

APPEAL BY MR MATT THOMPSON AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT FOR 4 DWELLINGS AT LAND OFF LIVERPOOL ROAD EAST, KIDSGROVE

<u>Application Number</u>	18/00912/FUL
<u>LPA's Decision</u>	Refused under delegated powers
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	7th October 2019

The Appeal Decision

The Inspector identified the main issue for consideration to be whether the proposal would be inappropriate development within the Green Belt.

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

- The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful and should not be approved other than in a limited number of exceptions.
- Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The appellant seeks to rely upon the exception contained in paragraph 145 e) which relates to limited infilling in villages.
- The appeal site is an overgrown parcel of land on the northern side of the A50 Liverpool Road East between dwellings at No 47 and No 57. Opposite the appeal site, there are a number of businesses including a garage and showroom. The Council accepts that the appeal site does constitute a gap within a continuous ribbon of development extending from the defined urban area of Kidsgrove and can be considered to be in a village. It is agreed that the appeal site is in a village for the purposes of "limited infilling in a village".
- The Council does not however consider that 4 dwellings is limited. Two other appeal decisions are referred to by the parties with regard to the interpretation of limited. The Council considers that the two decisions illustrate that limited infilling in villages includes an assessment of location with regard to surrounding development to qualify under the exception. Each case will need to be assessed on its own merits. In the appeal decisions referred to, there was no agreement that the appeal sites were in a village location and a detailed assessment of the location was therefore necessary. The Council has however accepted that the appeal site is within the village and has recently granted planning permission for two dwellings on the appeal site. The appeal proposal for four bungalows would continue the existing row of bungalows and would not appear to be overdevelopment or out of context having regard to surrounding development.
- There is no Framework definition of limited infilling. However, The Oxford English Dictionary defines limited as restricted in size, amount or extent. Having regard to that definition and the agreement that the appeal site is in a village, it is considered that the appeal proposal for four dwellings would fall within the exception of limited infilling within a village.
- As an exception falling within Paragraph 145 e) of the Framework, the appeal proposal is therefore not inappropriate development in the Green Belt.
- The appeal is allowed subject to conditions.

Recommendation

That the appeal decision be noted.