

**APPEAL BY MR G MORRIS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE DETACHED DWELLING AT BOON HILL ROAD, BIGNALL END**

<b><u>Application Number</u></b>	<b>13/00662/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated powers 7<sup>th</sup> November 2013</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>22<sup>nd</sup> September 2014</b>

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00662/OUT) and the following is only a brief summary.

The Inspector considered the main issues to be whether the proposal is inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm to the Green Belt is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development; the impact on protected trees. In dismissing the appeal, the Inspector made the following key comments:

- The appeal site is located within a loose ribbon of development which extends between the settlements of Bignall End and Wood Lane. Although there are various residential properties on either side of Boon Hill road, the nature of the area is one of dispersed development which neither relates to nor constitutes a village.
- Whilst there is an existing dwelling to the south, the site in combination with the open plot of land to the north reinforces the large undeveloped gap along this side of Boon Hill Road. The appeal proposal would not represent 'limited infilling in villages' or 'limited infilling' as defined in the fifth and sixth exception of paragraph 89 of the National Planning Policy Framework (NPPF).
- The appeal scheme does not fall within the exception identified in Policy S3 of the Local Plan which indicates development for residential purposes of a small gap within the built up area of the village of Keele.
- The appellant considered the land is previously developed, however the Inspector considered that any remains of any former buildings had blended into the landscape over the course of time. As such it did not fall within another exception of paragraph 89 of the NPPF relating to redevelopment of previously developed sites. The construction of a stable block as observed by the Inspector did not change that opinion as it did not appear permanent or include any fixed surface infrastructure.
- The Inspector indicated that whilst the purposes of including land within the Green Belt would not be harmed the proposal represents inappropriate development in the Green Belt which paragraph 87 of the NPPF is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- Openness is an essential characteristic of the Green Belt. The introduction of up to two detached dwellings would inevitably reduce and harm the openness and as such would result in some material harm to the openness of the Green Belt.
- The development would make a modest contribution towards housing supply in the Borough but insufficient detail was provided to assess whether or not the Council has a 5 year supply of deliverable housing. The matter was only given modest weight therefore.
- The Inspector attached some weight to the benefits arising from the site's accessible location.
- No weight was given to the appellant's willingness to design the proposed dwelling(s) to accord with Level 5 Code for Sustainable Homes standards, limit carbon dioxide emission or accept a condition to this effect.
- It was not before the Inspector to consider whether the site should be identified as a potential development site by the Council or incorporated into the village envelope and these matters did not weigh in favour of the scheme.

- Weighing the above matters the Inspector concluded very special circumstances do not exist.
- Insufficient information was provided to objectively assess the scheme's impact on protected trees, or identify if such matters could be adequately mitigated by condition. The Inspector considered, as such, that the proposal was contrary to Policy N12 of the Local Plan which are broadly consistent with paragraph 118 of the Framework which states that planning permission should be refused for development resulting in the loss of deterioration of aged or veteran trees.

**Recommendation**

That the decision be noted