



Appeal Decision

Site visit made on 20 June 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02nd August 2023

Appeal Ref: APP/C3430/W/22/3312627

Brookside Farm, Codsall Road, Codsall, Staffordshire, WV6 9QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nigel Holmes against the decision of South Staffordshire District Council.
 - The application Ref 22/00714/OUT, dated 20 July 2022, was refused by notice dated 4 October 2022.
 - The development proposed is outline planning application for the erection of a single dwelling with all matters reserved apart from access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscape, scale and layout, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only and I have considered them as such.

Main Issues

3. The appeal site is located within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and,
 - Whether any harm, by reasons 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 Inappropriate Development

4. Paragraph 147 of the Framework establishes 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.

5. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages. Policy GB1 of the South Staffordshire Local Plan (the SSLP) in part relies upon the Framework but additionally defines what the Council consider to be limited infilling.
6. In short, the definition reads that limited infilling is the filling of small gaps within a built up frontage of development with 1 or 2 buildings. These must not exceed the height of the existing buildings, lead to a major increase in the developed portion of the site, or have a greater impact on the openness of the Green Belt and the purposes of including land within it.
7. I note the appellant's concerns that this goes beyond the Framework which does not define infilling. However, local policies may go beyond the level of detail provided by the Framework so long as they do not conflict with the national policies. In this case it is clear that SSLP Policy GB1 does not conflict with the Framework or the purposes of the exception.
8. The appeal site is located off Codsall Road at the edge of Wolverhampton. The main body of the site is to the rear of a former farm unit. This unit contains three dwellings and two significant farm buildings. I understand from the appeal submissions that the barns have planning permission for conversion to further residential dwellings. Surrounding this cluster of development, the area is split between the edge of Wolverhampton and the open countryside.
9. The edge of the Wolverhampton near the appeal site is characterised by outcroppings of development on the appeal site side of Codsall Road. The cluster of development adjoining the appeal site reads as one of these outcrops rather than a discrete cluster of development. Its connection to Wolverhampton is furthered by its closeness to the dense pattern of dwellings and pavement on the opposite side of Codsall Road. This cluster is therefore, both visually and physically within the settlement for the purposes of this Green Belt exception.
10. The proposal would include the erection of 1 dwelling and would be within a relatively small plot. To this end, the proposal would be limited development.
11. However, the dwelling would be at the edge of the cluster of development within a paddock that is read in relation to the wider open countryside. While there are existing dwellings on two sides of the appeal site, their relationship is such that the appeal site sits behind them and the 'gap' between them is to the front of the proposed dwelling. Whilst I recognise that Brookside Farm House is part of the same cluster of development, only the rear portion of the garden adjoins the appeal site. Therefore, given the above and whilst sitting alongside a cluster of development, the proposal would be an extension of development into the open Green Belt rather than the infilling of a gap.
12. The Green Belt and Open Countryside Supplementary Planning Document (the SPD) supports limited infilling where it does not harm the character or openness of the Green Belt. However, as outlined above, the proposal would not be infilling and would therefore not be limited infilling within a village as

required by Framework Paragraph 149(e). The SPD does not therefore support the proposal before me.

13. In light of the above, the proposed new dwelling would not be limited infilling in a village, would not comply with exception (e) set out under Paragraph 149 of the Framework and would be inappropriate development within the Green Belt. The proposal would therefore result in an unacceptable effect on the spatial and visual aspects of the openness of the Green Belt. Whilst this loss of openness would be limited, relatively to the Green Belt as a whole, harm to the Green Belt would nevertheless occur. This matter therefore carries substantial weight.

Other Considerations

14. The appellant has suggested that the appeal site forms part of the former gardens serving Jasmine Cottage. However, no evidence has been submitted to demonstrate this to be the case and, from my observations on site, the site read as a paddock associated with the adjoining fields rather than a garden. Nevertheless, no evidence has been submitted to demonstrate what, if any, permitted development could be carried out at the appeal site. I therefore find that there is less than a theoretical possibility for this fallback position.
15. The appellant has also submitted that the appeal site is close to services and facilities. Whilst this may be the case, I do not find this to be a benefit in itself of the development and I attribute it neutral weight.

Green Belt Conclusion

16. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight and no considerations put forward in support of the proposal outweigh this. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with SSIP Policy GB1 and the guidance contained within the SPD as outlined above.

Conclusion

17. The proposal would be inappropriate development in the Green Belt and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR