

APPEAL BY MR CLIVE TREVOR AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DWELLING TO REPLACE AN EXISTING WORKSHOP AND STORAGE BUILDINGS AT THE BRACKENS, LEYCETT LANE, LEYCETT

<u>Application Number</u>	18/00444/FUL
<u>LPA's Decision</u>	Refused under delegated powers
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	26th July 2019

The Appeal Decision

The Inspector identified the main issues for consideration to be;

- i. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
- ii. Whether the proposal would provide a suitable location for development, having regard to the housing strategy of the development plan and the sustainability of the site.

In allowing the appeal the Inspector made the following key comments and observations:-

Whether the proposal is inappropriate

- Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate, unless the development falls within certain listed exceptions. The relevant exception which is sought to be applied to the appeal site in this case is of partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
- The appeal site consists of three main buildings which are currently utilised for storage of domestic and commercial items. According to the appellant, the current buildings have a volume of 419m³, a footprint of 137m² and an internal area of 119m².
- A letter from an accountant who represents the appellant for their tax affairs; confirms that it has for the past 8 years been utilised as commercial storage for two businesses: Clive Trevor Heating and Plumbing Engineer; and Ablebathe. The declaration states that prior to the appellant owning the site, that the buildings were used by a company called HG Moors in association with the storage of plant machinery, repairs and vehicle repair, from the late 1960's. Based upon the evidence, the Inspector considered that the appeal site would meet the definition of 'Previously Developed Land' as defined by the Framework. The Framework at 145 (g) then requires an assessment of the impact and harm caused to the openness of the Green Belt.
- The proposed dwelling would be one and a half storeys, with first floor accommodation in the roof space and be positioned in place of the existing larger barn and would have a rectangular footprint. The volume of the site would be consolidated into the proposed dwelling, with overall a reduction in the amount of built form with the existing smaller barn and stable block removed. Whilst the proposed building would be 80 centimetres taller than the existing barn, the resultant volume of the proposed scheme would be lower at 412m³, a footprint of 119m², and an internal area of 85m³.
- Openness has been shown to have both spatial and visual dimensions. In this particular case, the scale of development would be less with a noticeable difference in the amount of built form with development concentrated on one building which allows two barns to be removed which will allow a greater open aspect. Whilst the increase in residential paraphernalia as would be typical with a dwelling would be

increased, the dwelling is relatively contained amongst existing vegetation, is of an appropriate purpose and is an appropriate low-built form, design, use and scale for this particular context. In this particular circumstance the proposed scheme would preserve the level of openness currently experienced.

- That said, the Inspector considered that the scheme represents the development of previously developed land that would not have a greater impact to the openness of the Green Belt and therefore have 'no harm.' As such, the proposed scheme would not be inappropriate development in the Green Belt.

Suitability of the site for development

- The Council's Housing Strategy consists of Policy H1 of the Newcastle under Lyme Local Plan 2011 (LP), and Policies SP1 and ASP6 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2009 (CS). The housing strategy seeks that most new dwellings are located within defined settlement boundaries in accordance with a settlement hierarchy.
- The Council draw attention to the weight given to housing strategy policies via the engagement of Paragraph 11 of the Framework and two appeal decisions due to the Local Plan policies being significantly out of date. In these decisions, the Inspectors afforded little weight to Policies AP6 and H1 of the LP in relation to the housing delivery, supply, and the location of settlement boundaries and have instead applied the general thrust of sustainable development as noted in the Framework. This is to locate new development towards settlements with a range of facilities and access to public transport. Given that in this circumstance, the green belt designation does not provide a clear reason for refusing this development, there is no reason to divert from such an approach as previously undertaken by other Inspectors, and accordingly afford little weight to Policies AP6 of the CS and H1 of the Local Plan in terms of settlement boundaries and supply. However substantial weight is given to the general thrust of sustainable development as this component of these policies are in accordance with the Framework which seeks the development of sites in sustainable locations.
- Paragraph 78 of the Framework and relevant Case Law shows that development in countryside locations can enhance or maintain the vitality of rural communities where they are suitably located, which may not only be associated with the closest settlement, but other settlements surrounding. The nearest settlement to the appeal site is Madeley Heath, approximately 300metres away and a little further on, Madeley, which is a Key Service Village which is connected to Madeley Heath by footway and lies approximately 1800 metres away. Madeley Heath contains public houses, a school, and the appeal site would be approximately 300 metres from the nearest bus stop which has half hourly services to Crewe, Hanley, Newcastle Under Lyme and Nantwich. The nearby Key Service Centre of Madeley contains a greater variety of services and facilities such as a supermarket and contains a small parade of shops and restaurants.
- Whilst the appeal site is physically detached from the built form of Madeley Heath, the appeal site has a short median along Leycett Road which connects to a footway that has reasonable accessibility to the nearby villages. Future occupants would have alternative means of transport such as public transport, walking and cycling and not be solely reliant on a private vehicle. The development of the appeal site would be an accessible location and maintain the vitality of rural communities and based on this particular circumstance, would weigh in favour of the site being an appropriate location for development.
- Given the above factors, in relation to the housing strategy, it is concluded that the proposed development would make sufficient use of previously developed land in a reasonably accessible location which would be in line with the Framework and the general thrust of Policies H1 of the LP and ASP6 of the CS for delivering sustainable development in appropriate locations.

Recommendation

That the appeal decision be noted.