
Appeal Decision

Site visit made on 6 January 2015

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 February 2015

Appeal Ref: APP/P3420/A/14/2227000

Land adjacent to Wall Farm House, Nantwich Road, Audley ST7 8DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Holland against the decision of Newcastle under Lyme Borough Council.
 - The application Ref 14/00368/FUL, dated 16 May 2014, was refused by notice dated 14 August 2014.
 - The development proposed is the construction of two new dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - Its effect on the openness of the Green Belt and the character and appearance of the locality; and
 - If it is inappropriate development, whether the harm by reason of inappropriateness, along with any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriateness

3. The appeal site comprises a vacant, grassed area of land fronting Nantwich Road, which sits behind a brick wall. Although it lies within a stretch of ribbon development on the southern side of this highway, the site has a wide frontage. It is located outside of the established settlement boundary of Audley and within the Green Belt as defined by the Newcastle-under-Lyme Local Development Framework Proposals Map.
 4. The National Planning Policy Framework (NPPF) directs that the construction of new buildings should be regarded as 'inappropriate' in Green Belt, save for a number of exceptions. These include buildings for agriculture and forestry; and subject to conditions, the provision of appropriate facilities for outdoor sport
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and outdoor recreation and for cemeteries; the extension or alteration of a building; the replacement of a building; limited infilling in villages and limited affordable housing for local community needs; and limited infilling or the partial or complete redevelopment of previously developed sites. Saved policy S3 of the adopted Newcastle-under-Lyme Local Plan (LP) is broadly consistent with this approach.

5. As I have explained, the appeal site lies outside of the defined settlement boundary of Audley. It lies beyond the village itself and within an area of historical ribbon development in the Green Belt. The NPPF does not define 'infilling', but I have seen it regularly referred to in development plan policies and supplementary planning guidance as a small gap in an otherwise built up frontage, which is a reasonable definition in my view. The site has a wide frontage and furthermore, the dwelling immediately to the east is set back a considerable distance from the highway behind mature landscaping. This makes the gap in built development even more substantial. For this reason, I am not satisfied that the appeal site amounts to an 'infill plot', irrespective of whether or not it falls within the village.
6. The appellant suggests the site amounts to previously developed land (PDL). This is because the Audley Parish Title Map of 1837 shows the previous Wall House standing on part of the appeal site prior to its relocation and the later maps of 1876 and 1924 indicate that the site was subsequently used as residential garden space to the now Wall Farmhouse. I do not agree because firstly, residential gardens do not fall within the definition of PDL provided by the NPPF and secondly, no remains of the previous structure are visible. On this basis, the site does not amount to PDL.
7. In light of the above, the proposal amounts to inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, according to the NPPF. This national policy explains that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Openness and character and appearance

8. As I have explained, the appeal site is located within ribbon development which extends westwards from the defined boundary of Audley along the southern side of Nantwich Road. The site is currently laid to grass, however, and is free from built development. I have also reasoned that it amounts to a significant gap, particularly given that the dwelling immediately to the east is recessed from the highway, and together, the frontages provide a welcome relief from built development. So too does the field on the opposite side of the road, where built development is much more limited and sporadic.
9. The two dwellings proposed are attractive enough in their own right but they would occupy a large proportion of the site. The effect would materially reduce its open nature along with the openness of this part of the Green Belt. Further, the introduction of the proposed dwellings would compound the existing ribbon development on the southern side of the road. The existing gap provides some informality and breathing space and the development proposed would lead to a

more regimented arrangement. This would be a retrograde step in my view and it would detract from the overall quality and distinctiveness of the locality which, I understand, falls within an Area of Landscape Enhancement.

10. I therefore conclude that the proposal would harm the openness of the Green Belt and it would erode the character and appearance of the local area. In such terms, it conflicts with saved policies N17 and N20 of the LP and policies RE3 and RE4 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document.

Other considerations

11. The appellant argues that the site amounts to an infill site sitting within ribbon development and that it enjoys a sustainable location, just 700 metres from the centre of Audley which is defined as a rural service centre according to the emerging Core Strategy. Nevertheless, it is located outside of the settlement boundary and within the Green Belt as defined by the development plan. This proposal does not present an opportunity for the boundary of the Green Belt to be re-visited and as I have explained, the proposal does not fall within any of the exceptions to the presumption against the construction of new buildings in Green Belt outlined by the NPPF.
12. The Council cannot currently demonstrate a 5 year supply of deliverable housing sites but the proposal would deliver only two dwellings. As such, it would have a negligible impact on the current shortfall, as conceded by the appellant. I accept that in all likelihood, future occupiers of the proposed dwellings would utilise the shops and other services found within Audley. In the absence of any compelling evidence to the contrary, however, I consider that their contribution to the overall viability of these services would be very limited.
13. The appellant points to the fact that policy S3 of the LP supports limited infill development within the Green Belt village of Keele and suggests that Audley should be treated no differently. Policy S3 permits *'development for residential purposes of a small gap as an exception in the Green Belt, within the built up area of the village of Keele, as defined on the Proposals Map, so long as the gap makes no material contribution to the amenity of the locality'*. This situation is materially different for several reasons. Firstly, the appeal site lies outside of the defined boundary of Audley. Secondly, I have found that it does not amount to infill development and thirdly, I consider that the undeveloped nature of the site makes a positive contribution to the amenity of the locality.
14. The appellant refers to an appeal decision where a colleague Inspector considered that a new dwelling amounted to infilling within the village of Acton Bridge (Ref. APP/A0665/A/13/2195160). I understand, however, that the village did not have a defined settlement boundary in that particular case, which is a materially different situation to the one before me.
15. The proposed development could be served by a safe and satisfactory access, it would not harm the living conditions of neighbours in any way and it would not threaten the integrity of any trees which are worthy of retention. The same could be said, however, of proposals to develop many sites within the Green Belt. I also note that the scheme has generated some letters of support, but none make a comprehensive assessment of how the proposal performs against national and local green belt policy.

Overall Conclusions

16. I conclude that the proposal amounts to inappropriate development which would harm the openness of the Green Belt and detract from the overall character and appearance of the locality. The arguments advanced in favour of the scheme do not clearly outweigh this harm and therefore the very special circumstances necessary to justify it do not exist.

17. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR