The Planning Inspectorate

Appeal Decision

Site visit made on 22 January 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2019

Appeal Ref: APP/B3438/W/18/3211000
Land off Tongue Lane, Brown Edge ST6 8UH

- 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 A J Beaman Construction Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0268, dated 27 April 2018, was refused by notice dated 13 July 2018.
- The development proposed is developing former garage/workshop site into two 4No. bedroom dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (ii) whether future occupants of the proposed dwellings would have reasonable access to shops and services; and (iii) 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site is in the Green Belt and in the countryside among a group of around 18 no. residential dwellings known as "Ridgeway". The dwellings are situated around the junction of Bemersley Road and Tongue Lane. The former connects Ridgeway to Ball Green, roughly 0.6 mile away to the south.

4. The main parties dispute whether Ridgeway is a village or a hamlet. This has consequences in terms of whether the scheme accords with Framework paragraph 145 e). The Oxford Dictionary defines a village as a group of houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area. It defines a hamlet as a small settlement, generally one smaller than a village, and strictly (in Britain) one without a Church. While a church may have once existed in Ridgeway, there is no church there now as it has been replaced by a dwelling known as Chapel House. There are also no other associated buildings in Ridgeway that would, in my judgement, mean

that Ridgeway is anything more than a hamlet. The proposal does not accord with the exception in Framework paragraph 145 e).

5. Framework paragraph 145 g) allows the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development. The Framework also explains in paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6. The site is mostly open and overgrown by vegetation. There are two buildings near to the site's south-western boundary, and a trailer. The buildings were granted planning permission in the 1980s[1] for commercial purposes, albeit on a temporary basis. However, there is no definitive evidence of how the land has been used. Having regard to the Framework's definition of previously developed land the majority of the site has blended into the landscape. That said, if I were to take the appellant's view that the site is previously developed land due to the two buildings, the proposed dwellings and the hardstanding would have a greater impact on the openness of the Green Belt than the existing development. This is due to their respective scales, the proposed layout and footprint. The effect would be permanent and highly visible.

7. While the proposal would not conflict with the purposes of including the land within the Green Belt, I conclude, on this issue, that the proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be contrary to Policy SS6c of the Core Strategy Development Plan Document (CS) which I afford full weight due to its consistency with the Framework; and Framework paragraph 145 e) and g). Substantial weight should be given to any harm to the Green Belt. I also conclude that the proposal would be contrary to CS Policy R2 as the appeal scheme does not accord with any of the criteria listed in this policy. This policy carries limited weight given that the Council accept their policies are out-of-date[2].

Access to shops and services

8. Except for a telephone box and a post box there are no shops or services in Ridgeway. Future occupants of the proposed dwellings would need to travel for their day-to-day needs. Most journeys are likely to be within around 1.5 miles from the site as the crow flies to settlements such as Ball Green, Brown Edge, Oxford, Fegg Hayes, Chell Heath, Whitfield, Brindley Ford, Norton Green and Hill Top. Jointly these provide a range of shops and services that would serve future occupants day to day needs.

9. Although there is public transport from Ball Green to various locations, there is no public transport either from or to Ridgeway. Hence, future occupants would need to travel along the fairly narrow Bemersley Road to Ball Green to access public transport. There are no footways on this road until Ball Green. Moreover, the road gradually descends into Ball Green from Ridgeway, meaning that return journeys would be uphill. Forward visibility is in sections satisfactory,

[1] Council Refs: SMD/1980/1402 and SMD/1986/0575
[2] Framework paragraph 11 d), footnote 7

but there are sections where this is reduced due to bends, and mature hedgerows do also constrain the visibility of road users. Given these conditions, future occupants are unlikely to walk to Ball Green, and the route would not be suitable for every potential future occupant. Cycling may be a more favourable option, even though potential conflicts could arise, and journeys made on foot or by cycle would be less appealing in the hours of darkness or inclement weather. The majority of journeys would, in my view, be made by private car.

10. Yet, Framework paragraph 103 says opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The proposed dwellings would generate a modest number of short vehicle trips. Concerns raised by the Council about the effect of the vehicle movements on air quality are not substantiated with any evidence.

11. The site's location does have shortcomings in terms of walking and cycling to Ball Green. These issues also apply to the routes to the other settlements referred to. Even so, the site is fairly close to Ball Green and as such a short cycling distance away, though I accept the topography and route may discourage some future occupants. While the site is not as accessible as urban locations, the site does offer cycling opportunities thereby meaning that future occupiers would not be wholly reliant on private vehicles. Moreover, journeys made by vehicle would be short due to the site's location near to a number of settlements with a range of shops and services.

12. I note the appeal decisions[3] referred to, but I conclude, having regard to the proposal's own merits that future occupants of the proposed dwellings would have reasonable access to shops and services, and as such the dwellings would not be isolated homes in the countryside. Thus, the scheme would accord with Framework paragraphs 79, 84, 92 a), 102 e), 103 and 127.

Other considerations

13. The proposal would provide two new family sized dwellings. This social benefit attracts moderate weight given the Council's current inability to demonstrate a five year supply of deliverable housing sites on the scale set out by the appellant. Further modest benefits to the local economy would stem from the dwellings construction and from spending of future occupants of the dwellings.

14. The proposal would not result in harm to highway safety. Changes to the proposed layout, in tandem with the retention of trees on the site, would mean that there would not be a significant loss of privacy to neighbouring occupants. The traditional style proposed, along with the dwellings siting would ensure that they would have an acceptable effect on the character and appearance of the area. Subject to a planning condition, the site could be developed satisfactorily despite the presence of historical mine workings nearby. These matters all carry limited positive weight.

Conclusion

15. The proposal amounts to inappropriate development in the Green Belt. The appeal scheme would also result in a loss of openness. By definition these are harmful and I attach them substantial weight as required by Framework paragraph 144. The proposed development creates a clear conflict with the environmental role of sustainable development.

[3] Appeal Decision Refs: 3140510; 3147166; 3168734; 2217581; and 2222484

16. Harm would not arise in terms of access to shops and services. I have considered matters put before me in favour of the scheme, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Thus, the very special circumstances necessary to justify the development do not exist, and the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed[4].

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

[4] Framework paragraph 11 d), footnote 6