The Planning Inspectorate

Appeal Decision

Site visit made on 24 February 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2020

Appeal Ref: APP/B3438/W/19/3242026
Moorside Farm, Clamgoose Lane, Kingsley, Stoke-on-Trent ST10 2EG

- 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 D Titterton against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0521, dated 23 August 2019, was refused by notice dated 1 November 2019.
- The development proposed is a replacement dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have referred to various policies from the emerging Staffordshire Moorlands Local Plan 2016-2031. From the evidence before me, this emerging Plan is still going through its examination in public. Whilst I have considered these Policies, from the evidence before me the relevant ones are broadly similar to that in the adopted plan. I therefore consider that the adopted plan should be the substantive one that the proposal is considered against.

Main Issues

3. The main issues are:

   (i) whether the proposal is inappropriate development in the Green Belt;

   (ii) the effect on the openness of the Green Belt;

   (iii) the effect of the development on the character and appearance of the area; and

   (iv) if the development is inappropriate, 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 the proposal is inappropriate development in the Green Belt

4. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at

paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

5. New buildings within the Green Belt are inappropriate unless, amongst other matters, they would constitute the replacement of a building, providing that the new building is in the same use and not materially larger than the one it replaces[1]. The proposal would clearly be the same use as the existing, so therefore the key consideration for this exemption is whether the proposed building is materially larger than the existing building.

6. The Appellant sets out that the proposed dwelling would have a footprint of 155 square metres and would have a volume of 830 cubic metres. It is also stated that, when compared to the existing dwelling alone, this would represent an increase in footprint of 37% and an increase in volume of 38%. To my mind, the increase in size of the replacement dwelling would be clearly much larger than the existing dwelling to the extent that it is an inescapable fact it would be materially larger.

7. Notwithstanding that, I am also conscious of the judgement in Tandridge DC v SSCLG & Syrett [2015] EWHC 2503 where it was held that notwithstanding the precise wording of the Framework the baseline for the size of the existing development can apply to a group of buildings. Whilst this case was in relation to an earlier version of the Framework, this judgement is still very relevant today. With that in mind, I have also considered the other buildings on the site which are proposed to be removed as part of the appeal development.

8. In terms of the use of these other buildings, given the disused condition of all of these buildings it is unclear what their previous use would have been. That said, given the position of these buildings relative to the existing dwelling and the other activities at the wider site, I have no reason to doubt that buildings 3, 5 6 and 7 would have been used for residential purposes.

9. However, the use of buildings 1 and 2 is less clear, particularly given the collapsed state of building 2 and the position, style and parts of building 1 still standing. The parts of building 1 which were not empty had what appeared to be a coal fired generator. That said, the purpose and use of that generator is unclear as to whether it would have been associated with the dwelling or for agricultural activities. Furthermore, the layout and openings to this building suggests that it would not have been related to the dwelling as they largely face away from the side of the dwelling itself.

10. Taking this into account, and in the absence of compelling evidence to indicate that building 1 (and for that matter building 2) were ancillary residential buildings, I am not convinced that there were/are in the same use. Therefore, when considering paragraph 145d) of the Framework these should be excluded from any calculations. However, even if I am wrong on that point, it is clear that building 2 is far from a complete structure and building 1 has partially collapsed at its eastern end.

11. The Appellant has provided a breakdown of the 7 buildings on the site which are proposed to be demolished, including building footprint and volumes. However, I have noted that building 2 has been excluded from the Appellants

[1] Paragraph 145d) of the Framework

calculations in the appeal statement (presumably given its current condition and its previous use has been questioned by the Council).

12. Therefore, from the Appellants statement, the cumulative size of the existing dwelling and the other buildings have a total footprint of around 222 square metres and a volume of around 837 cubic metres (including building 1). The Council have not disputed any of the footprint or volume measurements provided by the Appellant and with the exception of building 5 I have no reason to disagree with the figures provided. In respect of building 5, the footprint of the brick building appears to include the small walled area which, as I observed at my site visit, is not part of the building and therefore this part should be discounted from the overall footprint of the existing buildings. With that in mind, the total footprint would be around 215 square metres. The stated volume of building 5 appears to be broadly correct.

13. However, given my conclusions on building 1, in my opinion this should also be removed from the above calculations which would reduce the cumulative footprint of the buildings to around 158 square metres and the volume down to around 694 cubic metres.

14. The Framework does not define what would be classed as being materially larger, but the size of the building (either in terms of footprint, floorspace or volume) are clearly important factors. Furthermore, the visual bulk of the comparative buildings is also an important consideration.

15. In this case, even taken into account my views above, the proposed dwelling would have a similar footprint to the existing buildings which should be taken into account. However, I find that it is significant that the volume of the replacement dwelling would be much greater. This greater volume, combined with the increased level of first floor accommodation (when compared to the existing situation) would to my mind result in a building which would be materially larger. Consequently, I consider that the exception outlined at paragraph 145d) does not apply.

16. The Appellant has also advanced a case that the proposal would be the partial or complete redevelopment of previously developed land. Paragraph 145g) sets out that, in this scenario, where the proposal would not have a greater impact on the openness of the Green Belt than the existing development, then such a proposal would not be inappropriate development.

17. In rural areas, domestic properties and their curtilages are considered to be previously developed land. However, this excludes land/buildings that is (or last occupied) by agricultural buildings. However, a key issue here is the use of buildings 1 and 2, and given my findings above, I cannot consider that these would be classed as previously developed land.

18. Notwithstanding that, in order to conclude whether the proposal would constitute inappropriate development in the Green Belt, it is necessary to consider the impact of the proposal on openness.

Effect on the openness of the Green Belt

19. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.

20. Firstly, in respect of the buildings on what I consider to be previously developed land, it is clear that the proposal would result in an increase of building volume of around 143 cubic metres. This increase in building size would inevitably lead to the loss of openness as there would be a greater volume of built form. Furthermore, this loss of openness would be apparent from the increase in the mass of the built form as a result of a larger single building as opposed to a collection of smaller buildings.

21. Taking the above into account, I conclude that the exception outlined at paragraph 145g) does not apply and therefore the proposal must be classed as inappropriate development in the Green Belt. It would therefore conflict with the Framework and Policy SS6C of the Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (2014) (CS) which amongst other matters seek to maintain the Green Belt and only allowing for exceptions over inappropriate development as defined by Government policy.

22. In addition to the above, I have also considered the overall effect of the development on openness. In this case, the proposal does include the removal of all 7 buildings from the appeal site. Whilst it is questionable whether building 2 should be counted at all, even if I discounted this from any consideration of the effect of the proposal on openness, the figures provided by the appellant indicate that there would be a reduction in footprint of built form and a very modest decrease in volume.

23. With that in mind, the proposal would result in a small benefit to Green Belt openness as the totality of all the buildings (domestic and non-domestic) to be removed would be slightly greater than the proposed development.

24. For the above reasons, the overall proposal would result in a small benefit to Green Belt openness. Therefore, no harm would result with regard to the effect of the proposal on the openness of the Green Belt. That said, the proposal would still be inappropriate development.

Character and appearance

25. The appeal site is located in a remote area where there is very little existing development. The Councils concerns over the proposal appear to be related to the width and height of the main ridge line to the roof, the extent of glazing on the rear elevation (and not being a traditional Moorlands feature), the flat roof of the conservatory, the symmetry of the front elevation and the shape of the porch.

26. The existing dwelling can be identified as a traditional dwelling within a farmland landscape, but in my opinion is not particularly special in the sense that it adds value to the landscape.

27. The proposed dwelling would be sited closer to Clamgoose Lane than the existing property but would still be set well back from the road. Whilst there would be views from the public footpath through the site, I consider that the overall siting of the new dwelling is not objectionable in any way.

28. The appeal dwelling would undoubtedly appear as a larger dwelling than that currently on site and as a result would have a minor adverse impact on the rural character of the area. To my mind, this harm would be largely as a result of the continuous ridge line of the roof of the dwelling as opposed to the

stepped arrangement which currently exists. This stepped arrangement greatly assists in breaking up the overall massing of the existing dwelling.

29. In respect of the front porch, the downstairs toilet element clutters the front elevation to the extent that it does not visually assist in the overall impression of the width of the front elevation. Whilst this is not a determinative factor in its own, it adds some weight to the harm I have found in respect of the overall size and massing of the dwelling.

30. Turning to the amount of glazing and the use of a flat roof (including the glazed lantern) in the single storey elements to the rear of the dwelling, it is clear that these cannot be said to be traditional moorlands features. However, I consider that neither of these elements can be said to be so harmful that would warrant the withholding of planning permission. Similarly, I consider that the Juliet balcony would not give rise to any significant harm. In coming to the above view, it is significant that these features are on the rear elevation of the dwelling and that they would not be prominent from public vantage points, including the footpath through the site.

31. I have also had regard to the two Kingsley Moor developments[2] brought to my attention. From the details of the two developments provided to me, they appear to differ to the appeal scheme in terms of the width and design aspects of the respective dwellings. Moreover, each proposal must be considered on its individual merits.

32. For the above reasons the replacement dwelling would have some harm the rural character and appearance of the area and would conflict with Policies SS6c, DC1, DC3 and R2 of the CS which amongst other matters seek to enhance and conserve the quality of the countryside by respecting and responding sensitively to the distinctive qualities of the surrounding landscape and being of a high quality including appropriate detailing and materials. It would also conflict with the overarching design aims of the Framework.

Green Belt balance

33. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the rural character and appearance of the area. I have also identified that as a result of the removal of the existing domestic and non-domestic buildings there would be a small benefit to Green Belt openness.

34. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

35. In this case, the Appellant has not specifically advanced any very special circumstances which should be considered. That said, the small benefit to Green Belt openness is a benefit.

36. However, given that this benefit is small, in considering the substantial weight given to the Green Belt, to my mind, the benefits do not clearly outweigh the harm to the Green Belt. Therefore, I find that this does not clearly outweigh

[2] Planning permisision SMD/2015/0581 and SMD/2016/0616

the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policies SS6C and R1 of the CS.

Conclusion

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

Chris Forrett

INSPECTOR