The Planning Inspectorate

Appeal Decision

Site visit made on 1 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/B3438/W/20/3253281
65 Cellarhead Road, Cellarhead ST9 0HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs Leverton against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0581, dated 16 September 2019, was refused by notice dated 10 December 2019.
- The development proposed is the erection of bungalows.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved and I have determined it on that basis.

Main Issues

3. The main issues are:

   - whether the proposal would be inappropriate development within the Green Belt and, if so, the effect on the openness and purposes of including land within the Green Belt; and,

   - 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 inappropriate development in the Green Belt

4. The Government attaches great importance to Green Belts. Section 13 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions. Of those exceptions the appellant draws my attention to Paragraph 145 e) in relation to limited infilling in villages.

6. The term 'limited infilling in villages' is not defined within the Framework. Although the site lies outside of any defined settlement area, the main parties agree that the position of the site adjacent to existing residential development on the southern side of Cellarhead Road (A52) lies within the confines of Cellarhead 'village' due to its close association with it.

7. However, the land is largely undeveloped and forms part of a wider landscape of rolling open countryside. The Council estimates its width to be about 54m which forms part of the long open roadside frontage at the eastern end of the built row. The undeveloped frontage continues eastwards across an adjacent field before arriving at an isolated residential property and an additional open field beyond.

8. Although the appellant's reference to development of the site for four units could be construed as 'limited', the site would be bordered by open fields on two sides. Taken with the large gap that would remain between the site and the next isolated residential property on the southern side of the road, and the siting on land separated from the main areas of residential development within Cellarhead by the A52, the proposal would appear as an outward end-of-row expansion rather than infilling between existing development. Accordingly, I consider that the proposal would fall outside the scope of 'infilling' for the purposes of Paragraph 145e).

9. In support of the appeal the appellant refers to appeal decision ref. APP/M3645/A/13/2201516 where a development of four units was determined to constitute infill. However, the site in that case was bordered by housing land on three sides and filled a recessed plot in the settlement pattern. As such it is distinct to the proposal before me, a case I have considered on its own merits.

10. The proposal would introduce development on to a site that is currently substantially free from buildings and structures except for a low stone wall, fences and a gated access. By their presence, the erection of houses would cause a loss of spatial openness. Furthermore, although landscaping could provide some mitigation, views of the development would be apparent from the road and surrounding landscape such that a loss of visual openness of the site would also arise.

11. In addition, the erection of houses and formation of domesticated land about them would cause a form of encroachment into otherwise undeveloped parts of the site. This would conflict with the purpose of including land in the Green Belt to assist in safeguarding the countryside from encroachment[1].

12. For the reasons set out above, I find that the development would constitute inappropriate development within the Green Belt that would erode its openness and conflict with one of the purposes of including land within it. It would therefore conflict with Paragraphs 133-146 of the Framework and Policy SS1a of the Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (March 2014) (CS) which seek to restrict development to protect the openness and permanence of the Green Belt. In accordance with Paragraph 144 of the Framework, these are matters to which I attach substantial weight.

[1] Paragraph 134 c) of the Framework.

Other Considerations

13. In support of the appeal the appellant has identified a number of benefits that could be delivered by the scheme. These include those of providing housing in an area of need and without a five-year housing land supply, the contribution of the development to providing bungalows for the elderly, and, to meet serviced self-build housing demand. In addition, it is stated that the site is located close to services and public transport facilities, is available, and could be developed without risk of flooding or harm to ecological interests.

14. The main parties disagree on the amount of weight that can be attributed to the emerging Staffordshire Moorlands Local Plan and therefore whether a 5-year housing land supply can currently be demonstrated. However, neither party directs me to policies contained within the emerging plan and there is no evidence before me to suggest the site is proposed to be removed from the Green Belt as an identified housing land allocation.

15. That being the case, even if the Council was unable to demonstrate a 5-year housing land supply, Paragraph 11d)i and Footnote 6 of the Framework, which protects areas or assets of particular importance, including the Green Belt, would exclude the site from the tilted balance in favour of sustainable development on account of the harm that I have identified. This implies that unmet housing need will not, in itself, amount to the very special circumstances necessary to justify development in the Green Belt. This remains so despite the effects of the Covid-19 pandemic.

16. Having regard both to the CS and the Staffordshire Moorlands Local Plan Submission Version (Feb.2018), market housing to meet the needs of the elderly should be of a scale and in a location which is appropriate to its needs. The spatial strategies of both plans support the restriction to market housing in the Green Belt, therefore such locations are considered inappropriate to the need.

17. In support of the appeal the appellant has directed me to three Green Belt appeal decisions[2] relating to extra care facilities for the elderly and a permission[3] for 15 serviced bungalows within a residential care complex. However, the proposal here is for unserviced open-market housing to support independent living. Whilst this could be restricted to occupancy by a certain age group, it is distinct from that providing direct or assisted care.

18. Furthermore, unlike the West Malling case (3202040), the appeal site in this instance does not benefit from a draft allocation for housing development but fulfils Green Belt purposes by checking the unrestricted sprawl of large built-up areas, safeguards the countryside from encroachment and assists in urban regeneration by encouraging the recycling of derelict and other urban land.

19. The successful appeal in Cheshire (3203413), related to the redevelopment of a former garden centre site for care apartments and bungalows. As a site for redevelopment the circumstances of that site are therefore different to the undeveloped greenfield site before me.

[2] APP/H2265/W/18/3202040, APP/A0665/W/18/3203413 & APP/Q3630/W/18/3195463
[3] SMD/2016/0492

20. Although those appeals recognise the benefits of providing Class C2[4] extra care housing in meeting identified elderly housing need, they are distinct from the Class C3 market dwellinghouses described in this appeal, hence this is a matter of limited weight in favour of the development.

21. The Council is required to monitor and manage registered self-build interests. However, there is no substantive information submitted to demonstrate that the appellant, or the intended occupiers, are on the Council's register of individuals and associations seeking to acquire serviced plots under the terms of the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). Whilst the Act seeks to encourage contribution to housing supply from those sectors, such provision is not without due regard to the local development plan. Accordingly, for the reasons provided above, and in the absence of evidence to demonstrate that the Council is not meeting the registered demand for such plots, this is a matter of negligible weight.

22. I acknowledge that the proposals would provide economic benefits through the construction period of the development and beyond as prospective occupiers contribute to the local economy and these are matters to which I attribute moderate weight.

23. The delivery of housing development at minimal risk of flooding, which avoids adverse impacts on ecological interests and is located close to local services and access to those further afield by public transport, are requirements of the CS. They are not therefore benefits in support of the development and accordingly, I attach these matters negligible weight.

Conclusion

24. The erection of dwellings on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to the openness of the Green Belt and conflict with its purpose of safeguarding the countryside from encroachment.

25. The considerations presented by the appellant with regard to delivery of housing, elderly housing provision, self-build housing and the availability of the site, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist.

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

R Hitchcock

INSPECTOR

[4] Use Class Order 1987