

**APPEAL BY MR AND MRS TAYLOR AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF THREE DETACHED DWELLINGS AT LAND BETWEEN 164 AND 180 MOW COP ROAD, MOW COP**

<b><u>Application Number</u></b>	<b>18/01004/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 10<sup>th</sup> May 2018</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>18<sup>th</sup> November 2019</b>

The Inspector identified the main issues 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; and
- The effect of the proposal on the openness of the Green Belt; 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.

The conclusions of the Inspector are summarised as follows:

- Given the undeveloped nature of the site and its location to the south-west of built development, the site is characterised as open countryside and not as being within the village of Mow Cop. Furthermore, although there are residential properties to the south west of the appeal site, Nos. 180 and 182, they are physically and visually detached from the settlement of Mow Cop by the appeal site and a change in topography and do not therefore read as part of the village.
- Even if the appeal scheme could be considered limited, it would not constitute 'limited infilling in a village' since neither the appeal site nor the dwellings to the south west of the site are in the village. It is therefore not an exception set out within paragraph 145 of the Framework and accordingly, the appeal scheme would be inappropriate development in the Green Belt.
- 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.
- The proposal would be inappropriate development in the terms set out in the Framework and lead to a loss of openness to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The substantial weight to be given to Green Belt harm is not clearly outweighed by the modest benefits arising from three dwellings. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework.

The planning decision setting out the reasons for refusal and the Appeal Decision in full can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/01004/OUT>

**Recommendation**

That the appeal decision be noted.