

**APPEAL BY MR JONES AGAINST THE DECISION OF THE COUNCIL TO REFUSE  
OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 6 DWELLINGS AT LAND  
ADJACENT TO PARK HOUSE, DALES GREEN ROAD, MOW COP**

<b><u>Application Number</u></b>	<b>18/00921/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 29 March 2019</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Costs Decision</u></b>	<b>Refused</b>
<b><u>Date of Decisions</u></b>	<b>25 March 2020</b>

**Appeal Decision**

The Inspector identified the main issues to be;

- Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- The effect of the proposal on the character and appearance of the area; and
- If the proposal is inappropriate development, 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 it.

The conclusions of the Inspector are summarised as follows:

- The applicant has promoted the site as a Rural Exception Site (RES) but in the absence of adequate evidence to show the local community need for affordable housing and a mechanism to secure the provision of such housing, the appeal scheme would not accord with paragraph 145 (f) of the Framework. Nor would it constitute any of the other exceptions listed in paragraph 145. The proposal would be inappropriate development, which according to paragraph 143 of the Framework is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.
- There would be a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt, in addition to that arising from the inappropriate nature of the development.
- Although details of the design and layout of the scheme are not to be determined at this stage, a scheme could be designed so that it would not be detrimental to the character and appearance of the area. Therefore, the proposal would not be contrary to Policies CSP1 and CSP4 of the CSS or Policies N17 or N21 of the LP which seek to ensure that developments have a high quality of design that maintain and enhance natural assets and are sympathetic to the landscape character.
- The proposal would be inappropriate development in the Green Belt which is harmful by definition. In addition, the proposal would result in further harm by causing a reduction in openness, and in being contrary to the purposes of including land within the Green Belt. According to the Framework (paragraph 144) substantial weight has to be given to any harm to the Green Belt. Whilst the proposal would not harm the character and appearance of the area, an absence of harm in this regard is a neutral matter. The factors cited in the scheme's favour do not clearly outweigh the harm it would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with Policy S3 of the LP and the Framework.

### Costs Decision

The Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00921/OUT>

### **Recommendation**

That the appeal and costs decisions be noted.