the proposal creates a clear conflict with the environmental role of sustainable development.

17. Harm would not be caused to the character and appearance of the area. I have considered matters put before me in favour of the scheme, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Thus, the very special circumstances necessary to justify the development do not exist, and the application of policies in the

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Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

18. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR