

APPEAL BY MR REEVES AGAINST THE DECISION OF NEWCASTLE UNDER LYME BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED DETACHED DWELLING AT 108 HOUGHER WALL ROAD, AUDLEY

Application Number **16/00170/FUL**

LPA's Decision **Refused**

Appeal Decision **Dismissed**

Date of Appeal Decision **27th July 2016**

In dismissing the appeal, the Inspector made the following comments:

- The appeal site is within the Green Belt so the main issues are whether the proposal represents inappropriate development in the Green Belt, and if the proposal does represent inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.
- The framework establishes new buildings within the Green Belt as inappropriate unless they fall within certain exceptions including limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- The appeal property is the side garden of a dwelling containing a detached garage. There are fields behind and to one side of the site, dwellings to the other side and dwellings and commercial premises opposite. As the site is adjoined by fields to one side, the development would not represent infill. However, the replacement of the garage with a dwelling constitutes the partial redevelopment of an existing previously developed site.
- That said, the proposed house would be substantially larger than the garage, being taller, wider, deeper and about double its footprint. Therefore, due to the substantial increase in the amount of built development that would arise, the dwelling would have a greater impact on the openness of the Green Belt than the existing development. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt. Paragraph 88 of the Framework says that substantial weight should be given to any harm to the Green Belt.
- Policy S3 of the Newcastle-under-Lyme Local Plan 2011, adopted 2003, prohibits dwellings in the Green Belt unless they fall within certain criteria, none of which apply to the appeal proposal. Therefore, the development would be contrary to this policy.
- Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. This is set out at paragraph 14 of the Framework and indicates that where relevant housing supply policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- The Council cannot demonstrate a 5 year supply of land for housing. Therefore, local policies in respect of housing can be considered out of date. This can include Policy S3 which seeks to restrict new dwellings in the Green Belt. However, this policy cannot be given the full weight of the development plan, this does not mean that it is irrelevant or should be disregarded. Fundamentally, the protection of the Green Belt is consistent with the Framework.
- The appellant proposes to upgrade the garden boundary with a native hedge mix that would extend to the field boundary. Defective trees would also be replaced with semi mature native species. This would improve the existing boundary around the site.
- There would be a small short term economic benefit to the proposal in terms of the construction of the dwelling. There would also be a further contribution from a new household to existing local businesses, although the contribution would be limited. There would be some social benefit in terms of adding in a small way to the provision of housing. The site is in a sustainable location near to shops and services.

- The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
- Some weight is given to the economic benefits that the proposal would bring and to the social benefit of the addition to the housing supply in a sustainable location. An improved hedgerow would be a very small benefit to which a limited amount of weight was given in favour of the proposal. Taken together, these factors may be judged to weigh modestly in favour of the scheme.
- In conclusion, all these other considerations do not clearly outweigh the totality of substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist, and the appeal is dismissed.

Recommendation

That the decision be noted.