



Appeal Decision

Site visit made on 16 January 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2018

Appeal Ref: APP/Y3425/W/17/3179076

Downside, Garshall Green Lane, Garshall Green, Stafford ST18 0EP

- 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 J Stevenson against the decision of Stafford Borough Council.
 - The application Ref 17/25861/FUL, dated 24 February 2017, was refused by notice dated 25 April 2017.
 - The development proposed is the erection of detached single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would accord with development plan policies relating to the location of development in the Borough.

Reasons

3. The appeal site lies in the hamlet of Garshall Green which consists of a number of residential properties on either side of the lane of no one fixed design, size or style. Fields surround Garshall Green. At present, a residential caravan is on the appeal site. A mixture of landscaping and fences line the site's boundaries. The proposed development is a single storey dwelling with a pitched roof, which would be finished with facing bricks and clay roof tiles.
4. Spatial Principle 3 (SP3) of The Plan for Stafford Borough 2011 – 2031 (PSB) outlines the Sustainable Settlement Hierarchy where the majority of new development will be delivered. While, not every development will be delivered in line with the areas listed, the appeal site lies in the open countryside. PSB Spatial Principle 4 (SP4) refers to such sites as being in the 'Rest of Borough Area'. Even if the Council are able to demonstrate a five-year supply of deliverable housing sites, and show that new housing completions in the rest of the borough exceed the 8% target set by PSB SP4, there is a need to significantly boost the supply of housing explained in paragraph 47 of the National Planning Policy Framework (the Framework).
5. Notwithstanding this, PSB Spatial Principle 7 (SP7) explains that development in other locations (in settlements or in the countryside) will only be supported where: ii) it is consistent with the objectives of Spatial Principles SP6, policies E2 and C5 in supporting rural sustainability.

6. PSB policy C5 (A) explains that in areas outside the settlements identified in Spatial Principle SP3, proposals for new residential development will need to meet the criteria listed in PSB SP7, together with all of the following criteria: it is demonstrated that provision cannot be accommodated within the Settlement Hierarchy (Spatial Principle SP3); a Parish Based Local Housing Needs Assessment, and an appraisal of the scheme, shall accompany any planning application, providing that it will meet the defined needs; and the development is of a high quality design that reflects the setting, form and character of the locality and the surrounding landscape.
7. As the Council do not raise any concerns with the design of the proposal, no conflict would arise in terms of the last criterion. However, PSB policy C5 (A) requires all the criteria to be met. The appeal scheme does not, based on the evidence before me, satisfy either remaining criterion. Consequently, conflict also arises with PSB policy E2 (iv and x) as the proposed dwelling would not be in more sustainable parts of the borough.
8. The appellant has drawn my attention to part (B) b) of PSB policy C5. However, in order for this to apply, the existing dwelling cannot be of a temporary form of construction or a caravan / mobile home. While the existing residential caravan may have been on the appeal site for some time, and even if I accepted that the character of the land would be tantamount to that related to a traditional dwellinghouse, the existing caravan is a temporary form of construction. Hence, the proposal does not satisfy the criteria for a replacement dwelling.
9. The proposed dwelling's footprint would roughly be 139m². This is a considerable uplift from the existing caravan's footprint of roughly 58m². While the proposed dwelling would be a different form of development to the existing residential caravan, given the site's boundary treatment around the site and the nature of trips to and from the appeal site, I share the Council's view about the development's effect on the character of the area. However, due to the appeal scheme's location, it would harm the strategy for the borough to deliver new housing in settlements, taking account of infrastructure, services and facilities available. Nor would the proposal, in the absence of any evidence to the contrary, respond to defined local needs.
10. The Framework is, however, a material consideration in planning decisions and it must be taken as a whole. I agree with the appellant that no issues would arise in terms of neighbouring residents living conditions, biodiversity, arboricultural matters, car parking and vehicular access. The proposed dwelling would also not be isolated in the context of Framework paragraph 55.
11. A Certificate of Lawful Proposed Development (LDC) was issued by the Council in August 2016¹ to replace the existing caravan with a twin caravan within the definition of the Caravan Sites Act 1968 (as amended) (the Act). However, I do not have all the specific information before me relating to the LDC. The Act defines² a twin-unit caravan and dimensions which must not be exceeded when a caravan is assembled. However, I cannot be certain that the examples of caravan units provided by the appellant accord with these maximums or that the examples would satisfy the definition of a twin-unit caravan.

¹ Council Ref: 16/23877/LDCP

² Caravan Sites Act 1968, Part III, Section 13

12. Consequently, even if the size of the proposed dwelling accord with the maximum dimensions of a twin-unit caravan, I am unable to compare whether the twin-unit caravan allowed under the LDC would or would not be more harmful than the appeal scheme or whether the effect would be similar or less harmful. It is also unclear whether the LDC development is likely to take place, even if the replacement twin-unit caravan has the potential to be on site for a long period of time. Due to the number of examples provided, it is unclear whether they would be a preferable form of development to the proposal, even if I were minded to control permitted development rights through a planning condition. As a result, I do not consider that there is a genuine fallback position that outweighs my findings in relation to the development plan.
13. Although there is some dispute between the parties as to whether the land immediately surrounding the unit could be used for domestic purposes akin to the use of a domestic garden associated with the dwellinghouse, it is not for me, under a section 78 appeal, to determine whether or not that is the case. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act 1990 (as amended) and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of the appeal.
14. For these reasons, while the proposal would not be isolated, I conclude that this does not outweigh the significant harm that would arise from the proposal's conflict with the development plan policies relating to the location of development in the Borough. The proposal would not accord with PSB policies C5 and E2 together with SP3 and SP7 of the PSB. Together these seek, among other things, residential development to be delivered through the Sustainable Settlement Hierarchy unless it can be demonstrated that the development cannot be accommodated within the settlement hierarchy or the scheme will meet a defined need.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR