

**APPEAL BY MR G HAROLD AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF THREE DWELLINGS (OUTLINE) AT WAGGON AND HORSES, NANTWICH ROAD, NEWCASTLE-UNDER-LYME**

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| <b><u>Application Number</u></b>      | <b>18/00121/OUT</b>                                      |
| <b><u>LPA's Decision</u></b>          | <b>Refused under delegated authority 10th April 2018</b> |
| <b><u>Appeal Decision</u></b>         | <b>Appeal allowed</b>                                    |
| <b><u>Date of Appeal Decision</u></b> | <b>28<sup>th</sup> August 2018</b>                       |

**The Appeal Decision**

The Inspector identified the main issues to be whether the proposal amounts to inappropriate development in the Green Belt and whether the proposal would represent a suitable location for the proposed housing development, having regard to national and local policies which seek to achieve sustainable patterns of development.

In allowing the appeal the Inspector made the following comments:-

*Whether inappropriate development in the Green Belt*

- Paragraph 145 of the Framework explains that the construction of new buildings is inappropriate in the Green Belt subject to a number of exceptions. One of these exceptions is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development.
- There is no dispute between the main parties that the site may be considered previously developed land and based on the evidence 'on the ground' there is no reason to disagree.
- Turning to the other qualifying criteria of Framework paragraph 145, the proposal would not conflict with the purposes of including land within the Green Belt. With regard to the effect on openness, the derelict public house is a large building with extensive hard-surfaced car parking areas. Consequently, although the application is made in outline and the size of the dwelling is not known at this stage, residential development of the site and at the scale suggested on the indicative plan and Planning Statement would not have a greater impact on the openness of the Green Belt than the existing building and parking areas. Indeed, the Council has stated that based on the volume of a typical two-bedroom house, there could be a net reduction of 400 cubic metres.
- The proposal is not inappropriate development in the Green Belt and as such the issue of very special circumstances does not arise.

*Suitability of the site's location – sustainable patterns of development*

- The site lies outside any defined village envelope, being about 2.7 km from the centre of the village of Audley. However, immediately to the east of the site is a group of five cottages with a further dwelling beyond. Therefore, although the site is within the countryside for planning policy purposes, it is nonetheless part of a small rural community. Consequently, it is considered that redevelopment for residential purposes would relate to this existing ribbon of housing and would not appear as isolated development in the countryside.
- It is accepted that a scheme for new housing in this location would conflict to some extent with one of the Framework's core principles, which is to actively manage growth by making the fullest possible use of public transport, walking and cycling, and focussing significant development in locations which are or can be made sustainable. The Council's case rests largely on this issue, saying that future occupiers would be

largely reliant on the private car to access day-to-day facilities and needs. Realistically, future residents are unlikely to walk or even to cycle to services and facilities in Audley on a day-to-day footing. However, paragraph 84 of the Framework recognises that rural sites may have to be found beyond existing settlements and in locations not well-served by public transport. The appeal site is considered to be one such rural site.

- The proposal can be considered as reasonably compliant with the Framework's advice that housing in rural areas should be located where it would enhance or maintain the vitality of rural communities. Overall, it is considered that the appeal site is a suitable location for the proposed development.

#### *Other considerations*

- It is necessary to consider whether the proposal is sustainable in the context of the Framework's policies taken as a whole. Paragraph 8 identifies a three-stranded definition of sustainable development based on economic, social and environmental factors. The delivery of 3 dwellings, albeit a modest number, is nonetheless a benefit of the scheme given the acknowledged under-supply of housing in the Borough and this is an important material consideration in favour of the proposal. There would also be limited economic benefits arising from the construction and subsequent occupation of the dwellings, together with the additional support for local employment and services.
- The Council accepts that although the application is in outline, the site could accommodate three dwellings in a manner that would have no adverse impact on the character and appearance of the local landscape; particularly taking into account the current semi-derelict appearance of the site and buildings. This is likely to represent an improvement in terms of the environmental factor.

#### *Conclusion*

- Although a finely balanced decision, when viewed in the round the proposal would represent a sustainable form of development that would satisfy the development plan policies and the Framework's policies taken as a whole. Furthermore, no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the proposal. Therefore, for the reasons given above and taking into account all other matters raised, it is concluded that the appeal should be allowed.

#### **Recommendation**

That the appeal decision be noted.