



Appeal Decision

Site visit made on 9 June 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/C3430/W/20/3245352

Land between Doveleys Farm and Hargedon House, Sandy Lane, Hatherton WS11 1RW

- 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 Philip Hammonds against the decision of South Staffordshire Council.
 - The application Ref 19/00358/OUT, dated 29 April 2019, was refused by notice dated 13 August 2019.
 - The development proposed is a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved with the exception of access. I have had regard to the location plan and proposed site plan showing the access point and indicative layout. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt and, if so, the effect on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the locality;
 - the effect of the development on the Cannock Chase Special Area of Conservation; and,
 - if the development is inappropriate, 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

Whether inappropriate development in the Green Belt

4. The Government attaches great importance to Green Belts. Section 13 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. Core Policy 1 of the South Staffordshire Council Core Strategy Development Plan Document (2012) (CS) states that the Green Belt will be protected from inappropriate development and proposals will be considered in the light of other local planning policies and the policy restrictions relating to Green Belt in the Framework. Policy GB1 of the CS sets out that acceptable development within the terms of the Framework will normally be permitted.

5. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions. Of those exceptions the Appellant draws my attention to Paragraph 145 e) in relation to limited infilling in villages and Paragraph 145 g) in relation to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy GB1 clarifies that limited infilling is 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.
7. The term 'limited infilling in villages' is not defined within the Framework and, as acknowledged by the Appellant and referenced by caselaw¹, is a matter of planning judgement. The site is within a loose cluster of primarily residential development. It is bordered by open grazing land to the front and rear. Doveleys farmhouse and its associated yard and buildings are located to one side of the site and a residential property called Hargedone House to the other. Despite intervening hedge screening, the farmhouse and Hargedone House, together with a further residential property beyond, create a short built-up frontage on this part of Sandy Lane. The site width would be similar to that of the adjacent properties to the west and capable of accommodating one or two buildings across that width. Accordingly, the proposal would fall within the scope of the 'limited infill' component of Paragraph 145 e) of the Framework.
8. However, the site lies in an area of 'washed over' Green Belt within a loose collect of informally arranged buildings that includes a limited number of residential properties of mixed age along with former agricultural buildings. As identified by the Appellant, the absence of a formal designation or delineation of the group as a settlement is not, in itself, determinative as to whether it is regarded as a village for the purposes of Paragraph 145 e). At the time of my site inspection I saw that the cluster is separated from the nearby main settlement area of Cannock by open fields. This is to an extent that it appears detached from the main settlement area and distinct from it. The group has little of the regimented and planned character of the nearest residential estates. The lower density of development and verdant setting forms creates a rural characteristic in contrast to the suburban nature of Cannock. Furthermore, this narrow, hedged part of the Sandy Lane is devoid of the pavements or speed restrictions present in the settlement area.

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2014] EWHC 683 (Admin) and Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWCA Civ 195.

9. The limited number of buildings and absence of local services or community amenities within or directly linked to the group, leads me to the conclusion that the location of the infill would not be within a 'village' for the purposes of Paragraph 145 e). The proposal therefore would not be an exception under this provision.
10. The Appellant has directed me to a recent appeal decision² in relation to infill development on a small field adjacent to a settlement boundary. However, I note in that instance the development site was contiguous with the existing identified settlement pattern and therefore distinct from the circumstances of the appeal site which, based on the facts on the ground, appears to lie in a countryside area detached from the main township.
11. Turning to Paragraph 145 g); infill or redevelopment of the site within the context of this exception is subject to the test of preserving the openness of the Green Belt. The existing site comprises a range of stable buildings, a number of tin and timber sheds and areas of hardstanding. On account of the outline nature of the planning application, there is little evidence before me to demonstrate the scale of the proposal in comparison to that of the existing development and therefore its effect on the spatial and visual openness of this part of the Green Belt.
12. Although an initial assessment by the Appellant stated that the proposal would have a neutral effect on the openness of the Green Belt, the subsequent appeal statement identifies that there is agreement with the Council's determination that the proposed dwelling would be larger in scale than the existing buildings and structures such that it would have a greater impact on the openness of the Green Belt.
13. The Appellant submits that this aligns with the provision in the Council's Green Belt and Open Countryside Supplementary Planning Document (2014) (SPD) whereupon it is stated that infill within a ribbon of development or a tight cluster of development may not lead to a greater impact on the openness of the Green Belt. Furthermore, it is submitted that additional impacts on openness would be offset through the more limited use of the site and removal of the existing outdoor areas for storage and parking.
14. The SPD makes no distinction between development falling within Paragraphs 145 e) and 145 g) of the Framework. However, Paragraph 145 g) of the more recent iteration of the Framework requires that a building that does not contribute to meeting an identified affordable housing need must not have a greater impact on the openness of the Green Belt than the **existing** development. This requirement is distinct from consideration of the building's position or setting amongst other development. Consequently, a building that is larger than the existing buildings, as is sought here, would fail part of the exception requirement at Paragraph 145 g) of the Framework.
15. In addition to a loss of spatial openness, a building of greater height, as referenced in the initial planning submissions of the Appellant, would not necessarily be visually screened by landscaping in the same way as the existing development. The existing buildings have limited heights such that views of them from the surrounding area are restricted by the boundary vegetation and contours of the land. A proposal of increased height, particularly a height

² APP/C3430/W/18/3198392

comparable to the neighbouring residential properties, would be substantially more visible across the width of the site and could not be concealed in a similar manner. As a consequence, this would lead to the erosion of the visual openness of the locality. Accordingly, the losses to the openness of the Green Belt identified by the main parties are highly likely to arise in both visual and spatial terms.

16. Whilst I acknowledge the benefits to openness that may accrue in respect of removal of potential outside storage and parking associated with the equine use of the site, these more temporary connections would not, to my mind, outweigh the harm arising to openness from a permanent form of development which, in itself, would likely lead to ancillary domestic structures, paraphernalia and parking.
17. For the reasons set out above, I conclude that the development would constitute inappropriate development within the Green Belt that would erode its openness and conflict with one of the purposes of including land within it. As such it would be contrary to Policy GB1 of the CS which seeks the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

Character and appearance

18. Doveleys Farm is a former farmstead and dwelling now appearing in mixed equine and domestic use. It is located on the south-western side of Sandy Lane as shown on the Appellants drawing 2019:150:01. Sandy Lane is a narrow lane set within a rural landscape of open fields with scattered farmsteads and small pockets of development.
19. The appeal site consists of a row of stable buildings and cluster of various sheds of limited height and scale. To the west of the stables is a large area of gravel forming an open hardstanding. The site benefits from established screen hedging to the front and side boundary with the neighbouring residential property. Although visible through the roadside gateway, the scale and set-back position of the buildings means they have a limited role in the Sandy Lane streetscape. Despite their basic form, the buildings reflect their rural location and currently have a clear association with the former farmstead group of buildings.
20. The proposal is submitted in outline with matters of layout, appearance, landscaping and scale reserved. Whilst the domestication of the site would inevitably change its character, this would reflect the nature of development to the west. Given the variation of designs of properties in the vicinity, it is not inconceivable that a suitably designed dwelling and landscaped site could integrate with the appearance of existing development in the vicinity.
21. Furthermore, this would replace utilitarian buildings of limited architectural value and a large expanse of hardstanding which, notwithstanding their practical rural appearance, contribute little to the visual quality of the locality.
22. For the above reasons, I conclude that the proposal would provide an alternative form of development that would reflect the character of existing development nearby and enhance the appearance of the site. It would thereby be consistent with Policy EQ11 of the CS which, amongst other things, seeks high quality design that takes into account local character and distinctiveness.

Cannock Chase Special Area of Conservation

23. The Conservation of Habitats and Species Regulations 2010 imposes a duty on a decision maker to ensure that planning decisions comply with the requirements of the Regulations. The site lies within the 0-8km zone of influence on the designated Cannock Chase Special Area of Conservation (SAC), a unique heathlands habitat.
24. Policy EQ2 of the CS indicates that development will only be permitted where it can be demonstrated that it will not lead directly or indirectly to an adverse effect upon the integrity of the SAC. It adds that a net increase of housing development that is likely to have an adverse effect should mitigate for those effects.
25. The Council's 'Cannock Chase Special Area of Conservation: Guidance to Mitigate the Impact of New Residential Development' identifies that 'the 'in combination' impact of proposals involving one or more dwellings within a 15km radius of the SAC would have an adverse effect on its integrity as a result of an increase in recreation over the plan period, unless avoidance and mitigation measures are in place'. I note that the Appellant has provided a draft planning obligation to secure the mitigation measures to offset any harm arising from the proposal as sought by the Council. However, it is not a completed agreement as the document is not dated and some signatures are missing. In the absence of a mechanism to secure suitable mitigation, I conclude that the proposal fails to meet the requirements of Policy EQ2 of the CS as it relates to protecting the integrity of the Cannock Chase SAC.

Other considerations

26. The proposal would contribute to the supply of housing in the area and support the local economy through its construction and the contribution of prospective occupiers to local shops and services. This is a matter to which I attach moderate weight.
27. The redevelopment of the site could result in a lower level of traffic than that arising from full active use of the stables. The reduction in traffic generation would give rise to benefits in the reduced consumption of natural resources and lower levels of traffic on a narrow rural lane. These would constitute modest benefits of the development and I attach them moderate weight.
28. The management of the roadside hedge and reintroduction of landscaped gardens in lieu of the existing hard surfaces have potential to enhance biodiversity in the locality. However, in the absence of detail of those benefits or mechanism to secure them, these are matters to which I attach limited weight.
29. The absence of objections from third parties and consultees, including the Highway Authority, are not benefits in favour of the development and therefore attract neutral weight.

Conclusion

30. The erection of the dwelling on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to

the openness of the Green Belt. Additionally, the development would fail to protect the integrity of the Cannock Chase SAC.

31. The considerations presented by the Appellant or my finding in favour of the Appellant with regard to the impact of the development on the character of the rural area, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist. Furthermore, the development would be contrary to the adopted development plan and there are no other material considerations to indicate a decision otherwise than in accordance with it.
32. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR