

Appeal Decision

Site visit made on 16 May 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/C3430/W/22/3290217

Oak Tree View, Paradise Lane, Slade Heath WV10 7NZ

- 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 Barry Sutton against the decision of South Staffordshire District Council.
 - The application Ref 21/00535/FUL, dated 13 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the erection of a single detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness and purposes of the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Policy GB1 of the Council's Core Strategy Development Plan Document (December 2012) (the CS) sets out the types of new build development which will normally be permitted within the Green Belt. These include limited infilling and limited extensions, alterations or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building, the building is not materially larger than the building it replaces.
4. This policy goes on to define limited infilling as the filling of small gaps (1 or 2 buildings) within a built-up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it. Further guidance is provided within the Council's Green Belt and Open Countryside Supplementary Planning Document (April 2014) (SPD).

5. The aims of CS Policy GB1 broadly reflect that of Green Belt policy in the National Planning Policy Framework (the Framework). However, the policy is not entirely consistent with the approach or terminology at paragraph 149 e) of the Framework as it omits the requirement for limited infilling to occur in villages, thus it is less restrictive. This consequently limits the weight I attach to CS Policy GB1 in this regard.
6. The appeal site is a parcel of land on the eastern side of Paradise Lane between an existing caravan park and a detached dwelling. The appeal proposal is for a single dwelling of similar proportions and arrangement within the site to the adjacent dwelling and other development along this built-up frontage of Paradise Lane. The site is also of a restricted width, circumstances which appear to have changed since the 2018 appeal¹.
7. Notwithstanding this however, the appeal site is not within a village or settlement as defined by the CS. I observed that the built form surrounding the appeal site, which follows a linear pattern along the highway, predominantly consists of residential properties. There is a distinct lack of shops and services within the immediate locality and there are no other community facilities which would typically be associated with a village. There are no obvious signs or characteristics that would define the immediate area as a village. It is more akin to a group of properties in the countryside. The surrounding development/businesses and the presence of the adjacent caravan park do not persuade me that they define the area as a village.
8. Accordingly, whilst the appeal site is a gap and the proposal may be considered as infill for the purposes of CS Policy GB1, the site is not within a village and thus would not fall within exception 149 e) of the Framework which is the most up to date expression of national Green Belt policy and to which I afford greater weight. The proposal therefore constitutes inappropriate development in the Green Belt.

Openness and purposes of the Green Belt

9. Paragraph 137 of the Framework advises that a 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.
10. The appeal site is read as part of a largely built-up frontage along Paradise Lane thus the proposal would not result in conflict with any of the five purposes of the Green Belt in paragraph 138 of the Framework. The site is also well screened from public vantage points due to mature trees and hedging. The proposal would not therefore have a significant visual impact upon the openness of the Green Belt.
11. Nevertheless, the appeal site is currently free from significant built development and has a spacious feel. It is largely laid to lawn with an area of hardstanding and there is limited domestic paraphernalia present. The proposal would introduce substantial built form to this undeveloped site which would therefore reduce the spatial openness of this part of the Green Belt. For these reasons, the proposal would cause moderate harm to the openness of the Green Belt, contrary to Policy GB1 of the CS and the Framework.

¹ Appeal Ref: APP/C3430/W/18/3193285

Other considerations

12. The appellant suggests that the proposal would provide an affordable dwelling however there is nothing before me to secure this. I therefore afford this matter limited weight.
13. It is suggested that other residential development has occurred along Paradise Lane however, as I do not have any substantive details before me, I cannot be certain that the circumstances of those examples are directly comparable to the appeal proposal. Indeed, I note that 'The Maples' appears to have been approved on a site of a former domestic garage. I therefore afford these other examples limited weight.
14. The proposal would make a small contribution towards local housing supply, would create temporary employment opportunities during construction and there would be associated spending in the local area on occupation of the dwelling. However, due to the small scale of the proposal, the nature of these social and economic benefits would be limited.

Whether very special circumstances exist

15. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
16. The proposal would constitute inappropriate development in the Green Belt and would cause moderate harm to its openness. I afford this Green Belt harm substantial weight. There would be some limited social and economic benefits resulting from the proposal. Therefore, the advanced considerations in support of the appeal do not clearly outweigh the harm I have identified.
17. Consequently, the very special circumstances necessary to justify the proposal do not exist. As such, the proposal would fail to accord with the Framework.

Other Matter

18. I note that the appeal site is within the zone of influence of the Cannock Chase Special Area of Conservation (the SAC). As I am dismissing the appeal for other reasons there is no need for me to consider this matter further. Whilst I acknowledge that the appellant has indicated a willingness to make a payment towards mitigating the effects of the proposal on the SAC, this would not overcome my concerns in relation to the main issue as detailed above.

Conclusion

19. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR