

APPEAL BY MR AND MRS F & V HOUSLEY AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A BUNGALOW WITH 2-BAY GARAGE AT 5, HIGH STREET, THE ROOKERY, KIDSGROVE

<u>Application Number</u>	16/00738/OUT
<u>LPA's Decision</u>	Refused under delegated powers 11th November 2016
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	9th June 2017

The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt and if inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the special circumstances necessary to justify it.

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

- Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate other than in the case of a limited number of exceptions. One of these exceptions is "limited infilling in villages".
- The appeal site is located within the settlement known as The Rookery and it forms part of the substantial garden area of No. 5 High Street which is located behind the frontage development along High Street.. The properties to the south west and north east of No. 5, which are also located behind the High Street frontage, also have extensive grounds..
- There is no definition of 'limited infilling' in the Framework but a commonly used definition is that it is small scale development within an otherwise continuous built up frontage.
- The ribbon development along High Street presents a strong and mostly continuous frontage along its north western side and behind this frontage No. 5 High Street and its neighbours on either side sit outside this pattern away from the road.
- Therefore, this site does not appear as a gap in the built up frontage. Indeed development in this location would more accurately be described as backland development rather than infill. Accordingly this proposal would not amount to "limited infilling".
- A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. A dwelling and its garage on this site would result in built development where there is presently none and inevitably lead to a loss of openness even though the site is well screened. The proposal would therefore have an adverse physical effect on the spatial as opposed to the visual openness of the Green Belt .
- The proposal would represent inappropriate development which is, by definition, harmful to the Green Belt.
- The proposal would allow the appellant's younger family to occupy the host dwelling and provide the appellants with more modestly sized accommodation and garden. Whilst such personal circumstances are not material to this decision, the addition of a unit of accommodation, which would make a limited contribution to the supply of housing in this area, does weigh moderately in favour of the proposal. That there were no highways, space about dwellings or landscaping concerns is neutral in the overall planning balance judgement
- The very special circumstances necessary to justify the development do not exist.
- It is agreed that the Council is not able to demonstrate a five year supply of housing land. As a result the relevant policies for the supply of housing should not be considered as up to date and Paragraph 14 of the Framework is engaged which advocates the presumption in favour of sustainable development. However, paragraph 14 footnote 9 of the Framework states that in these circumstances development restrictions relating to the Green Belt remain in effect. The presumption in favour of sustainable development therefore does not apply in this case.

- In conclusion, the proposal conflicts with the development plan taken as a whole and with the provisions of the Framework in relation to the protection of the Green Belt. As material considerations do not indicate that this case should be determined other than in accordance with the development plan and the Framework, the appeal is dismissed.

Your Officer's Comments

Members might wish to compare the dismissal of this appeal with that allowed, since the NPPF, at land adjacent to No.48 High Street, Rookery (14/00274/FUL). The different locations can be compared by looking at the site plans on the following

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/14/00274/FUL>

and

<http://publicaccess.newcastle-staffs.gov.uk/online-applications//plan/16/00738/OUT>

A plan showing the two sites will be displayed at the Committee meeting

Recommendation

That the decision be noted.