
Appeal Decision

Site visit made on 20 October 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/B3438/W/25/3371499

Land Off Akesmore Lane, Biddulph ST8 6RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Shaw against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2025/0202.
 - The development proposed is residential development of former commercial yard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal with all matters reserved for future consideration. I have considered the appeal accordingly.
3. I am aware that the stables located to the east of this appeal site are in the same ownership as the appeal site.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework) including the effect upon the openness of the Green Belt;
 - whether the site is suitable for the proposed development, having regard to relevant policies for the location of housing;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on the living conditions of future occupants with particular regard to contamination and land stability; and,
 - if inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate

5. The appeal site is within the Green Belt where Policy SS10 of the Staffordshire Moorlands Local Plan 2020 (the LP) places strict control over inappropriate development, allowing only for exceptions as defined by Government policy. Paragraphs 154 and 155 of the Framework lists the types of development which are not regarded as inappropriate.

Previously developed land

6. The exception outlined in paragraph 154 g) allows for the partial or complete redevelopment of previously developed land (PDL), including a material change of use to residential, which would not cause substantial harm to the openness of the Green Belt. The Framework defines PDL as land that has been lawfully developed, including any permanent structures, associated fixed surface infrastructure, and the curtilage of the developed area. The definition excludes, amongst other things, land that is or was last occupied by agricultural buildings.
7. Both main parties refer to the site having previously operated as a skip yard, without planning permission. The Council has provided evidence of an Enforcement Notice served in 1996 requiring the storage of skips to cease. There is also evidence of compliance with that notice recorded in 2001.
8. There is further evidence that the site was in use as a skip yard more recently during the determination of a planning appeal in 2021 at the adjacent stables¹. The appellant states that the site was in use as a skip yard between 2001 and 2024. They assert that the site has established a lawful use as a commercial site through unchallenged operations as a skip yard for more than 10 years. However, I have not been provided with evidence, such as a Lawful Development Certificate, to confirm this. Although it would appear to have been in use as a skip yard at the time of determination of the other appeal in 2021, there is no substantiated evidence regarding the ongoing use of the site both before and after that date. It is not in use as one now. It has not, therefore, been demonstrated that the appeal site has become a commercial site in planning terms.
9. The structures currently on the site include two tin sheet open fronted sheds, a silage clamp and a row of low profile animal stalls. Although these structures were being used for storage of vehicles and items associated with the adjacent stables at the time of my visit, I found their appearance to be consistent with that of agricultural buildings. Therefore, site is not previously developed land in the terms of the Framework.
10. Irrespective of the above, the exception in paragraph 154 g) also requires that development does not cause substantial harm to the openness of the Green Belt. Beyond the existing structures on the site and the stables located to the east, the site is otherwise surrounded by undeveloped agricultural land. The two tin sheet sheds can be seen from public viewpoints on Akesmore Lane, and the other structures are visible from the adjacent stables site and an adjacent public footpath. However, due to their small scale, the existing structures on the site have

¹ Ref APP/B3438/W/21/3274870, dated 22 September 2021

a limited impact on the openness of the Green Belt in both spatial and visual terms.

11. The indicative proposed site plan shows four dwellings on the site, although I acknowledge that the reserved matters application may seek a smaller number of dwellings. While the detailed design and layout of the development would also be determined at that later stage, it is likely that residential development of the site would result in an increase in built form on the site. The cumulative footprint, height, and massing of up to four dwellings would introduce a permanent and substantial physical presence, reducing both spatial and visual openness. This would have a greater impact on the openness of the Green Belt than the structures currently on site.
12. In addition, residential use would alter the visual appearance of the site with the introduction of driveways and garden areas including the likely associated domestic paraphernalia such as tables, chairs, washing lines and play equipment. The resultant domestication of the land would fail to preserve the openness of the Green Belt in spatial and visual terms. This adverse impact on the openness of the Green Belt would be primarily noticeable from Akeshire Lane, the public footpath adjacent to the southern boundary of the site and from the stables to the east of the site.
13. I am aware that the adjacent stables site has planning permission² for one detached bungalow which has not yet been constructed. In that case, the proposal was considered to accord with Green Belt policies and, as such, it is not directly comparable to the current appeal proposal. The appellant suggests that if outline permission is granted on the appeal site, they may seek planning permission to construct the approved dwelling on the appeal site and retain the stables business. However, there is little before me to demonstrate that this would not adversely impact on the openness of the Green Belt, in the same ways as described above. There is also no formal agreement or other control in front of me to ensure that this would occur. Therefore, this consideration does not alter my conclusions.
14. Taking account of the impact of the existing structures on site to openness, I find that the proposal would cause substantial harm to the openness of the Green Belt and therefore it would not meet the exception in paragraph 154 g) of the Framework.

Grey belt

15. I have also considered whether the appeal site comprises 'grey belt' land as defined in Annex 2 of the Framework. I have already concluded that, on the evidence before me, the site does not meet the definition of PDL. Grey belt land can also be any other land that does not strongly contribute to any of purposes a), b), or d) in paragraph 143 of the Framework.
16. The site lies within an area of Green Belt that checks the unrestricted sprawl of the large built up area Biddulph. It also helps prevent the merging of Biddulph with the adjacent town of Congleton. However, the site is small in the context of the overall size of the Green Belt and it is physically separated from Biddulph, so it does not strongly contribute towards checking the unrestricted sprawl of large built up areas (purpose a)). Also, due to its small scale, it plays a very limited role in preventing

² Ref APP/B3438/W/24/3357062, dated 5 March 2025)

towns from merging (purpose b)). There is no evidence submitted that Biddulph is a historic town and so the appeal site does not preserve the setting or character of such a town (purpose d)).

17. Policies relating to areas or assets identified under footnote 7 of the Framework do not provide a strong reason for resisting the development. Accordingly, the site meets the Framework's definition of grey belt. To be regarded as not inappropriate development in the Green Belt, development in the grey belt must meet all the criteria set through paragraph 155 of the Framework.
18. Criterion a. requires the development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Based on the small size of the site, in comparison to the wider Green Belt area, I do not consider that development of the site would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. I therefore find no direct conflict with criterion a.
19. The Council has confirmed that it cannot currently demonstrate a five year supply of housing land. The proposal would therefore meet criterion b. relating to a demonstratable unmet need for the type of development proposed.
20. Criterion c. relates to development being within a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. These paragraphs relate, amongst other matters, to focusing development in locations which are or can be made sustainable and ensuring that sustainable transport modes are prioritised.
21. Future occupiers would need to travel to Biddulph to access services and facilities. Access to Biddulph from the site is along Akesmore Lane which is a narrow, rural road with no dedicated footpaths or streetlighting. There is a public footpath accessed via a stile on Akesmore Lane a short distance south of appeal site. However, I note that this is unmade and unlit. Consequently, I do not find that the site would have safe and convenient access for pedestrians.
22. There are no dedicated cycle lanes between the site and Biddulph and, as I have noted, the route is not fully lit. As such, I find that it is not a particularly desirable route for cycling, especially in the winter months. It is stated that the national cycle network route 55 is close to the site, but I have not been provided with any further details of this. Therefore, I find cycling is unlikely to be a realistic alternative to a private vehicle for travel to services and facilities.
23. The appellant states that there is a bus link located approximately 250 metres from the site on Wedgewood Lane. However, I have not been provided with details of any bus routes or the frequency of services. I therefore do not know whether future occupants would have access to a regular bus service which would provide convenient access to services and facilities. Furthermore, access to the bus link would require walking along Akesmore Lane, which I have already found does not offer an attractive route for pedestrians.
24. Based on the evidence before me, the appeal site is not within a location which is, or can be made, sustainable. On this basis, the proposal would fail to satisfy all of the criteria in paragraph 155 of the Framework and therefore cannot be considered as not inappropriate development in the grey belt.

Overall

25. Taking all of the above into account, the proposal would be inappropriate development in the Green Belt and would cause substantial harm to openness. As such it would conflict with LP Policy SS10, as set out above.

Suitable location

26. The appeal site is not allocated for housing, nor is it within or adjacent to a settlement which is identified for housing development in the LP. The site is therefore located in the 'other rural areas' as defined by LP Policy SS10. Part 6 of Policy SS10 restricts new build housing development in such locations to that which has an essential need to be located in the countryside, in accordance with LP Policy H1.
27. Part 6 of LP Policy H1 states that national Green Belt Policy will apply to development located in the Green Belt. I have already concluded above that the proposal would be inappropriate development in the Green Belt, in accordance with the Framework.
28. Part 3 of Policy SS10 also limits uses which generate a substantial number of regular trips in areas that are not well served by public transport. The LP does not define what constitutes a substantial number of trips. However, I am mindful that the Framework expects development to promote walking, cycling, and the use of public transport, while recognising that sustainable transport solutions will vary between urban and rural areas.
29. As I have concluded above, the site is not in a location that would be well served by public transport, nor would it promote walking and cycling. As such, future occupiers would rely on private vehicles to access services and facilities from the site. I appreciate that the Highway Authority did not object to the proposal, but I note their comment that future occupiers would rely on private cars due to the site's relatively isolated location. The appellant contends that the proposal would result in less vehicle movements than the previous skip yard use, however this point is not further evidenced. In any event, the site is not currently in use as a skip yard, so this does not form a baseline in this regard. As such, this consideration does not alter my conclusions.
30. Taking all of the above into account, I find that the site is not in a suitable location for housing. As such it would conflict with LP Policies SS10 and H1 and the requirements of the Framework, as set out above. Although not cited in the reason for refusal, the site location would also not comply with Policy HOU 2 of the Biddulph Neighbourhood Plan 2023 which specifically supports small infill sites within or adjacent to settlement boundaries.

Character and appearance

31. The appeal site is an irregular shaped parcel of land located to the east of Akesmore Lane. Apart from the existing structures on site and the adjacent stables, the site is surrounded by undeveloped open fields with boundaries defined by trees and hedgerows. The area therefore has a traditional open, rural character and appearance.
32. The site's boundary with Akesmore Lane is defined by the two tin sheet sheds either side of a gated access with a line of trees and hedgerow extending north

alongside the Lane. Notwithstanding their current poor state of repair, agricultural structures like those on the site are not unusual features in rural areas. As such the current appearance of site is commensurate with the rural character of the area.

33. It is suggested that there would be hedgerows planted along the site boundary with Akesmore Lane. Whilst this may provide some screening, the introduction of residential development and the likely associated domestic paraphernalia to the site would appear at odds with the rural character of the area. Furthermore, given the site's relatively isolated location, the proposed development would have no visual connection or association with any existing infrastructure or other building forms. As such it would represent a harmful intrusion into the rural landscape.
34. I therefore find that the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with LP Policies SS10, DC1 and DC3. Taken together, these policies require development to protect and, where possible, enhance local landscape and for development to be designed to respect and respond positively to the site and its surroundings.

Living conditions

35. There is evidence that the site forms part of a former colliery. Development of the site may, therefore, be compromised by both contaminative and land stability risks. The planning application was submitted with reference to an outdated mining report. Both the Coal Authority and the Council's Environmental Health consultee objected to the proposal on the basis that not all mine shafts affecting the site had been assessed. The Council's reason for refusal is that the application submission does not include an appropriate intrusive ground investigation and therefore there is insufficient information regarding the potential for the contamination and land stability risks that may be present on site.
36. During the determination of the application a revised Coal Mining Risk Assessment was submitted to the Council, which recommends an appropriate intrusive investigation should be undertaken to allow more detailed risk assessment, design of appropriate remedial measures and finalisation of the residential site layout.
37. The Coal Authority was not consulted on the revised Risk Assessment, but the appellant suggests that further investigations should be required, by planning condition, to be provided at reserved matters stage. However, I do not know what the nature of the appropriate assessments and relevant mitigation measures would be, if required. This is, therefore, a matter that must be addressed at outline stage, as the risk may be such that it cannot be adequately mitigated and could, on its own, prevent the development from proceeding.
38. It has therefore not been demonstrated that the proposal would not have a harmful effect on the living conditions of future occupants with particular regard to contamination and land stability. As such it would conflict with LP Policy SD4 which seeks to ensure proposals avoid potential adverse effects and only permits proposals that are deemed to result in pollution, including ground contamination, if after mitigation, potential adverse effects are deemed acceptable. The proposal would also conflict with the Framework in respect of its aims to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution or land instability.

Other Considerations

39. The contribution of up to four dwellings to the housing supply, although positive, would be limited. Nevertheless, in light of the Council's housing land supply position, I attribute this moderate weight. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers and this also attracts moderate weight.
40. It is suggested that the proposal could contribute to the local amenity and wildlife habitat. However, there is little before me to substantiate this and as such I give this consideration limited weight.
41. The appellant asserts that allowing the proposal would remove an inappropriate and uncontrollable commercial use. However, the appellant has also confirmed that the use has ceased, and I saw no evidence of it during my site visit. I therefore place limited weight on this issue.

Green Belt Balance and Conclusion

42. I have found the proposal would be inappropriate development in the Green Belt. As set out at paragraph 153 of the Framework, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances (VSC). VSC will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
43. The proposal would constitute inappropriate development in the Green Belt, and it would harm openness, to which the Framework requires me to attach substantial weight. Furthermore, the site is not in a suitable location for housing as it would conflict with the Council's strategy for the location of development and it is not in a sustainable location. I have also found the proposal would harm the character and appearance of the area and it would fail to provide adequate living conditions for future occupiers. The moderate benefits that would accrue from the provision of up to four additional dwellings, the associated economic uplift, and the potential improvements to local amenity and wildlife habitat are not considerations that clearly outweigh the harm arising from inappropriateness and other harm. The VSCs required to justify the proposal do not, therefore, exist.
44. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a strong reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area. I have found the proposal would be inappropriate development in the Green Belt and would cause harm to its openness. This constitutes a strong reason for refusing the proposal and, therefore, the presumption in favour of sustainable development does not apply in this case.
45. The proposal conflicts with national policy set out in the Framework to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

A O'Neill

INSPECTOR