The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/B3438/W/19/3236706
44 Clough Lane, Werrington, Stoke-on-Trent ST9 0DD

- 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 Ms Helen Johnson against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0194, dated 18 March 2019, was refused by notice dated 3 July 2019.
- The development proposed is erection of a bungalow.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have substituted the description of development for the detail supplied on the Council's Decision Notice, as it describes the development in a more concise manner than that set out on the planning application form. I have noted that the submitted appeal form also uses the same description.

Main Issues

3. The main issues in this appeal are:

- whether the proposed development would amount to inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt;
- and if it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal;
- the effect of the development on the character and appearance of the area;
- the effect of the development on the living conditions of future occupiers;
- the effect of the development on highway safety; and
- the effect of the development on existing trees.

Reasons

4. The appeal site is a rectangular piece of land adjacent to the main property, and is currently occupied by a garage, with a driveway access from Clough Lane. The site looks to be maintained, with grassed areas. The site is varied in levels and nature of slope, and the garage appears to have been erected on a raised and levelled area within the site. The appeal site is located within the Green Belt.

Inappropriate Development

5. The National Planning Policy Framework (the Framework) states that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework. The proposal would not meet any of the exceptions set out in Paragraph 146.

6. In terms of the exceptions set out in Paragraph 145, the proposal could only be tested against d) and g) as it would not qualify to meet the criteria for the remaining exceptions. The proposal is not for affordable housing, nor does it relate to extension/alteration, or limited infilling.

7. The appeal proposal will not meet d) as whilst it replaces a building, it would be significantly larger than the one it replaces. However, as the appeal site would qualify as previously developed land, as set out in g), but must not have a greater effect on the openness of the Green Belt than the existing development. It is therefore necessary to assess the level of effect.

Openness

8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and advises that one of the essential characteristics of the Green Belt is its openness.

9. Openness has both a visual and a spatial dimension. In visual terms, the new dwelling would be set back from the highway but would have significant visibility from vantage points and would therefore have additional visual impact on the openness of the Green Belt, when taken in comparison with the existing garage currently on site. Moreover, as the surrounding land is relatively open and generally free from buildings, by reason of its siting and volume, the erection of a dwelling would reduce the spatial aspect of the site. As a result, I conclude that the proposal would cause greater effect on the openness of the Green Belt than the existing development, and as such would not meet criteria g) set out in Paragraph 145 of the Framework.

10. From the information before me I have found no reason to believe that it would meet any of the other exception criteria identified in the Framework and as such, would be inappropriate development within the Green Belt. The Framework states that the Government attaches great importance to Green Belts and the resultant harm should be given substantial weight in determining the appeal.

Other Considerations

11. The proposals would offer a new dwelling with the accompanying social and economic benefits of new housing. The dwelling would be accessible to shops and services and would provide an additional housing unit to meet housing need. These factors do favour the proposal, however, given the size of the contribution (one dwelling), the scale of this benefit would be limited. It would also add to the character of built development in the area but as the site is not in a derelict state, this would not be significant. When taken together, these benefits would not be significant.

12. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant can be given limited weight in favour of the proposal, they do not outweigh the identified harm to the Green Belt and as a result, no very special circumstances exist to justify the development in Green Belt terms.

13. Therefore, in conclusion on the Green Belt issue, I find that the proposals would be in conflict with the Green Belt aims of the Framework as well as Policy SS6c of the Staffordshire Moorlands Core Strategy Development Plan (2014) (the CS) which amongst other matters, set out the strategies for rural development in the district, including inappropriate development in the Green Belt.

Character and Appearance

14. The appeal proposal would not follow the building line of the other dwellings set on that side of Clough Lane and would be set back considerably within the site on a raised area of land. This would look incongruous within the street scene and would be further magnified by the modern nature of the design and layout, which would be at odds with the style and design of the inter-war dwellings and their intrinsic character.

15. As a result, I find that the proposals would harm the character and appearance of the area, and be in conflict with the design aims of the Framework, and policies SS6c, DC1 and DC3 of the LP, which amongst other matters, state that development should be well designed and reinforce local distinctiveness and seeks to resist development that would be detrimental to the character of the local landscape.

Living Conditions

16. The layout of the proposed dwelling would lead to limited levels of private amenity space, with a rear garden of approximately 2m in depth, which is significantly less than Council guidance set out in 'Space about Dwellings'. The main rear facing windows would also be affected by the limited distance to the rear boundary.

17. Therefore, the layout would lead to restricted amenity space at the rear and significantly reduced outlook from rear facing windows, contrary to Policy DC1 of the LP which states, amongst other matters, that development should be designed to respect the site and its surroundings and promote a positive sense of place and identity.

Highway Safety

18. I have noted the concerns of the Council in relation to the increased use of the existing access, and the removal of parking areas for the existing property. However, from my site visit, it is apparent that there is sufficient parking available for the existing property, and the proposed dwelling would have sufficient parking. I am also satisfied that the access point for the property would have sufficient visibility to allow safe entry and exit for the site without causing harm to the safety of road users and pedestrians that would expose them to highway danger.

19. On this issue, I find that the proposals are consistent with policies DC1, T1 and T2 of the LP which amongst other matters, require development to provide safe access and requisite levels of parking as well as the transport aims of the Framework.

Effect on Trees

20. The Council's reason for refusal related to the effect of the development on the mature sycamore that is located off site, but overhangs onto the site. This tree is shown on the submitted plans to be retained as part of the proposal. I have not been provided with evidence of any specific adverse effect from the development on the tree, and from the proposed layout, it would appear that the proposed development would only encroach into a small portion of the canopy spread of the tree and would not cause significant harm to the living environment of future residents. I conclude that its retention and measures to ensure its protection could have been addressed by suitable planning conditions. Therefore, I find the proposals to be consistent with Policy NE2 of the submission version of the Local Plan (2018).

Conclusion

21. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR