

**APPEAL BY MR PHILLIP LOMAS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A DETACHED DWELLING ADJACENT TO 48 HIGH STREET, ROOKERY**

<b><u>Application Number</u></b>	<b>14/00274/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated powers 10 June 2014</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Date of Appeal Decision</u></b>	<b>22 October 2014</b>

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 14/00274/FUL) 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 and character of the Green Belt; 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. In allowing the appeal, the Inspector made the following comments;

- Paragraph 89 of the NPPF states that other than in the case of a number of specified exceptions, the construction of new buildings should be regarded as inappropriate in Green Belt. One of these exceptions is 'limited infilling in villages'.
- The Council does not consider that this exception applies, arguing that the site is not within a village. However The Inspector stated that Rookery appears to be an identifiable settlement of some substance with a range of dwellings and facilities such as a shop, fish and chip shop, pub and hairdressers.
- Whilst the area is not defined as a village within the development plan, it is considered the area has the character of a village and is located on High Street which should be seen as a continuation of the village.
- The appeal site is located within a ribbon of development with existing dwellings either side. Accordingly, the proposal amounts to limited infilling and therefore the exception that has been highlighted applies. Accordingly, the proposal is not inappropriate development within the Green Belt.
- The proposal would have a limited impact upon openness as the site already contains a large detached garage, giving the impression of a developed site
- The addition of a dwelling within a ribbon of development would not adversely affect the character of the area.
- The provision of an additional dwelling would be a significant benefit of the scheme. The NPPF seeks to significantly boost the supply of housing.
- The development would not harm the residential amenity of No.48 High Street.
- Concerns relating to parking in the area were noted, however two parking spaces would be provided to both No.48 and the proposed dwelling.
- To conclude, the limited harm to the openness of the Green Belt is outweighed by the benefit of the new home that would be provided.

**Officer Comments**

The Council has had three appeal decisions for proposals for housing beyond the village envelope including Boon Hill Road (13/00662/OUT); dismissed and 88 Harriseahead Lane (13/00714/FUL); allowed.

In all these cases the Inspector considered the proposals in the context of the NPPF paragraph 89 which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, and lists certain exceptions. In dismissing the appeal at Boon Hill Road, the Inspector concluded that the development was inappropriate in the Green Belt as it did not constitute limited infilling (as the site was adjacent to a large undeveloped gap and as

such was not in an otherwise built up frontage) or partial or complete redevelopment of a previously developed site which were identified, in the NPPF, as exceptions to the starting point in the Green Belt that new buildings are inappropriate. The Inspector's decisions for No.88 HARRISEAHEAD Lane and the appeal referred to above at High Street Rookery, however, concluded that the development proposed was appropriate as in both cases it involved limited infilling in villages.

Reflecting upon the decisions in all three appeals, in determining future infill housing applications beyond village envelopes, the key consideration will be the context of the site itself. Key considerations will be whether the site is located within a built up frontage, and whether the site has good access to services and is considered to be located within a sustainable location, with less focus being placed on whether the site is located within the village envelope as defined within the development plan.

### **Recommendation**

That the decision be noted