



Appeal Decision

Site visit made on 29 March 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/B3438/W/21/3284317

Former Severn Trent Reservoir, Troughstones Road, Biddulph Park, Stoke on Trent ST8 7SJ

- 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 Y Heald against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0286, dated 17 April 2021, was refused by notice dated 28 June 2021.
 - The development is described as the 'proposed change of use of former Reservoir structure to a single dwelling house'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The Council has withdrawn the fourth reason for refusal relating to insufficient information on the disposal of soil. Having regard to this, there are four main issues. These are a) whether the proposal would be inappropriate development in the Green Belt, b) the effect of the proposal on character and appearance of the area, c) whether the proposal is consistent with development plan policies relating to housing in rural areas; and d) if the proposal is inappropriate development, 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

Inappropriateness

3. The National Planning Policy Framework (the Framework) sets out that the Government attaches great importance to Green Belts. 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.
4. Paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of included land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. Although reference has been made to other exceptions, no substantive assessment has been provided in relation to these, and I have not therefore considered them further.

5. The appellant has submitted structural information¹ and it is common ground between the main parties that the development seeks to re-use a building that is of permanent and substantial construction. The site includes a former water storage tank, a square structure with a concrete roof that is largely submerged below ground level.
6. The Council has stated that prior to certain unauthorised works, the structure was completely buried. Even so, from my site observations the former reservoir structure is still inconspicuous from its surroundings and visually well contained. Whilst this structure would be overlaid with a green roof that would contain native grass species, the roof would also contain a number of rooflights and lightwells, as well as a large, centralised courtyard with stairs. Most of these features would be bound by railings that would in part project above the roof level. These railings, spread over a large area of the roof would be visible from Troughstones Road through the access. This is despite the partial screening provided by vegetation and consequently, this aspect of the development would result in the loss of visual openness.
7. Furthermore, the land to the south of the tank would be excavated and part of the southern elevation exposed and clad with stone. A number of windows and doors would also be inserted in this elevation. An embankment would remain, but from the site section plan provided, it is clear that the upper part of this exposed elevation would be visible in views from the south. Railings are also proposed at roof level close to the edge of this southern elevation. These would extend along most of the length of this elevation and be sited in a prominent position. As well as these elements reducing the openness of the Green Belt in visual terms, the overall extent of the development would reduce the openness of the Green Belt in spatial terms.
8. The appellant has stated that no extensions are planned, and the external ground conditions and boundary treatment would be fundamentally unchanged. However, as well as the excavation to the south of the building to create a garden area, a path would also be created from the proposed garden area towards the parking area. The proposal would also introduce a large family-sized dwelling, with associated parking and domestic paraphernalia on the site such as garden furniture and play equipment. Although future encroachment could be controlled by the removal of Permitted Development rights, the physical changes and the use of the site for residential purposes would fail to preserve the openness of the Green Belt, both spatially and visually and also for the reasons set out, result in encroachment in the countryside, one of the purposes of including land within the Green Belt.
9. Consequently, the scheme would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal would not comply with Policy SS 10 of the Staffordshire Moorlands Local Plan (Local Plan) which states that strict control will continue to be exercised over inappropriate development within the Green Belt.

¹ Northern Structural Services, 28th August 2020

Character and Appearance

10. The appeal site is situated in an undulating rural landscape that comprises of small clusters of buildings surrounded by open fields and woodland. Narrow country lanes bounded by dry stone walls and hedges combine with the open land and vegetation to give the area a verdant, spacious character which contributes positively to the wider countryside setting.
11. As set out above, the converted structure would be largely submerged and benefits from screening provided by trees and other vegetation. The green roof would provide a natural finish and result in levels that correspond with the levels of the original site. This planted roof would however take time to become established, and the various railings on the roof would be seen from Troughstones Road through the opening that provides access to the site. This, as well as parking and other domestic activities that would be seen in similar views would undermine and thus harm the area's rural character.
12. Although the design has sought to minimise the visual impact, the appellant has acknowledged that the upper section of the southern elevation would be visible from the public footpath. The railings on the roof close to the southern elevation of the structure would also be apparent, albeit such views from the footpath would be between existing trees and could be supplemented by further landscaping. In longer distant views, the proposal would be seen on the wooded slope. As well as the aforementioned parts of the structure, the development would result in light spillage from the various openings. I appreciate that the visible southern elevation would be constructed in locally sourced stone. Nevertheless, the proposal would have a suburbanising effect and erode the darkness and otherwise tranquillity of this rural area.
13. On this basis, the proposed development would have an unacceptable harmful effect on the character and appearance of the area. As such, it would be contrary to Policies DC 1 and DC 3 of the Local Plan, which seek, amongst other matters, high quality development that reinforces local distinctiveness and to resist development which would lead to a prominent intrusion into the countryside. It would also, for the same reasons, be contrary to the approach of Section 12 of the Framework.

Location of Development

14. The appeal site is situated in 'other rural areas' which is defined by Local Plan Policy SS 10 as those countryside and Green Belt areas outside of the development boundaries of town and larger villages and the open countryside surrounding smaller villages. This policy sets out, amongst other matters, to limit development in such areas to those which have an essential need to be located in the countryside and allows the conversion or replacement of an existing rural building in accordance with Local Plan Policy H 1. Although Policy H 1 states that where development is located in the Green Belt, national Green Belt policy will apply, which I have considered elsewhere in this decision, this policy also sets out other requirements.
15. Part 5.) of Local Plan Policy H 1 relates to housing development in other rural areas and states that only certain forms of housing development will be permitted. This includes the conversion of rural buildings for residential use but only where the building is suitable and worthy in physical, architectural and character terms which in the case of the latter, I have found not to be the case

with this appeal proposal. The appeal scheme would represent the conversion of a utilitarian building of limited merit in either character or architectural terms. In addition, there is no substantive evidence before me that the proposal would meet any of the other criteria set out at part 5.) of Local Plan Policy H 1. The proposal would not therefore be consistent with Policies SS 10 and H 1 of the Local Plan relating to the location of housing in the rural areas.

Other Considerations

16. I am mindful that the proposal would provide a residential windfall site which will assist in addressing an uncontested shortfall in housing for the Council. I am aware that the Framework seeks to significantly boost the supply of housing. I therefore afford the provision of a new dwelling some weight, albeit weight that would be tempered by the fact that the scheme would provide a single dwelling.
17. The proposal would bring into use a utilitarian building which unlike other rural structures, does not easily lend itself to employment uses. Reference has also been made to paragraph 80 of the Framework which allows for the development of isolated homes in the countryside where the development would re-use redundant or disused buildings and enhance its immediate setting. This proposal would not however enhance the setting for reasons set out. Rather, the opposite would be the case as I have explained.
18. The proposed development would make a positive contribution to the local economy, through the employment of local tradespeople during the construction phase and support local services and facilities. But, given the proposal is for one net additional dwelling, the economic and other benefits, including ecological enhancement and energy efficiency measures would be modest.
19. The proposal would not give rise to any adverse impacts on living conditions, highway safety in terms of access and parking, trees and biodiversity. The proposal would also not result in neighbouring towns merging or conflict with the Green Belt purposes of preserving the setting and special character of historic towns or assisting in urban regeneration. These are however neutral matters that do not weigh in favour of the proposal.
20. The appellant has made reference to an appeal decision² relating to a residential conversion of a redundant semi-underground reservoir. Although evidently there are some similarities in the residential use proposed, and in the type of structure, from the information provided, the main issues were, in part, different to those in the appeal before me. That referenced site is also in a different Local Planning Authority and the decision of some age. The Council has also referred to a number of appeal decisions³, but again, I am not aware of the full circumstances of those cases, but it is evident from the contents of those decisions that the cases turned on their own particular merits. I can confirm that I have dealt with this appeal based on the evidence before me.

² APP/R0660/A/14/2219125

³ APP/B3438/W/20/3256859, APP/B3438/W/21/3271925 and APP/B3438/W/21/3272703

Other Matters

21. The Council has stated that they are not able to demonstrate a five-year supply of deliverable housing sites as required by the Framework. In relation to paragraph 11 d), this sets out that planning permission should be granted unless, having regard to the particular circumstances of this case, the application of specific policies provides a clear reason for refusing the development. This includes policies relating to land as designated as Green Belt. As I have found the development would be inappropriate development in the Green Belt and it would thus be harmful thereto, the presumption in favour of sustainable development does not apply.

Conclusion

22. I have found that the appeal proposal would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework says that substantial weight should be given to any harm to the Green Belt. The development would also be unacceptable in relation to character and appearance and its location when assessed against the Council's relevant policies. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
23. A number of other matters put forward are neutral considerations and a lack of harm in these areas does not weigh in favour of the development. I have set out the other considerations and my analysis leads me to attach moderate weight to supporting housing delivery and limited weight to economic, ecological and energy efficiency benefits as well as supporting local services given the proposal is for a single dwelling.
24. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. The appeal should therefore be dismissed.

F Rafiq

INSPECTOR