The Planning Inspectorate

Appeal Decision

Site visit made on 2 April 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2019

Appeal Ref: APP/B3438/W/18/3214689
Land off Woodhouse Lane, Woodhouse Lane, Biddulph Moor ST8 7JX

- 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 David Evans of DEP Architects against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0775, dated 14 November 2017, was refused by notice dated 18 June 2018.
- The development proposed is described as 'outline application for land off Woodhouse Lane Biddulph Moor'.

Decision

1. The appeal is allowed and outline planning permission is granted for up to three dwellings at land off Woodhouse Lane, Woodhouse Lane, Biddulph Moor, ST8 7JX, in accordance with the terms of the application, Ref: SMD/2017/0775, dated 14 November 2017, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have therefore dealt with the appeal on this basis.

3. The application was determined prior to the publication of the revised National Planning Policy Framework (2018) (the 'Framework'). The parties have been given the opportunity to comment on the implications of this on the appeal. During the course of the appeal a further revised Framework (February 2019) was published. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision and am satisfied that this has not prejudiced either party.

Main Issues

4. The main issue is whether the proposal is inappropriate development within the Green Belt.

Reasons

Whether inappropriate development

5. Policy SS6c of the Staffordshire Moorlands Core Strategy Development Plan Document (CSDPD)(2014) states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the Framework establishes that certain forms of development

are not inappropriate in the Green Belt. Limited infilling in villages is identified as an exception under this paragraph.

6. The appeal site does not fall within the defined Biddulph Moor Village Development Boundary which, the Council asserts, means that it cannot be regarded as falling within a village for the purposes of Paragraph 145 of the Framework. The appellant has drawn my attention to the Court of Appeal Judgement in Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015] which determined that the 'village', for assessing limited infilling in villages, need not be the same as the settlement boundary.

7. Woodhouse Lane is a winding road which links Biddulph and Biddulph Moor. Outside of these settlements there is a general absence of dwellings either side of the road. Just outside the village of Biddulph Moor housing is sporadically located either side of Woodhouse Lane. Once inside the village, development is generally found both sides of the road, though a small number of gaps remain, including the appeal site. The appeal site is bound on three sides by development, with The Weathercock, to the west and Manfield House, to the east and bungalows to the south. To the north of the site is open countryside. Although the appeal site does not fall within the defined Biddulph Moor Village Development Boundary, it would form a continuation of development on the northern side of Woodhouse Lane and reads as part of the village.

8. The Framework does not define the term 'infilling'. The appellant has suggested the Collins Dictionary term which defines infilling as 'the act of filling or closing gaps in something, such as a row of buildings'. In the absence of an alternative definition I consider this to be a reasonable approach. The Officer Report concluded that it would infill an obvious gap in the built-up frontage on Woodhouse Lane between The Weathercock to the west and Manfield House to the east. The Weathercock and Manfield House both face towards the highway. Although the proposal is in outline and the layout is therefore subject to change, the appellant has submitted an indicative plan which shows how the dwellings could be arranged to front onto the highway, filling the gap between the two existing properties. Therefore, the proposal would visually and spatially constitute infilling within the village.

9. The Framework does not define the term 'limited', nor does it specify a size or width of site above which a site would be too wide to be considered 'limited infilling'. I have not been provided with a local definition of these matters and am not aware that the CSDPD defines these terms. Whilst the appeal site would be approximately 62m in width and provide three dwellings, in the context of Biddulph Moor, a sizeable settlement, this would be limited. One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. Since the site is read as part of the village, its infilling would not project development into, or encroach upon, the countryside. Given the above, I conclude that the proposed development would be limited infilling in a village and therefore would not represent inappropriate development within the Green Belt. Therefore, the proposal would not be in conflict with Policy SS6c of the CSDPD or the Framework in this regard.

Other Matters

10. The Council has drawn my attention to Policy SS6a of the CSDPD which identifies Biddulph Moor as a larger village which will provide for the bulk of

local housing needs, amongst other things. Policy SS6c also states that outside of the development and infill boundaries of the towns and villages, these areas will provide only for development which meets an essential local need. Accordingly, the proposal would conflict with Policies SS6a and SS6c. However, I give such conflict limited weight given the acute housing land supply position, which as of 31 March 2017 was 1.99 years, as confirmed within the officer's report to Planning Committee.

11. Interested parties have drawn my attention to policies within the emerging Staffordshire Moorlands Local Plan and the emerging Biddulph Neighbourhood Plan. However, given the stage that the plan is at, I afford the policies limited weight

12. Concerns relating to foul drainage would be addressed through the building regulations and a planning condition can be imposed to ensure an adequate means of surface water drainage Concern has been raised by interested parties regarding the removal of the hedgerow, the loss of a view, the effect of the proposal on the character of the area and privacy of neighbouring properties. However, given the infill location of the site and the size of the plot it would be possible to design the layout to prevent adverse effects from occurring. For example, front gardens could be generously landscaped, and the houses designed to be in proportion with those nearby and oriented to reflect the frontage pattern of development and prevent a harmful loss of privacy.

13. The Council did not raise concern regarding the capacity of the school and I have no substantive evidence before me that the proposed development would cause capacity to be exceeded. The highway was lightly trafficked at the time of my site visit and, although this is only a snapshot in time, I have no evidence that there are existing capacity issues within the highway. Since the application is in outline, access is a reserved matter which would be dealt with at a later stage.

14. I note concerns that the proposal would result in development of the adjoining field. However, I have no substantive evidence before me that this would be the case, furthermore, I must consider the appeal on its own merits. I also note concerns raised that there are brownfield sites as well as empty houses for sale. However, I have no substantive evidence that such land could accommodate the appeal scheme. Housing for sale is not necessarily an indicator that there is a housing surplus.

15. Whilst it is likely that Public Footpath No 62 would be affected by the development, the alignment of the footpath would be a matter for the appellant to address via section 257 of the Town and Country Planning Act and is outside the scope of this appeal.

Conditions

16. I have considered the conditions put forward by the Council and other parties against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and omitted others. Since the application is in outline, I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development. I have not imposed conditions to secure details which would be addressed at the reserved matters stage including materials, gross floor space, landscaping and matters relating to access. As

detailed above I have included a condition to secure drainage details in the interests of safeguarding the living conditions of the neighbouring properties.

17. I have included conditions to ensure that no more than three dwellings are constructed on the site since the appeal was considered on this basis. I have also included a condition to restrict the hours of construction in the interests of protecting residential amenity. The Council has suggested a condition to address contamination in the event it is discovered during the course of the development. However, I have been provided with no substantive details that the site may be subject to contamination and, given that precautionary measures would be required by other legislation, I do not consider the condition to be necessary in this instance.

Planning Balance

18. The Council is unable to demonstrate a 5 year supply of housing. In such circumstances, the Framework states that where the policies which are most important for determining the application are out of date, that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

19. The proposal would be in conflict with Policies SS6a and SS6c of the CSDPD and ordinarily such a conflict would be a significantly point weighing against the proposal. However, strict adherence to these policies would frustrate the Council's ability to address the acute housing supply deficit. As such, in the circumstances, I have afforded the conflict with Policies SS6a and SS6c limited weight.

20. Although the appeal site is located outside the defined Biddulph Moor Village Development Boundary, the site is well located to the range of facilities present within the settlement, including village stores, a post office, public house, school and public transport links. Future occupants of the dwellings would therefore be able to access these nearby facilities by foot. The proposed dwellings would make a moderate contribution towards the delivery of the area's housing requirement and would provide some economic benefit during the construction phase and result in a slight increase in spending in the local area. These are notable benefits of moderate weight in favour of the appeal scheme.

21. Thus, in the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. This is a material consideration of some force that suggests the appeal should be allowed.

Conclusion

22. The proposed development would not adhere to the development plan. However, in this instance material considerations, namely the Framework, indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, the appeal should succeed.

M Savage

INSPECTOR

Schedule of Conditions

1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with drawing numbers CR/WL/2017/1 and CR/WL/2017/2 but only in respect of those matters not reserved for final approval.

5) The development hereby permitted shall not begin until a detailed foul and surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to first occupation of the dwellings.

6) The development hereby permitted shall not exceed 3 dwellings.

7) No construction work shall take outside of the following times;

   Weekdays: 08:00-18:00

   Saturdays: 08:00-13:00

   Sundays and Bank Holidays: No working.