



Appeal Decision

Site visit made on 25 May 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/H4505/W/20/3265746

Land to the west of South View, Chopwell NE17 7JY

- 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 Mr and Mrs David and Valerie Liptrot against the decision of Gateshead Council.
 - The application Ref DC/20/00712/FUL, dated 10 August 2020, was refused by notice dated 18 November 2020.
 - The development proposed is erection of a single storey dwelling with integral garage and attached granny annexe.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council, in its Statement of Case dated 21 April 2021, state that based on additional information submitted within Section 4.0 of the appellant's statement and the supporting Ecology Response and on the understanding that no works to trees are proposed, they are now satisfied to concede on the second reason for the refusal as this is no longer relevant.
4. Having regard to the information provided I see no reason to take a different view and I will therefore proceed to consider the merits of this appeal with regard to the first reason for refusal only, as stated below.

Main Issues

5. The appeal site is located within the boundary of a designated Green Belt. The main issues therefore are:
 - (1) Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - (2) the effect of the proposal on the openness of the Green Belt, and

- (3) if it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. One such exception is "limited infilling" in villages.
7. The term "village" is not defined in the Framework, nor is it specifically defined by the Development Plan. For planning purposes, a judgement needs to be made having regard to particular facts and circumstances in each case. The appeal site is located to the west of a small group of terraced properties which are accessed from South View, off Whinney Leas to the west of Chopwell. Access to the site itself is gained via a footpath leading from South View. Another footpath also crosses around the middle of the site.
8. As one enters Whinney Leas from Mill Road within the built-up part of the settlement, there is a short run of suburban development terminating in a modern bungalow. Beyond that bungalow is a substantial gap to the dwellings in the vicinity of the appeal sit and that group of properties are visually and physically outside of the built-up area and separated from Chopwell by agricultural fields. Though they may be considered to be part of, they do not fall within the built-up area of Chopwell. Rather they form a small cluster of properties spread along South View to the west of the town. It is apparent to me that this group of properties aptly demonstrate the characteristics of a sporadic group of buildings outside of a built-up area of a town or village. It is a collection of residential properties with no obvious services or facilities or features one would normally associate with a village such as a church. I do not consider that the location could reasonably be classed as being within a village or settlement.
9. There is no definition of the word "infill" in the LP or the Framework. However, it is reasonable to consider the term to relate to the development of a gap in an otherwise built up frontage. The proposal would not conform to that pattern but would amount to the development of an open grassed field in a corner location. It would not be surrounded by other built development but would be adjacent to a Gas Compound to the North and surrounded by agricultural land and a wooded area to the west and south. Rather than filling in an obvious gap between buildings, it would extend the built footprint outwards into open countryside adjacent to the existing terrace at South View. As such, having regard to the location and position of the site, the proposal would not amount to infilling within the village and it would fall outside of the scope of paragraph 145(e).

10. I find that the proposed development would constitute inappropriate development in the Green Belt, as it does not meet any of the exceptions listed in paragraph 145 of the Framework.

Openness

11. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. The construction of a dwelling on the site would, in principle, result in built development where there is presently none. The footprint of the building, the associated access and accompanying domestic paraphernalia would change the physical appearance of the site. Inevitably, the development would lead to an appreciable loss of openness in this part of the Green Belt.
12. The essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial quality. The appellant contends that the effect on openness would be limited due to the fact that the site is bounded on one side by residential properties and extensive woodland on another, but there is open grassland south of the site. However, the proposed development would occupy a floor space area which is presently undeveloped save for a small dilapidated wooden shed, thereby reducing openness in this part of the Green Belt. The dimensions and scale of single storey dwelling with integral garage and attached granny annexe would be substantial and that would reduce openness in a physical sense, given the lack of any current built development on the site, and in a visual sense, on account of the visibility from the public footpath running through the site.
13. Furthermore, given the nature of proposed development, future occupants of the new dwelling are likely to require an outdoor area for residential use in connection with the dwelling-house. The proposed 3-bedroom dwelling with 1-bedroom annexe would increase domesticity and spread of paraphernalia such as washing line, waste containers, outdoor furniture, and the parking of additional vehicles within the site. Taken together these factors would have spatial and visual effect on openness.
14. I find the proposed development would have a materially harmful effect upon openness and would conflict with the objectives of the NPPF and Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015). These seek amongst other things to check unrestricted sprawl of built-up areas, preventing individual settlements from merging, safeguarding the countryside from encroachment and encouraging recycling of previously developed land within the urban area.

Other considerations

15. The appellant suggests the Council cannot demonstrate a 5-year supply of housing land (HLS). The Council concedes that according to the results of the latest Housing Delivery Test (HDT) published on 19 January 2021, its housing delivery was significantly below the expectations of the NPPF and the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The appellant also argues that the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, should be triggered.

16. The proposal would provide social and economic benefits although these would be limited in scale. As it is a single dwelling, the contribution it would make in these respects would be limited and carry some moderate weight in favour. The development would contribute to local housing stock, although a single dwelling is likely to add to the supply of housing in a limited way. It would thereby also provide some limited support to services and facilities in nearby Chopwell.
17. The Public Sector Equality Duty requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age. I do not doubt that the proposal would be beneficial for the appellant's parents in law, but it has not been demonstrated that the proposed dwelling and annexe could not be provided elsewhere, or that the appellants could find accommodation elsewhere where it would not be inappropriate and harmful to the openness of the Green Belt. I therefore give limited weight to this matter.

Planning balance

18. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The proposed development would constitute inappropriate development within the Green Belt and would also have a harmful effect on the openness of the Green Belt. I am required to attach substantial weight to any harm to the Green Belt, in accordance with paragraph 144 of the Framework. The development would also result in encroachment of built development into the countryside, in conflict with a key purpose for designating land inside the Green Belt, which is a serious planning objection. The development conflicts with local and national planning policies referred to above.
20. The development would provide limited economic and social benefits and would make a modest contribution to the housing stock. However, it is clear that the benefits put forward do not outweigh the harm that I have identified. As such, the very special circumstances needed to justify inappropriate development within the Green Belt do not exist.
21. In the absence of a five-year supply of housing land paragraph 11 of the Framework is relevant. Where relevant policies are out of date (on account of the lack of housing land supply) that means granting planning permission unless the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing to grant permission; or where the adverse impacts of doing so would clearly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
22. In the absence of very special circumstances, the policies of the Framework indicate that permission should not be granted for inappropriate development in the Green Belt and the adverse impacts of the proposal clearly and demonstrably outweigh the limited benefits. Consequently, the presumption in

favour of granting permission does not apply and the policies of the Framework dictate that permission should be refused.

23. Dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well-established planning objective of preventing inappropriate development in Green Belts and safeguarding the countryside from encroachment.

Conclusion and Recommendation

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR