

**APPEAL BY MRS HOLLAND AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF TWO NEW DWELLINGS**

<b><u>Application Number</u></b>	<b>14/00368/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated powers on 14<sup>th</sup> August 2014</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>4<sup>th</sup> February 2015</b>

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 14/00368/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be whether the proposal amounts to inappropriate development in the Green Belt, its effect on the openness of the Green Belt and the character and appearance of the locality; and if the development is inappropriate development, whether the harm by reason of inappropriateness, along with any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify it.

**Appropriate Development?**

- The appeal site is a vacant, grassed area of land lies within a stretch of ribbon development on the Southern side of Nantwich Road, with a wide frontage. It is located outside of the settlement boundary of Audley, and within the Green belt.
- The National Planning Policy Framework (NPPF) directs that the construction of new buildings should be regarded as 'inappropriate' in Green Belt, save for a number of exceptions. Limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites are included in the exemptions.
- The NPPF does not define 'infilling', but the Inspector thought an appropriate definition was a small gap in an otherwise built up frontage.
- The site has a wide frontage and the dwelling immediately to the east is set back a considerable distance from the highway behind mature landscaping. This makes the gap in built development even more substantial. For this reason, the Inspector considers that the appeal site does not amount to an 'infill plot', irrespective of whether or not it falls within the village.
- The appellant suggests the site amounts to previously developed land (PDL) because the Audley Parish Title Map of 1837 shows the previous Wall House standing on part of the appeal site prior to its relocation and the later maps of 1876 and 1924 indicate that the site was subsequently used as residential garden space to the now Wall Farmhouse. The Inspector did not agree because firstly, residential gardens do not fall within the definition of PDL provided by the NPPF and secondly, no remains of the previous structure are visible. On this basis, the site does not amount to PDL.
- The Inspector concludes that the proposal amounts to inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances according to the NPPF.

**Character and appearance**

- The site is currently laid to grass and is free from built development. It is a significant gap, particularly given that the dwelling immediately to the east is recessed from the highway. Together, the frontages provide a welcome relief from built development. So too does the field on the opposite side of the road, where built development is much more limited and sporadic.
- The Inspector considered that the two dwellings proposed are attractive enough in their own right but they would occupy a large proportion of the site. The effect would materially reduce its open nature along with the openness of this part of the Green Belt. Further, the introduction of the proposed dwellings would compound the existing ribbon development. The existing gap provides some informality and breathing space and the development proposed would lead to a more regimented arrangement. This would be a backward step and it would detract from the overall quality and distinctiveness of the locality and Area of Landscape Enhancement.

- The Inspector concluded that the proposal would harm the openness of the Green Belt and it would erode the character and appearance of the local area, conflicting with saved policies N17 and N20 of the LP and policies RE3 and RE4 of the Urban Design Supplementary Planning Document.

#### Other considerations

- The appellant argues that the site is in a sustainable location, just 700 metres from the centre of Audley, a rural service centre. The Inspector concluded that this did not override Green Belt Policy.
- The appellant raises the lack of a five year housing land supply as a material consideration. The proposal would deliver only two houses, and would have a negligible impact on the current shortfalls, as conceded by the appellant. The Inspector accepts that future occupants would be likely to utilise the shops and services of Audley, however, considered that their contribution to the overall viability of these services would be very limited.
- The appellant points to the fact that policy S3 of the LP supports limited infill development within the Green Belt village of Keele and suggests that Audley should be treated no differently. This situation is materially different for several reasons. Firstly, the appeal site lies outside of the defined boundary of Audley. Secondly, the Inspector has found that it does not amount to infill development and thirdly, the Inspector considers that the undeveloped nature of the site makes a positive contribution to the amenity of the locality.
- The Inspector considered that the points raised regarding a safe access, retention of significant trees, no harm to amenity and some letters of support, were not unique to this site and that the same could be said about many sites within the Green Belt.
- Overall, the Inspector concludes that the arguments advanced in favour of the scheme do not clearly outweigh this harm and therefore the very special circumstances necessary to justify it do not exist.

#### **Recommendation**

That the decision be noted.