The Planning Inspectorate

Appeal Decision

Site visit made on 11 March 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2019

Appeal Ref: APP/B3438/W/18/3206824
Gravel Bank Farm, Caverswall Common Lane, Caverswall ST11 9EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
- The appeal is made by Mr J Bettaney against the decision of Staffordshire Moorlands District Council.
- The application Ref: SMD/2018/0003, dated 2 January 2018, was refused by notice dated 8 March 2018.
- The development proposed is redevelopment of commercial nursery/garden centre involving demolition and removal of all buildings on site and erection of dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application for planning permission, the Government published a revised National Planning Policy Framework[1] (the Framework). I shall proceed on this basis.

3. The site address in the heading above is taken from the appeal form, as it is more precise, with regard to location, than that on the planning application form.

4. The appeal proposal relates to an outline planning application with all matters reserved. The indicative layout plan submitted as part of the application has been taken into account insofar as it is relevant to my consideration of the principle of the development on the appeal site.

Main Issues

5. The main issues are:

   a) whether the proposal would be inappropriate development in the Green Belt, having regard to the revised Framework and any relevant development plan policies

   b) the effect of the proposed development on the openness of the Green Belt

   c) whether the proposed development's location is suitable and accessible, with particular reference to reliance on the private motor car, and

[1] Published on 19 February 2019.

d) would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Planning policy background

6. The appeal site comprises a vacant plant nursery with two large glasshouses and two derelict polytunnels, located within the sloping grounds of Gravel Bank Farm. The development plan comprises the Staffordshire Moorlands Core Strategy (2014) (CS). The site is located in the Green Belt, within Other Rural Areas, as defined by Policy SS6c of the CS.

7. The Council cannot demonstrate a five-year supply of deliverable housing sites in the district. As a result, Policy SS6c, which concerns the location of development including housing within the countryside, is considered to be out of date, under the terms of paragraph 11 of the Framework, which sets out the presumption in favour of sustainable development. Under paragraph 11, permission should be granted unless policies in the Framework that protect land designated as Green Belt[2] indicate otherwise, or 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. As such, the proposal should be assessed under specific Green Belt policy first.

Whether inappropriate development

8. Policy SS6c of the CS requires strict control to be exercised within Other Rural Areas, over inappropriate development within the Green Belt, allowing only for the exceptions as defined by Government policy. As such, SS6c is broadly consistent with the Framework.

9. Paragraph 145 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception is the 'partial or complete redevelopment of previously developed land' (PDL) 'which would…not have a greater impact on the openness of the Green Belt than the existing development'. Annex 2: Glossary of the Framework excludes land 'that is or was last occupied by agricultural buildings' from the definition of PDL.

10. Whether or not the appeal site is categorised as PDL is a matter of dispute between the main parties. The Council's view, supported by their planning officer's observation on site of 'significant numbers of large plants growing within the glass houses', is that the site's primary use was the growing of plants. The Council consider that the site was therefore agricultural, and so the site is not PDL.

11. The appellant's argument is that it is 'highly likely and beyond all probability that this site was in use as a commercial garden centre for 15 years between 1992 and 2006'. I afford the appellant's evidence of assessment of the site as having qualified for business rates limited weight, as business rates are not wholly comparable to planning use. The testimony of the appellant, and their business records, suggest that some diversity of horticultural and gardening-related commerce took place on the appeal site.

[2] As per footnote 6 of the Framework.

12. The appellant's citing of planning appeal decision Ref: APP/G5180/W/16/3155275 is noted. However, the appeal proposal differs in that evidence is not presented of a Lawful Development Certificate for non-agricultural use of the site at Gravel Bank Farm. Moreover, the evidence before me is that whilst planning permission was granted on the appeal site in 2000 for an 'agricultural horticultural building', there was not planning permission for change of use on the appeal site from agricultural to a retail garden centre.

13. Having regard to all the above, I find that the primary use of the appeal site was agricultural, and that is its appropriate definition in planning terms. As such, the appeal site is not PDL.

14. Other appeal decisions cited by the appellant are noted. However, the appeal site differs in that it is not PDL. As such, I assess it on its own merits.

15. For the above reasons, the appeal site would not fall within the exceptions listed in paragraph 145g) of the Framework. Accordingly, in this respect, the proposal would be inappropriate development in the Green Belt and would conflict with the Framework and Policy SS6c of the CS. Together the policies require strict control over inappropriate development in the Green Belt.

Openness of the Green Belt

16. As indicated on the Site Plan and Existing/Proposed Site Section and Massing drawings, even bungalows are likely to substantially exceed the height and solidity of the current greenhouses and polytunnels, and therefore harm the openness of the site. Moreover, other typical elements associated with residential development, such as boundary treatments and domestic paraphernalia including cars, would impact adversely on the openness of the site.

17. A future reserved matters application may provide a different layout and design. Moreover, it is accepted that, as indicated, residential development could result in a notable reduction in building footprint and volume, compared to the existing greenhouses and polytunnels. However, it is anticipated that such considerations would not outweigh the harmful effect of the factors identified above. As such, it is considered that the proposal would result in harm to openness of the Green Belt.

18. With regard to the effects on the aim and purposes of including land within the Green Belt, the proposal would encroach into the countryside and undermine the recycling of urban land. As such, the proposal would conflict with Green Belt policy, as set out in paragraphs 133 and 134 of the Framework.

Suitability of location

19. The strategic approach to Other Rural Areas within Staffordshire Moorlands, as set out in SS6c, includes limiting uses which would generate a substantial number of regular trips, in areas that are not well served by public transport. The appeal site is not well served by public transport. Moreover, the site is not easily accessible by safe, off-road walking routes to the Stoke suburb of Weston Coyney, or the small villages of Cookshill and Caverswall. As such, whilst the exact quantity and size of housing is not finalised in the outline proposal, regular private car use and dependency would arise from the proposed development. The appellant's argument is that such harm would be lessened by generating comparatively less car traffic than potential commercial

re-use of the site. However, the evidence presented about potential traffic levels arising from the latter is somewhat speculative and, as such, carries limited weight.

20. Having regard to the above, the proposed development would result in dependency on the private car. As such it would conflict with Policy SS6c of the CS, which seeks to enhance and conserve the quality of the countryside.

Other considerations

21. There is a need for additional housing in the district. The evidence presented by the appellant in the form of the Staffordshire Moorlands Housing Delivery Schedule indicates that there was a 1.99 year supply in March 2017, compared to a Framework requirement for 5 years supply of deliverable housing land. There is not evidence before me from the Council to demonstrate a significant reduction in the scale of under-supply compared to the aforementioned figure. Within this context, the proposal would make a positive contribution towards reducing the deficit of housing in the district. This would carry substantial weight in favour of the scheme.

22. The appeal site is situated approximately one mile from Weston Coyney, which has a large range of services, and from Cookshill and Caverswall, which have a smaller range of services. As such, occupants of the proposed development would realistically make some use of and contribute to sustaining them. There would also be a minor economic benefit from construction phase activity. Given the modest scale of benefit, I attach limited weight to it.

23. In character and appearance terms, the site is fairly well-contained visually by the local sloping topography and its perimeter vegetation. Moreover, the proposal would provide opportunity for native planting. As such, I find character and appearance to be a neutral factor in my assessment.

Other Matters

24. There is not substantive survey evidence before me of Water Vole presence on the appeal site. As such, this is a neutral factor in my determination.

Conclusion

25. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There would also be loss of openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.

26. The proposal would also result in environmental harm due to future occupants' dependency on the private motor car. Moreover, there is not evidence before me of a housing need specific to Caverswall which the proposal would fulfil. As such, the proposal would undermine CS Policy SS6c's objectives of restricting new build housing in the countryside to that which is essential to meet identified local needs, including affordable housing. Whilst the weight afforded to SS6c is somewhat reduced in the light of the district's housing land supply position, its objectives nevertheless remain consistent with the Framework's strategy of promoting sustainable transport and minimising greenhouse gas emissions, including through location of development. I therefore attach substantial weight to the combined harm arising from these factors.

27. Accordingly, very special circumstances do not exist, as the potential harm to the Green Belt by reason of inappropriateness and other harm is not clearly outweighed by other considerations. In terms of the development plan, the proposal would conflict with Policy SS6c of the CS as it would be inappropriate development in the Green Belt, result in private car dependency and undermine restriction of housing development in the countryside to meet specific identified local need. The proposal would also conflict with the Framework policy on Green Belt.

28. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR