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# Appeal Decision

Site visit made on 5 April 2017

**by S J Lee BA(Hons) MA MRTPI**

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

**Decision date: 22<sup>nd</sup> May 2017**

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**Appeal Ref: APP/Y3425/W/16/3164851**

**High Coley Cottage, Coley Lane, Little Haywood, Stafford ST18 0XB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs D Holloway against the decision of Stafford Borough Council.
  - The application Ref 16/24608/OUT, dated 28 July 2016, was refused by notice dated 11 October 2016.
  - The development proposed is replacement of existing stables with new single storey dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. While I have noted reference in one of the appellants' documents to the application being for full permission, there is no other reference to this and I am satisfied from all other evidence that the application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis and have treated plans showing layout and indicative designs as illustrative only.
3. Following the Council's determination of the application, the Plan for Stafford Borough: Part 2 (PSBP2) was adopted on 31 January 2017. Both parties were given the opportunity to comment on this and I have had regard to the comments received in determining the appeal.

## Main Issue

4. The main issue is whether the development would accord with the Council's policies on housing in the countryside, having particular regard to; (i) meeting a local need; (ii) access to everyday facilities by a range of means of transport; and (iii) the effect of the development on the character and appearance of the area.

## Reasons

### *Local housing need*

5. The development plan consists of the Plan for Stafford Borough 2011-2031 (PSBP1)(2014), the PSBP2 referred to above and the Colwich Neighbourhood Plan (CNP), which was made in 2016. PSBP1 Policy SP3 defines a settlement hierarchy into which it seeks to focus the majority of new housing
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- development. The nearest settlement to the site is Little Haywood/Colwich which is identified in the hierarchy as a 'Key Service Village' (KSV). The site is however, outside the boundary as defined in both the PSBP2 and CNP.
6. There is an acceptance in the PSBP1 that some development will be needed outside defined settlements to meet the overall requirement of 10,000 dwellings. A target of 800 dwellings is identified in the 'rest of the Borough' (RoTB) across the plan period. However, in order to ensure a sustainable pattern of development is achieved, for development outside settlements, Policy C5 requires a demonstration that needs cannot be met within the hierarchy and that it would be meeting a local need, as defined by a specific Parish based local housing needs assessment. The appellants have argued that these requirements can be demonstrated both in relation to there being a shortfall of development in the RoTB and in the specific CNP requirement.
  7. The CNP includes two KSVs. These are Little Haywood/Colwich and Great Haywood. This plan identifies a requirement of 259 dwellings to be built within these defined settlements based on a simple calculation of the proportion of people living in Colwich Parish compared to the total population living in KSVs across the Borough. The plan identifies completions and commitments, totalling 252 dwellings, leaving only 7 to be identified in the remaining plan period up to 2031. The CNP raises no concerns as to whether this could be achieved within either of the KSVs.
  8. I do not consider that this figure represents a parish based needs assessment for the purposes of Policy C5. While the methodology used in the CNP is relatively simplistic, it is clear that it is being used to apportion the Borough's KSV requirement. It is not meant to be a figure which defines an overall need or requirement for the Parish area. The fact the CNP refers to development outside the boundaries as being something different and additional to the 259 is indicative that this is not intended to relate to either the contribution of the wider parish to the RoTB or any indicator of an overall level of need. While the CNP recognises there will be development outside KSVs, it does not seek to place a figure on what level of provision should be made. I have also not been provided with any indication of the scale of completions that may have taken place outside the KSVs that would contribute to the overall provision. There is nothing before me, therefore, which provides any indication of the level of local need for development within Colwich Parish.
  9. The development would clearly be capable of contributing to the RoTB target. However, in a rural area such as this, there will be many potential locations where windfall residential development could take place. It would not appear to follow the logic of the policy approach for development outside a settlement boundary to be automatically acceptable under Policy C5 in the event of there being a shortfall in commitments. If this were the case, there would be no way of ensuring development would be distributed to where local needs exist in the interests of sustainable development.
  10. Moreover, if a shortfall in the RoTB figure is all that would be required to justify development outside a settlement, then there would not be any need for a reference to a Parish based needs assessment. The PSBP1 does not seek to distribute this provision to specific areas of the borough and there is nothing in Policy C5 which suggests that the RoTB figure is indicative of local needs. Therefore, while I have had regard to the appellants' data, I do not find this to

be determinative as to whether the requirements of Policy C5 are met. Even if I were to accept the appellants' figures with regard to a shortfall in current commitments, this would not be reflective of local needs or justify windfall development in this particular location.

11. While the appellant has questioned whether the overall level of shortfall identified in the CNP should be 7 or 18 dwellings, neither figure constitutes a significant shortfall. I am conscious that there is a considerable period of time left within the plan period for additional windfall sites to come forward within the two KSVs and there is no suggestion within the document itself that the level of provision required cannot be met. The fact the CNP does not specify exactly the source of every dwelling is not, in my view, a convincing argument for allowing development outside the settlement boundary.
12. There also appears to be a healthy level of existing commitments within the KSVs which suggests that needs are capable of being met in the short to medium term. Even if I were to accept the CNP figure was evidence of a local need, the appellants' argument does not persuade me that one additional dwelling cannot be met within either of the two KSVs or elsewhere in the settlement hierarchy.
13. As such, I do not consider the development meets the necessary criteria in Policy C5 in terms of meeting a local need or demonstrating that provision could not be made within the settlement hierarchy. As such, there would also be conflict with policies SP3, SP7 and E2 which only allow for housing development outside defined settlements where the requirements of Policy C5 have been met. Collectively, these policies seek to resist development in the countryside unless there is a local need that cannot be met within the settlement hierarchy.

#### *Access to facilities*

14. The supporting text to PSBP1 Policy SP3 suggests that between them Little Haywood/Colwich and Great Haywood contain a range of community facilities including schools, a health centre and local retailing. The CNP provides more detail on this, indicating that Great Haywood has two schools, a pub, restaurant, post office, shops, a pharmacy, doctor's surgery, dentist, church hall and social club. However in relation to Little Haywood reference is made to it having only one shop and two pubs. Colwich contains a church and school. This suggests, therefore, that the bulk of local service provision is in Great Haywood which is somewhat further from the site than Little Haywood and thus less directly accessible.
15. While the site may only be a relatively short distance from the edge of the defined Little Haywood boundary, it is nevertheless outside a recently adopted settlement boundary and would be further from the limited facilities in the village than those who live within it. I consider that the distance from the site to the defined village centre would be at the upper limits of what people would consider a reasonable walking distance to access facilities. While the distance would not completely prohibit walking to the village centre within Little Haywood, the length and nature of the route is such that it is unlikely to encourage walking as a frequent choice, particularly in inclement weather, at night or for those with limited mobility.

16. In any event, the evidence suggests that the level of service provision in Little Haywood would not be sufficient to meet day-to-day needs and future occupants would have to rely on larger settlements to meet most of their daily requirements. No information has been provided which suggests any public transport passes by the site and thus it would be reasonable to assume that occupants would need to walk to the village to access buses. I have received no detailed evidence on routes or regularity of services or what facilities can be accessed within other settlements. However, for similar reasons to walking, the distance to the village centre would be likely to prohibit public transport as a realistic alternative to the car for the majority of people.
17. Based on the above, I conclude that the majority of trips would need to be made by car. While this is not necessarily unusual in rural locations, it would nevertheless be in conflict with a core planning principle of the Framework which encourages development to take place where the fullest use of walking, cycling and public transport can be made. Trips associated with accessing services in Great Haywood, Little Haywood or Colwich also need not be long. However, the cumulative effect of allowing development in locations such as this would be likely to add to the number of less sustainable journeys made across the area.
18. Both parties have drawn my attention to paragraph 55 of the Framework. This states that housing in rural areas should be located where it can maintain or enhance the vitality of rural communities. An example provided is where development provided in one village may help support services in a village nearby. The appeal site is not in a village and there is no evidence before me to suggest the vitality of Little Haywood is under threat, such that the development of a single dwelling in the countryside beyond its boundary would be of any particular benefit. This would also not be a case of development in one village supporting another, but would represent an increase in sporadically located dwellings outside settlements for which there is no provision within the Framework. Furthermore, the reliance on the car would reduce any functional relationship between the appeal site and nearby services, thus further reducing the already limited benefits to the vitality of nearby communities.
19. Paragraph 55 also seeks to avoid isolated dwellings in the countryside unless one of a number of 'special circumstances' are met. While the development would not be remote from other buildings, it is outside a settlement boundary and would be reliant on the car for most day-to-day trips. Other than the allotments, which I do not see as being a key village facility, the development would be functionally isolated from everyday services and facilities. There is also a clear break in the character of the area around the site and the main village, precipitated by the cutting for the A51. From this point, Coley Lane takes a more rural character and feels detached from the village. When considered in the context of paragraph 55 as a whole, these factors lead me to conclude that the site should be considered isolated.
20. The development would not constitute the re-use of a redundant or dis-used building and, even if I were to have regard to the illustrative drawings, the design of the dwelling would not be of such exceptional quality or innovation as to be considered a 'special circumstance'.
21. The development would therefore conflict with PSBP1 Policy SP7 which expects, amongst other things, development to be within or adjacent to a defined

settlement, be accessible and well related to existing facilities and be accessible by public transport. It would also conflict with the requirements of paragraph 17 of the Framework which seeks, amongst other things, to manage growth to make fullest use of walking, cycling and public transport. It would also result in an isolated home in the countryside in conflict with paragraph 55 of the Framework.

### *Character and Appearance*

22. The Council has referred to the site as both greenfield and open and undeveloped. This is not an accurate description. There is already a building on the site and the Framework's definition of previously developed land (PDL) also does not exclude gardens outside built-up areas. As such, whether treated as part of the garden or separate to the dwelling, the site should be considered as being at least partially previously developed.
23. I acknowledge that the appellants have argued the dwelling would be of a high quality, energy efficient design that would be in keeping with the character of the existing building. However, the design, layout and materials shown on the illustrative plans are not before me. The current stable block might be within the grounds of a dwelling, but it clearly relates well to the open fields behind the site. Both this and the scale and nature of the building contribute positively to the overwhelmingly rural character of this part of Coley Lane. While the site itself is partially developed, the character of the wider area is that of more sporadically located, loose knit dwellings interspersed by fields and agricultural/rural outbuildings.
24. Residential development would be likely to bring with it an associated increase in domestic paraphernalia and activity that would alter the character and function of the site. Features such as increased glazing, flues or chimneys, outbuildings, additional garden furniture, washing lines, waste bins and other physical signs of the change in nature of the building would have a domesticating and urbanising effect on the site that would be harmful to the overtly rural character of the area.
25. In conclusion, whilst I recognise that the proposal would replace an existing building, I consider that it would be harmful to the rural character and appearance of the area. Accordingly, there would be conflict with PSBP1 policies N1 and N8 which seek, amongst other things, for development to preserve and enhance local character and landscape setting.

### **Other Matters**

26. I have noted the letter of support for the development from neighbours. However, this does not alter my view that the development would conflict with local and national policies for development in the countryside. I have also noted that the purpose of the dwelling would be to accommodate the appellants in later years. However, while I acknowledge their wish to stay in the area, personal circumstances such as this seldom outweigh general planning considerations.
27. The appellant has suggested the existing building could be converted into residential use. I have nothing before me which demonstrates the building would be capable of such a conversion. Moreover, conversion is not an automatic right and there is no evidence which suggests any such proposal

would meet the necessary regulatory or policy requirements. As such, I do not consider this to be a realistic fallback position and have thus given it little weight in my decision.

28. The appellants have some concerns about pre-application advice and the Council's handling of the application. However, those are not matters for me to comment on. I have considered the appeal on its merits.
29. I recognise that there were no objections to the development from consultees and the Council did not raise concerns over such issues as living conditions, highways or biodiversity. However, while I have seen nothing that would lead me to conclude differently, these factors do not outweigh my concerns.
30. The Council and the appellant did not agree on whether or not there is a 5 year supply of deliverable housing sites. However, it is not necessary for me to conclude on that point for the purposes of this appeal decision. Even if the appellant were correct and paragraph 14 of the Framework were to be engaged, this is a case where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

### **Conclusion**

31. The proposal would be contrary to the development plan in that it would not meet a local need that could not be met within the settlement hierarchy, it would be poorly related to services and facilities and it would result in harm to the character and appearance of the area.
32. It is necessary to consider whether there are other material considerations which indicate that permission should be granted, notwithstanding this conflict. The main factor weighing in favour of the appeal is its contribution to the delivery of housing. As a single house would make only a small contribution I attach only limited weight to this factor. As noted above, even if the appellant were correct in relation to housing land supply, the operation of paragraph 14 of the Framework would not indicate that permission should be granted.
33. In the circumstances of this appeal, therefore, the material considerations considered above do not justify making a decision other than in accordance with the development plan. As such, I conclude that the appeal should be dismissed.

*S J Lee*

INSPECTOR