Appeal Decisions

Site visit made on 22 April 2014

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 6 June 2014

Appeal A Ref: APP/H1033/A/13/2205401
Appeal B Ref: APP/H1033/A/13/2205407
Former car park of the Dog & Partridge Pub, Bridgemont, Whaley Bridge SK23 7PB

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeals are made by Treville Properties Limited against the decision of High Peak Borough Council.
- The application Refs are: HPK/2013/0347 (Appeal A) and HPK/2013/0348 (Appeal B), both dated 21 June 2013, and were refused by notice dated 15 August 2013.
- In both Appeal A and B, the development proposed is 2 no. semi-detached houses.

Appeal A and B – Decisions

1. Both appeals are dismissed.

Appeal A and B - Procedural Matter

2. The appeal sites in both Appeals A and B are contiguous and the appellant is the same. It makes sense to evaluate the planning merits of both Appeals together.

Appeal A and B - Reasons

3. These Appeals relate to sites located within the designated Green Belt. In Appeal A and B, the following are the **main issues**:
    - Firstly, whether the proposed development would be inappropriate for the purposes of the National Planning Policy Framework and local planning policies,
    - Secondly, the impact of the development upon the character and appearance of the locality, and
    - Thirdly, if the development is inappropriate inside the Green Belt, 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.

Inappropriate development

4. Policy OC2 of the High Peak Saved Policies 2008 taken from High Peak Local Plan (LP) adopted March 2005 states that in the area of Green Belt defined on the Proposals Map approval will not be given, except in very special

circumstances, for the construction of new buildings unless they are for agriculture or forestry, essential facilities for outdoor sport and recreation, limited extension and alteration or replacement of existing dwellings or limited infilling or redevelopment at existing major developed sites.

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 of the Framework states that the Green Belt serves five purposes which are the following: to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic town, and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6. Paragraph 89 of the Framework states that the construction of new buildings inside the Green Belt should be regarded as inappropriate development unless they fall within categories of development described as exceptions. The appellant considers that the following exception applies to these developments: limited infilling in villages, and limited affordable housing (AFH) for local community needs under policies set out in the Local Plan; the partial or complete redevelopment of previously developed sites (pdl), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. I should point out here that no case has been made by the appellant that the scheme in both Appeal A and B relate to the provision of limited AFH for local community needs.

7. The planning agent considers that the exception categories set out in paragraph 89 of the Framework are not listed in LP Policy OC2 hence the argument that the cited Policy should be afforded less weight. Nonetheless, the cited LP Policy includes, and specifically refers to, *'limited infilling or the redevelopment at major developed sites'*. The phraseology might not exactly match with paragraph 89, but I find the main aims and objectives of this LP Policy broadly consistent with this advice and give it full weight in the context of these Appeals[1].

8. The site in Appeal A lies between no. 36 Bridgemont, which has been converted from a Public House into residential, and the former Public House's car park. The Appeal B site is the former car park to the Public House. Given that the Council does not produce any specific evidence to contradict the appellant's claim that the majority of the car park was surfaced with hardstandings, I find that the appeal sites can be defined as pdl[2].

9. The proposed development would involve the erection of two dwellings on each site. They would include private amenity areas to the rear on raised ground because of the differences in levels.

[1] In this context, I have taken into account The Planning Inspectorate's decision allowing an appeal on 30 September 2013 at Plot between Long Barn and 69 Hill Top Road Acton Bridge Northwich (Appeal ref: APP/A0665/A/13/2195160). This is attached at Appendix EPP4 of the appellant's statement of case. As a side point, in paragraph 4, the Inspector points out that in Policy GS3 of the Vale Royal Local Plan First Review Alteration (2006) the words 'limited infilling in villages' is not stated as being an exception to development inside the Green Belt. That is clearly note the case here.

[2] The definition of pdl is given in Annex 2: Glossary of the Framework.

10. The planning agent appears to emphasise that the development would constitute limited infilling of pdl within Bridgemont which should be considered as a 'village'[3]. The Framework does not define limited infilling. To assist in the assessment of the proposal, both parties to the appeal refer to paragraph 3.28 of the supporting text to Saved LP Policy GD2, which relates to built-up area boundaries. This states: *'The Built-up Area Boundary is based upon the existing extent of built development within the settlement, and establishes a line beyond which new development could not reasonably regarded as 'infilling' or 'rounding off', but which instead would result in expansion into the countryside. In this context 'infilling means the filling of a small gap within the small groups of houses or other built development, and 'rounding-off' applies to small sites which are already substantially surrounded by existing built development'*.

11. The appeal sites lie at the southern end of the settlement. The area to the south is defined by dense vegetation and forms an escarpment to the built-up area. The land to the west is characterised by open and rolling countryside. The appeal sites adjoin built development to the north, but the residential development cannot reasonably be described as the filling of a small gap within small groups of houses or other built development due to the physical location of the sites and the nature of the locality. I am not persuaded that the development can be considered as rounding off given the positioning of the sites relative to built development and the settlement.

12. Additionally, the appeal sites are mainly undeveloped and situated in proximity of Buxton Road and the A5004 junction and there are built development to the north which is part of the linear settlement pattern. However, the development would result in the erection of four substantial dwellings and a retaining wall to the rear. Steps would give access to raised garden areas on land which is currently undeveloped. In my view, the bulk, massing and volume of the dwellings and the retaining walls would erode the open aspect of this part of the Green Belt. The proposals would result in a material loss in the openness of the Green Belt, because of the extent and scale and built-form of the development.

13. Furthermore, the extent of the garden areas for each dwelling would be defined by 1.2m high timber boarded fence. It is likely that ancillary buildings, structures and other domestic paraphernalia would be erected given the residential use of these further diminishing the openness of the Green Belt. On balance, the nature and scale of the proposals would have a greater impact upon the openness of the Green Belt.

14. The sites' location means that the development in Appeal A and B would not lead to an unrestricted sprawl of a large built-up area. Nevertheless, the nature of the residential development would represent an intrusion or encroachment into the countryside, irrespective of the past use of the sites. That conflicts with one of the purposes of designating land within the Green Belt, which is a serious planning objection.

15. For all of the above reasons, I conclude that the development in Appeal A and B constitute inappropriate development inside the Green Belt.

[3] In this context, I have taken into account the discussion in paragraph 6.10 to 6.18 of the appellant's statement of case.

Character and appearance

16. LP Policy GD3 designates Bridgemont as an improvement corridor. In these areas, planning permission will be granted for development provided the layout, scale, design and external appearance will enhance the area and there will no undue detrimental effect on existing important landscape features. Policy GD4 states that planning permission will be granted for development provided that it meets with its criteria. The main aim is to ensure that development is sympathetic to the local character and wider landscape. In terms of national planning policy on design matters, this can be found in paragraphs 17, 56, 57, 58, 60, 61 and 64 of the Framework.

17. Bridgemont is a small settlement which was formed along the route of the former A6. Its character is defined by the architectural style of the mainly terraced dwellings. Traditional grit stone buildings dominate the street scene. Most of the dwellings either abut the highway or have small front gardens enclosed by low walls. The proposed development would result in frontage parking spaces though amended plans indicate that these could be removed and the dwellings moved closer to the highway[4]. Nevertheless, in terms of the visual effect of frontage car parking, I am quite content that layout would not seriously undermine the linear settlement pattern.

18. The Council is concerned about the overall height of the proposed dwellings. Typically, the terrace houses are about 7.5m to 8m high; the dwellings would be in the region of 8.7m. However, visually, the dwellings would compare well with the ridge height of the former Public House. I consider that the height and scale of the dwellings would not be overly dominant in the street scene.

19. The design of the three-storey dwellings would result in lintels above the first floor windows being positioned well below the level of the eaves; the existing dwellings' lintels are generally tucked away immediately below the eaves line. In this end-of-row location, a pastiche is not necessary. When the dwellings' outward appearance is considered in combination with the type of construction materials, I take the view that the Appeal A and B development would not be totally out-of-keeping with the architectural style of the existing properties.

20. Taking all of the above points together, I find that the development in both Appeal A and B would reasonably respond to the local character and it would not unduly harm existing landscape features. This is because of the siting, height and design of the proposed dwellings.

21. For all of the above reasons, I conclude that the proposed development would not have a materially harmful effect upon the character and appearance of the locality. Accordingly, the development would comply with LP Policies GD3 and GD4 and advice found in paragraphs 17, 56, 57, 58, 60, 61 and 64 of the Framework.

Other material considerations

22. The harm to the Green Belt, because of the inappropriate nature of the development, is a factor to which substantial weight must be given. In addition, weight must be given to the harm to the openness of the Green Belt;

[4] The local highway authority is concerned about encroachment into highway land. However, the Council did not refuse planning permission on the basis that the development in Appeal A and B would not provide satisfactory off-street car parking.

openness is the most important attribute of Green Belts. Against this background, the gist of the planning agent's main argument in support of the proposal, underlined, is discussed and evaluated below.

23. The Council cannot demonstrate a 5-year housing land supply (HLS) and the proposal would contribute towards the need for housing: The Framework's golden nugget is sustainable development. The Ministerial Forward states that *'sustainable'* means ensuring that better lives for ourselves don't mean worse lives for future generations, *'development'* means growth and *'sustainable development'* is about change for the better, and not only in our built environment.

24. The planning agent argues that the sites are located in a sustainable area given the availability of local facilities, including a nearby supermarket, and public transport links. Paragraph 14 of the Framework states a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Footnote 9 states that land designated within the Green Belt is subject to restrictive policies.

25. On the other hand, paragraph 47 of the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their LP meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. In addition, authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Paragraph 49 says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites [my emphasis added].

26. In the absence of a Development Plan figure, the decision maker must use the most up-to-date figures for full, objectively assessed needs on which to base a 5-year land supply calculation. In this particular case, the Council concedes that it only has a 3.8 years' worth of HLS which equates to a shortfall of 495 dwellings as of 30 September 2013. I recognise the Green Belt location of the site in Appeal A and B and that four dwellings would be a drop in the ocean when it comes to the identified housing backlog. However the Council has not shown how they intend to make-up the shortfall within the short, medium or long term.

27. Notwithstanding the reason behind LP Policy H1, which has a bearing on the supply of housing, it must be afforded little weight particularly given the fact that the Council cannot demonstrate a 5-year supply of housing land. In the circumstances, greater weight would need to be attached to the Framework.

In my view, this finding attracts significant weight in support of the development, because of the Government's aim to boost the supply of housing and to stimulate the economy[5].

Balancing exercise

28. Significant weight can be given to the lack of a 5-year HLS. In addition, the development in Appeal A and B would not harm highway safety, the dwellings would be located on sites with some sustainable credentials, the design and external appearance of the four new dwellings would not harm the character and appearance of the locality. These considerations can only be given some weight, however.

29. These factors in favour of the proposal have to be balanced against the harm that the development would have on the Green Belt and I conclude that they are insufficient either on their own or in combination to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harms. There are no very special circumstances in the context of this case and the development would be contrary to LP Policy OC2 and paragraph 79, 80, 87, 88 and 89 of the Framework.

Appeal A and B – Overall conclusion

30. For the reasons given above and having considered all other matters, I conclude that the appeals should not succeed.

A U Ghafoor

INSPECTOR

[5] My conclusion here is consistent with Inspector Susan Holland's decision issued 23 August 2012 attached at Appendix EPP3 to the appellant's bundle of evidence (Appeal ref: APP/H1033/A/11/2159038).