

APPEAL BY MRS S.THORLEY AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DWELLING AT HAZELEY PADDOCKS, MADELEY HEATH, NEWCASTLE

<u>Application Number</u>	18/00488/OUT
<u>LPA's Decision</u>	Refused under delegated powers
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	7th June 2019

The Appeal Decision

The Inspector identified the main issues in the consideration of the appeal to be;

- Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
- The effect of the proposal on the openness of the Green Belt;
- Whether the appeal site is a suitable location for a dwelling having regard to local and national planning policy; and
- 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 dismissing the appeal the Inspector made the following key comments and observations:-

Whether Inappropriate Development in the Green Belt

- The National Planning Policy Framework (2019) (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions cited is limited infilling in villages.
- Policy S3 of the Newcastle-Under-Lyme Local Plan (Local Plan) (2003), with respect to residential development in the Green Belt, is more restrictive than the Framework and does not fully accord with it. Therefore, it is given very limited weight in the consideration of this appeal.
- The appeal site is located outside the development boundary of Madeley Heath which is a relatively compact settlement with much of the residential development located off Crewe Road and Hilwood Road, a looping road with residential roads off. Limited development fronts onto the A525 within the settlement itself. The appeal site comprises a sloping parcel of land which is located off the A525 between Keele and Madeley Heath. The appellant asserts that the site does 'feel' as though it lies within the village of Madeley Heath. However, whilst the site is bound by housing to the west and south it does not form part of a continuous ribbon of development extending out from the village. Significant gaps between the appeal site and Madeley Heath make the site feel divorced from the settlement and whilst there is development set out in a linear fashion fronting onto the highway between Madeley Heath and Keele, it is intermittent and does not feel part of either settlement.
- The Framework does not define the term 'infilling'. The appellant has suggested the term 'the infilling of a small gap in an otherwise substantially built up frontage'. In the absence of an alternative definition this is considered to be a reasonable approach. The appeal site is adjacent to the A525 and is bound by built development to the west and south. Dwellings along this section of highway do not have a consistent setback from the road, and the setbacks of No 1 Glenroyd Cottage and Boundary House, dwellings to the west and south east of the appeal site respectively, are substantially different.
- If it were accepted that dwellings with such different setbacks could form a substantially built up frontage, other buildings between No 1 Glenroyd Cottage,

including a stables to the rear of the appeal site and a garage, would also form part of this frontage. Any gap would therefore already have been filled. Conversely, if the view were taken that such different setbacks could not be considered to constitute a substantially built up frontage, there would be no gap to fill since there is no building to the other side of the appeal site with a similar frontage to the highway as No 1 Glenroyd Cottage. Either approach would lead to the same conclusion that the proposed development could not be considered to constitute infilling in this instance.

- Since it is concluded that the appeal site is not located within Madeley Heath and is therefore not in a village, and that the proposed development would not be infilling, it would not fall to be considered under Paragraph 145 of the Framework. The proposal is therefore inappropriate development in the Green Belt, and as such, conflicts with the Framework (2019).

Openness

- A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open. Although the appeal scheme is in outline and details of scale, appearance and landscaping are reserved for subsequent approval, a dwelling in this location would inevitably lead to a loss of openness since there is no building on site at present.
- Therefore, the proposal would result in a loss of openness which would harm the openness of the Green Belt, undermining the fundamental aim of keeping land permanently open and have a modest but significant adverse impact on the related Green Belt purpose to assist in safeguarding the countryside from encroachment, contrary to the relevant expectations of the Framework.

Suitability for housing

- Policy SP1 of the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-20261 seeks to direct new housing to sites within identified areas and, amongst other things, where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The appeal site is located outside any defined development boundary and is in open countryside for the purposes of applying planning policy.
- Although the appeal site is located outside the settlement of Madeley Heath, it is sufficiently close, with a footpath which runs along the A525 with street lighting, that future occupants of the proposed dwelling could choose to walk into the village to use services and facilities, including access to public transport links.
- The Framework (2019) encourages homes with accessible services which limit the need to travel, especially by car, although it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst it is acknowledged that public transport is unlikely to meet all of the needs of the future occupants, sustainable transport options would be a realistic option for some journeys. Furthermore, the number of trips which would be generated by one dwelling are likely to be modest. Thus, it is concluded that the appeal site is a suitable location having regard to Policy SP1, the requirements of which are set out above, and the Framework (2019).

Whether Very Special Circumstances Exist

- The appellant asserts that the Council is unable to demonstrate a 5 year supply of housing and that this failing weighs in favour of applications such as the appeal scheme. However, as set out above, the Council's position on this has since changed. Furthermore, as the proposal is for a single dwelling, any social benefits arising from the appeal scheme would be minimal. The proposal would provide some limited economic benefit during the construction phase and result in a slight increase in spending in the local area. However, these considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Conclusion

- The appeal proposal would be inappropriate development in the terms set out in the Framework and lead to a loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and in the wider evidence so as to amount to very special circumstances. Therefore, for all of the reasons given above the appeal should be dismissed.

Recommendation

That the appeal decision be noted.