The Planning Inspectorate

Appeal Decision

Site visit made on 16 April 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

Appeal Ref: APP/B3438/W/19/3220840
The Hollies, Roughcote Lane, Caverswall ST11 9ES

- 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 Cartlidge and Ms Kate Forrester against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0491 dated 27 July 2018 was refused by notice dated 26 October 2018.
- The development proposed is demolition of existing double garage, erection of a brick clad timber frame dormer bungalow with landscaping.

Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issues

3. The main issues are:

   - Whether the proposal would be inappropriate development within the Green Belt
   - the effect of the development on openness in the Green Belt and the purposes of including land within it;
   - If it is inappropriate development, 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.

Reasons

Whether Inappropriate Development in the Green Belt

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping

land permanently open. It states that inappropriate development is harmful and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The appellants seek to rely upon three exceptions which relate to limited infilling. They are limited infilling in villages, limited affordable housing for local community needs under policies set out in the development plan and limited infilling of previously developed land.

6. Policy SS6c of the Staffordshire Moorlands Core Strategy Development Plan Document Adopted 26 March 2014 (the Core Strategy) 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. Policy R1 of the Core Strategy states that within the Green Belt, inappropriate development that would otherwise be acceptable within the terms of the policy will still need to be justified by very special circumstances. Policy R2 of the Core Strategy refers to certain exceptions of development allowed in rural areas. Policy SS1a of the Core Strategy refers to the presumption in favour of sustainable development unless specific policies in the Framework indicate that development should be restricted. As these policies are broadly consistent with the Framework, I can attach substantial weight to them.

7. The appeal site is currently garden land belonging to the Hollies and consists of a modest single storey outbuilding, a vegetable area and a side access. To the other side of the appeal site, there are dwellings and farm buildings. The maps referred to by the appellants show the location of the appeal site in relation to the village of Caverswall. Whilst the appellant states that there are a similar number of properties including the appeal site within Caverswall Common in Caverswall village, in order to fall within this exception, the appeal site has to be in a village location. The appeal site is in open countryside in a small cluster of buildings.

8. The appellants have then referred to the appeal proposal qualifying as an exception on the basis of being limited affordable housing for local community needs. However, the appeal proposal would be occupied by the appellants and there is no evidence of the appeal proposal being affordable housing for local community needs as defined under policies set out in the development plan. Although the appellants have referred to doing much of the construction work themselves, self-build does not fall within this exception.

9. The third exception relied upon is the limited infilling or the partial or complete redevelopment of previously developed land. Although, the appeal proposal would involve the demolition of an existing modest outbuilding which could be considered as previously developed land, this exception is subject to a requirement that the redevelopment would not have a greater impact on the openness of the Green Belt than the existing development.

Openness

10. The openness of the Green Belt is clearly evident from the appeal site, particularly with views of open fields from Roughcote Lane to the west. The appellant states that the siting of the appeal proposal has been set back from the road to avoid visual harmful impact. However, the footprint of the dwelling with vehicular access and parking and turning areas and a retaining wall to the

side boundary will inevitably lead to a loss of openness. Whilst there is an existing access track, the appeal proposal will include laying of hardcore to the track as well as block paving around the dwelling. There will be a spatial impact on openness arising from the physical presence of an additional dwelling. The new footprint will add volume as well as new permanent domestic features and would therefore have a greater impact on the openness of the Green Belt than the existing modest outbuilding.

11. The development does not therefore fall within any of the exceptions relating to limited infill referred to in paragraph 146 of the Framework. Whilst, the effects on openness would be moderate, on the basis that the fundamental aim of Green belt policy is to keep land permanently open, it would be sufficient to result in the development being inappropriate.

12. I therefore conclude that the appeal proposal would be inappropriate development in the Green Belt, as it does not preserve Green Belt openness and does not accord with the Green Belt purpose of safeguarding the countryside from encroachment. Accordingly, it would not comply with Policies SS1a, SS6c, R1 and R2 of the Core Strategy and the Framework. Policy DC1 refers to design considerations which is less relevant for the appeal proposal.

Other Considerations

13. The appellants have referred to their family circumstances and their long history with the Hollies and their wish to remain near to family. Further documentation was submitted which relating to medical issues. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest and the appeal proposal would result in a permanent dwelling in the Green Belt which is not restricted to specific occupiers. I therefore attach limited weight to family circumstances.

14. The appellants have also provided a map showing applications submitted and development granted. Whilst the appellants consider that the developments allowed are similar to the appeal, I have limited information about each application. In any event, any appeal has to be considered on its own merits. Whilst I note that the exception under paragraph 145 g) which relates to previously developed land was brought to the appellants' attention by the Council, it was then a matter for the appellants to provide evidence to show that the exception was met.

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The effects on openness and the purpose of safeguarding the countryside from encroachment is moderate and substantial weight should be given to any harm to the Green Belt. The other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist. For all the reasons given, I conclude that the appeal is dismissed.

E Griffin

INSPECTOR