

APPEAL BY MR GARY BASKERVILLE AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR A NEW 3 BED DETACHED DWELLING WITH INTEGRAL GARAGE AT LAND ADJACENT TO PARK HOUSE, DALES GREEN ROAD, MOW COP

<u>Application Number</u>	20/00728/FUL
<u>LPA's Decision</u>	Refused on 2 November 2020
<u>Appeal Decision</u>	Dismissed
<u>Date of Decision</u>	19 July 2021

Appeal Decision

The Inspector identified the main issues to be whether or not the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; the effect of the proposal on highway safety; whether this location would offer a genuine choice of sustainable modes of transport to the future occupiers of the development; 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 Inspector concluded that because the proposed development did not meet any of the exceptions listed in paragraphs 145 and 146 of the National Planning Policy Framework it represents inappropriate development within the Green Belt. It was also concluded to be significantly harmful to the openness of the Green Belt, to which substantial weight should be given.

Regarding highway safety, the Inspector concluded that the lack of a sufficient visibility splay means cars exiting the site, even in forward gear, would not have sufficient visibility of traffic coming down the hill from the north and vice versa. This would be to the detriment of highway safety. The development therefore would conflict with paragraph 108 of the Framework which says that safe access to sites should be achieved.

In terms of location, the Inspector concluded that although not within a defined village envelope, the site would have reasonable access to services by sustainable modes. It was acknowledged that this conclusion was different to that reached by the Inspector of an appeal for a detached house on the opposite side of Dales Green Road. However that decision pre-dates the current iteration of the Framework and related to a site which seems to be slightly further from Mow Cop than this site, so is not directly comparable.

The appellant sought to demonstrate that there were very special circumstances but these were personal circumstances that were afforded limited weight and it was concluded that the very special circumstances necessary to justify the development do not exist.

It was concluded that the development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal was dismissed.

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00728/FUL>

Recommendation

That the appeal decision be noted.