The Planning Inspectorate

Appeal Decision

Site visit made on 20 May 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2019

Appeal Ref: APP/B3438/W/19/3222624
Land at Calverhay Farm, Uttoxeter Road, Blythe Bridge ST11 9JG

- 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 Les Elkin against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0662, dated 1 October 2018, was refused by notice dated 12 December 2018.
- The development proposed is the erection of 2 no. detached dwellings.

Application for Costs

1. An application for costs was made by the Appellant against the Council which is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are as follows:
   - Whether the proposal amounts to inappropriate development in the Green Belt;
   - Its effect on the openness of the Green Belt;
   - Whether the proposal accords with the Council's policies relating to affordable housing; and
   - If it does amount to inappropriate development, whether the harm by reason of inappropriateness, along with any other harm resulting from the proposal, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development

4. The appeal relates to a parcel of land which has a frontage to Uttoxeter Road and lies within the North Staffordshire Green Belt.

5. The National Planning Policy Framework (the Framework) directs that the construction of new buildings shall be regarded as inappropriate in the Green Belt save for a number of exceptions. One of these is limited infilling in villages.

6. The Council's adopted Local Development Framework Core Strategy Development Plan Document (CS) predates the latest version of the Framework. Policy SS6c of the CS relates to 'Other Rural Areas' and defines these as the countryside and Green Belt outside of the development and infill boundaries of the towns and villages as outlined by the Site Allocations DPD. This policy explains that strict control will be exercised over inappropriate development in the Green Belt, only allowing for exceptions as defined by Government policy. Policy R2 of the CS limits the types of development that can take place in the 'Other Rural Areas'.

7. It is not my role to consider the merits of, or indeed amend, the defined village boundary of Blythe Bridge. In this case, the appeal site lies almost 800 metres from the western end of this village boundary. Heading out of Blythe Bridge in the westerly direction, development becomes noticeably more sporadic with large gaps separating clusters of ribbon development, particularly on the northern side of Uttoxeter Road.

8. To my mind, the site relates more closely to the settlement of Meir, which falls within the administrative boundaries of the neighbouring Authority, than Blythe Bridge. However, the south side of Uttoxeter Road provides a definitive boundary for the settlement of Meir, with this side of the road having a clearly defined residential character where the housing layout is relatively dense and consistent and a range of local services can be found. This is a stark contrast to the sporadic ribbon development which is found on the north side of Uttoxeter Road in this location, where the appeal site sits, and where the Green Belt performs an important function in providing separation between the two settlements and the wider city of Stoke-on-Trent.

9. For these reasons, I find that the appeal site is not located within a village. The proposal therefore cannot amount to limited infilling within a village and it has not been suggested that it falls within any of the other exceptions outlined within paragraph 145 of The Framework. On this basis, the proposal amounts to inappropriate development in the Green Belt.

10. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and 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.

Openness

11. The proposal would introduce two large dwellings to an undeveloped parcel of land which is currently free from built development. It cannot be disputed that its development in the manner proposed would reduce the openness of the Green Belt, which according to the Framework, is one of its essential characteristics.

Affordable housing

12. Collectively, policies SS6c and R2 of the CS limit the types of residential development that can take place outside of defined settlement boundaries. These include affordable housing to meet an essential local need, a dwelling to meet the needs of a rural enterprise worker, the conversion of a rural building, the extension or replacement of an existing dwelling and development which would secure the future conservation of a heritage asset. The Council asserts that the proposed 'open market' dwellings would not meet any of these criteria and therefore in this respect, the scheme is in direct conflict with these policies. The Appellant does not dispute this.

Other considerations

13. The Appellant points to the fact that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. The Appellant therefore argues that policies SS6c and R2 are out of date and as a result, there should be no requirement for affordable housing provision and the 'tilted balance' in favour of sustainable development should apply.

14. However, it seems to me that the requirements of these two policies are not entirely at odds with the Framework. In any event, I am mindful of the fact that paragraph 11 of the Framework explains that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance (including the Green Belt) provides a clear reason for refusing the development proposed. I have found that the proposal amounts to inappropriate development in the Green Belt. As such, the policies of the Framework provide clear reasons for withholding planning permission.

15. The Appellant refers to the fact that when considering an earlier application for the erection of 4 no. dwellings on a slightly wider application site (Ref. SMD/2015/0714), the Planning Officer stated in the Committee Report that the appeal site was 'on the edge of' a large village. I attach limited weight to this factor because I have considered the merits of the appeal scheme as I see it.

16. The Appellant asserts that the appeal site enjoys a sustainable location and that the development would deliver economic benefits during the construction phase and in the long term as residents would be likely to use local services. These positive aspects are not disputed, but I attach only limited weight to them in the overall planning balance.

Overall Conclusions

17. I conclude that the proposal amounts to inappropriate development and it would harm the openness of the Green Belt. It also conflicts with the Council's policies relating to affordable housing. The arguments advanced by the Appellant do not clearly outweigh this harm and policy conflict therefore the very special circumstances necessary to justify the proposal do not exist.

David Fitzsimon INSPECTOR