The Planning Inspectorate

Appeal Decision

Site visit made on 6 July 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/B3438/W/20/3264752
Hillview Cottage, 95 Woodhouse Lane, Biddulph, Stoke-On-Trent ST8 7RN

- 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 & Mrs Tellwright against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0307, dated 13 June 2020, was refused by notice dated 15 September 2020.
- The development proposed is change of use of existing stable block to retail shop & store and associated development.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice on the banner above. This differs from the original narrative on the application form, but I note that the appellant has used the Council's description on the appeal form. I am therefore satisfied that there is no prejudice to the interests of either party.

Main Issues

3. The main issues in this appeal are:-

    - Whether the appeal proposal is consistent with the objectives of local and national planning policy in rural areas; and
    - The effect of the parking provision element of the proposals on the openness of the Green Belt.

Reasons

Consistency with rural planning

4. The appeal site is on land the side of 95 Woodhouse Lane and contains a stable block which appears to be no longer in use as a stable. The buildings and immediate surroundings are well maintained and appear to be in reasonably good order. There are a number of properties nearby but the locality is rural in nature.

5. The appeal site is located within a small hamlet. From my site visit, it is apparent that pedestrian footways in the area are extremely limited, as is street lighting. I find that the proposal's location outside any settlement to be a negative feature of the proposal.

6. I consider that the proposal, given its rural setting, is not within a reasonable walking distance of urban areas and as significant sections of the walking routes on the approach would be without footways and poorly lit, they would not be appealing to pedestrians in any event. For that same reason, I also find that those routes would not encourage the possibility of cycling to reach the proposal site.

7. I have not been made aware of any regular public transport provision in the immediate locality, and as a result, this would also not be a realistic option. Therefore, given the circumstances, I find that the practical use of walking, cycling or public transport would be unlikely. Users of the retail unit would be reliant on the use of a motor vehicle.

8. As a result, I find that the site would not be a suitable location for a new retail facility, having regard to its lack of proximity to substantial levels of residential development, which would result in a reliance on private motor vehicles. As a result, I find that the proposal would be contrary to the National Planning Policy Framework which aims to locate development in accessible and convenient locations and promote walking, cycling and public transport use.

9. I consider that the proposals are contrary to policy SS10 of the Staffordshire Moorlands Local Plan (2020) (The LP) which expects development of businesses for employment uses to justify a rural location and protect the quality and character of the area as well as stating that uses should be limited in areas that are not well served by public transport. In addition to this there is conflict with Section 14 of the National Planning Policy Framework (the Framework) with regard to its climate change objectives.

Car Parking Provision

10. The Framework advises 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. Paragraph 134 identifies that the Green Belt has five purposes including to assist in safeguarding the countryside from encroachment.

11. Openness in a Green Belt context can be taken to mean an absence of visible development or manifestation of use. The replacement of agricultural land with a use for the parking of motor vehicles results in a loss of openness which is harmful to the Green Belt.

12. The Framework establishes that substantial weight is to be given to any harm to the Green Belt. Harm would result in this case because the proposal would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. The proposal would conflict with development plan and Framework policy in these respects.

13. Nonetheless, I have found that the impact of the proposed car parking would be to result in harm to the openness of the Green Belt, both in relation to visual and spatial harm, and would run contrary to the purpose of including land within the Green Belt and would result in significant harm.

14. Any economic benefit from the roof extension, alteration works and re-use of a stable building for retail purposes would be limited due to their small scale. The social and economic benefits would, at best, be modest. I therefore give those benefits only modest weight.

15. The Framework establishes that substantial weight is to be given to any harm to the Green Belt. Harm would result in this case because the proposal would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. The proposal would conflict with development plan and Framework policy in these respects.

16. Having had regard to all other matters raised I conclude that the modest weight attributable to the proposal's benefits is insufficient to clearly outweigh the substantial weight to be given to the harm arising from the use of the manege as a car park.

17. Consequently, for the reasons set out above, the proposed car parking is inappropriate development, and is, by definition, harmful to the Green Belt. Taking into account that openness is an essential characteristic of Green Belts, the harm that would be caused, albeit minimal, carries significant weight. . Thus, the use as a car parking area conflicts with LP Policy SS10 as it relates to maintaining the Green Belt and allowing exceptions as defined by Government Policy and the Green Belt guidance set out in the Framework.

Conclusion

18. For the above reasons, the appeal is dismissed.

Paul Cooper

INSPECTOR