



Appeal Decision

Site visit made on 23 February 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/C3430/W/20/3263520

Land adjacent Park House and Parkfield Cottage, Park Lane, Lapley ST19 9JT

- 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 Dominic Allen against the decision of South Staffordshire Council.
 - The application Ref 20/0399/FUL, dated 22 May 2020, was refused by notice dated 10 September 2020.
 - The development proposed is erection of 2 detached dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Dominic Allen against South Staffordshire Council. This application is the subject of a separate Decision.

Main Issues

3. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development

4. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 145).

5. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages (Paragraph 145e). The terms 'limited' and 'infilling' are not defined in the Framework. Having regard to the *Wood (Wood v SSCLG, Gravesend Borough Council (2015))* and *Tate (Tate v Northumberland County Council (2017))* judgements, it is clear that a planning judgement is needed.
6. Policy GB1 of the South Staffordshire Council Core Strategy Development Plan Document (2012) (the CS) is the main thrust of the Council's reason for refusal.
7. The appellant contends that the policy is not consistent with the more up to date national policy set out in the Framework as it refers to the determination of limited infilling in villages not having a greater impact on openness, which is a specific exclusion of Paragraph 145e of the Framework.
8. I agree that this wording ensure that the Policy is not fully consistent with the Framework, but I find that the substance of policy GB1 is broadly consistent with the provisions of the Framework as it relates to development in the Green Belt. Paragraph 213 states that existing policies should not be considered to be out of date simply because they were adopted prior to the publication of the Framework.
9. As such, I still attach general weight to the policy, and will take the policy into consideration as part of my deliberation. I also note that despite the insistence of the appellant regarding the Council appraising the scheme on the basis of openness, from the reports and statements in front of me, I find that at no point do the Council make an assessment of the development on openness as part of their report, in relation to that policy.
10. In considering what is meant by 'limited infilling in villages' in respect of the Framework, my own planning judgement is that this could reasonably mean construction in a small gap in a row of dwellings, which form an otherwise fully developed frontage to a road.
11. Rather than being a readily identifiable gap in the prevailing layout of a largely built up area, the appeal site has the appearance of a paddock associated with the dwellings to the side. Consequently, I do not consider that the development proposed would represent infilling as envisaged by the Framework or the local plan. Notwithstanding the close proximity of the site to existing development, when considered 'on the ground' in my view the appeal site could not reasonably be considered to constitute limited infilling.
12. The site is just beyond the built-up frontages of the village, at a point where the ribbon of development gives way to sporadic, detached buildings in large plots. The pattern of development on this side of the road is not tightly constrained, which I consider to be a critical factor in meeting the requirements of 'infill'. The development on the opposite side of Park Road is of different character because it comprises a continuous and intensive ribbon of development with smaller plots and more development constraints for those properties.

13. Having visited the site, and reviewed the evidence, I am satisfied that the site has reverted to nature, and as such cannot be classified as previously developed land so therefore Paragraph 145g does not apply.
14. For the reasons given above, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with the broad thrust of Policy GB1 of the CS and paragraph 145 of the Framework.

Effect on Openness

15. I am not referring to openness in relation to the policy context of GB1 of the CS, but rather the interpretation of the Framework as I have determined that the proposal constitutes inappropriate development.
16. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
17. The scheme is for two substantial dwellings set back from the road frontage with access arrangements, parking and gardens. The significant footprint of permanent development would result in a spatial loss of openness.
18. There are views from the road frontage into the appeal site. The development together with access arrangements and would increase the site's visibility from nearby public roads and footpaths. I consider there would be a significant visual impact as a result of the bulk of the buildings, the access arrangements and associated domestic paraphernalia.
19. Overall, I consider that there would be a significant spatial and visual impact and a harmful loss of openness of the Green Belt as a result of the development which is contrary to the Green Belt aims of the Framework.

Other Considerations

20. The Framework seeks to boost the supply of housing and the two proposed dwellings would add to the supply in the Council area, albeit minimally. I attribute a small amount of positive weight to the provision of two houses at the site.
21. I recognise the important contribution small sites can make to meeting the housing requirements of an area. however, the provision of two dwellings would only have a limited benefit in relation to boosting the mix and supply of housing. There would be some economic benefits during construction and from future occupants use of local services. Taken together these benefits would, however, be modest.

Conclusion

22. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would result in a harmful loss of openness of the Green Belt. These matters attract substantial weight.

23. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and any other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.
24. For the reasons given above, the appeal is dismissed.

Paul Cooper

INSPECTOR