



Appeal Decision

Site visit made on 19 November 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2019

Appeal Ref: APP/Y3425/W/19/3230807

Land to rear of Brampton, The Butts, Little Haywood, Stafford, ST18 0TR

- 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 M Green against the decision of Stafford Borough Council.
 - The application Ref: 18/28148/FUL dated 12 April 2018, was refused by notice dated 7 March 2019.
 - The development proposed is erection of 4-bedroomed detached bungalow & detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A completed and signed Section 106 Unilateral Undertaking has been submitted by the appellant. It seeks to secure the status of the appeal site and proposed dwelling, as a self-build and custom build house. I return to this matter later.

Background and Main Issues

3. The Council's single reason for refusing the proposed development cited the location of the appeal site outside the boundaries of nearby settlements. It explained that the appellant had failed to demonstrate that the dwelling could not be located within a defined settlement, or, the house is required to meet a specific need identified through a Parish based needs assessment. The statements of the parties have provided substantive evidence in relation to the accessibility of the appeal site, and the effects of the development on the character and appearance of the area. Against this background I consider the main issues to be:
 - whether the proposed development would be an appropriate form of development having regard to national and local policies on the location and type of housing;
 - whether the proposed development would be in a suitable location, having regard to the accessibility of goods and services; and,
 - the effect of the proposed development upon the character and appearance of the area.

Reasons

Housing policies

4. The Butts is a private road of six generously sized detached houses outside the settlement boundaries of and between the Key Service Villages (KSVs) of Little Haywood and Great Haywood, designated settlements in the adopted Colwich Neighbourhood Development Plan (2016) (the CNDP) and The Plan for Stafford Borough: Part 2 (2017) (the PSB2). Being outside the designated settlement boundaries, means the appeal site is on land designated in the countryside as defined in adopted development plan documents. I have noted the appellant's views that the site should not be classed open countryside due to the relationship with the neighbouring built development and it constitutes previously developed land. However, the nature and location of the site and surroundings is such that it is more related to the rural character of its surroundings than that of the closest designated settlements.
5. The appeal site is a driveway and what is understood to be a former back garden associated with an adjacent dwelling (Brampton) before being severed from it by the sale of Brampton a number of years ago. It is bound by residential properties on two sides; Brampton to the south-west and Cleeve to the north-west. To the north and east it is enclosed by a hedgerow from modestly sized hedgerow lined grass fields.
6. Spatial Principle 3 (SP3) of the Plan for Stafford Borough 2011 – 2031 (June 2014) (the PSB) sets out a hierarchy of settlements as the basis for establishing the future sustainable pattern of growth and facilities. It requires the majority of future development to be delivered through the Sustainable Settlement Hierarchy, of which KSVs are 3rd in the hierarchy. Whilst not completely precluding development outside settlements in the hierarchy, Spatial Principle 4 (SP4) of the PSB envisages only around 8% of housing (800 of 10,000 dwellings) will be provided outside them. Spatial Principle 7 (SP7) of the PSB supports development of an appropriate scale and nature to secure the sustainability of the settlement within its boundaries. Outside these boundaries housing proposals should be consistent with the objectives of Spatial Principle 6 (SP6), Policy E2 and C5 of PSB.
7. Policy C5 of the PSB amongst other things, requires new residential development must demonstrate it cannot be accommodated within the settlement hierarchy. Proposals must be accompanied by Parish based Local Housing Needs Assessment, and an appraisal of the scheme, to prove it meets defined needs. It must be of a high quality design that reflects the setting, form, and character of the locality and the surrounding landscape.
8. Having regard to defined local needs, the dwelling proposes annex type accommodation for an elderly disabled relative of the appellant. I am advised both future occupants have been local to the area for several years, although I have not been offered substantive evidence they reside in the Parish. Additionally, the proposal is not accompanied by a Parish based Local Housing Needs Assessment.
9. The appellant proposes a self-build dwelling to be secured by a legal agreement that is before me. In terms of justifying its location outside a sustainable settlement, the appellant highlights the absence of self-build and custom build dwelling policies in the development plan. The appellant asserts that the

Council cannot demonstrate an adequate number of self-build and custom build plots, contrary to paragraph 61 of the National Planning Policy Framework (2019) (the Framework). Paragraph 61 highlights the requirement for Councils to keep a register of those seeking serviced plots to self-build and custom build their own homes¹ and reflect needs in planning policies. Councils must grant sufficient permissions for serviced plots to meet demand as evidenced by the entries on the register within 3 years of the base period².

10. By March 2018 there had been 31 entries on the Council's register, and 34 single dwelling plots permitted. I note the opposing views as to whether the 34 single plots constitute serviced plots to satisfy those on the register. In principle such plots are capable of meeting the broad description in the Planning Practice Guidance, as there is no requirement for such plots to be secured by planning obligation or condition. I have not been provided with evidence of how many of these plots have been for self-build and custom build dwellings. Consequently, there is no definitive evidence that demonstrates the degree to which the Council has or has not met the demand on its register.
11. The potential lack of self-build plots does not in itself demonstrate why the development cannot be located within one of the sustainable settlement boundaries in the Borough as required by Policy C5. However, in-light of the doubts over the provision made by the Council to meet self-build and custom build needs on its register, this proposed single self-build plot secured by a planning obligation, is therefore given moderate weight.
12. Accordingly, the proposed development is contrary to SP3 and SP4 of the PSB, by reason of undermining the planned approach to the distribution of housing in the PSB. This seeks to locate the majority of development within the boundaries of settlements in the sustainable settlement hierarchy to establish the future sustainable pattern of growth and facilities. The development is also contrary to Policy C5, SP7 and Policy E2 of the PSB, as it has not demonstrated it cannot be accommodated within the settlement hierarchy and is not accompanied by Parish based Local Housing Needs Assessment.
13. In reaching the findings above I note the contents of appeal decision refs APP/C1570/A/14/2223280, APP/G2435/W/18/3214451 and APP/G2435/Q/18/3214498 supplied by the appellant. Appeal reference APP/C1570/A/14/2223280 was for a much larger development than the current appeal, being for 22 self-build and custom build dwellings. That decision pre-dates the current Framework and the Council could not demonstrate a 5-year housing land supply. Therefore, it is significantly different to the circumstances and proposal before me. In the latter two decisions in allowing 30 self-build plots, the Inspector opined it was unreasonable to include any of the single dwelling permissions within the calculation of self-build and custom permissions in that District, although I am not aware of the detailed nature of the evidence before the Inspector in that regard.
14. The appellant has stated that in the cases of APP/G2435/W/18/3214451 and APP/G2435/Q/18/3214498 the Council could demonstrate a 5-year housing land supply. A factor weighing strongly in favour of the development subject of those two appeal decisions was that the Inspector found the proposal would meet the majority of district demand by delivering 30 serviced self-build or

¹ Section 1 of the Self Build and Custom Housebuilding Act 2015

² Section 2 and 2A of the Self Build and Custom Housebuilding Act 2015

custom build plots in a comprehensively planned manner on a sustainably located site. The number of plots and location also resulted in the Inspector giving substantial weight to economic benefits of 30 dwellings supporting local facilities, services and businesses. As the proposal before me is for the supply of a single dwelling, there are clear differences between those proposals and the proposal before me.

15. In Ref: APP/X2220/W/17/3176895 the Inspector opined the lack of policy provision for self-build and custom build housing in the development plan and the contents of the annual monitoring report, engaged paragraph 14 of the previous iteration of the Framework (now paragraph 11). That decision related to a single storey dwelling with the ground floor level partly dug out and the Inspector found that the development did not affect the AONB in an adverse way. The adverse impacts principally related to the conflict with planning policies which seek to direct development to inside development boundaries. I will set out my findings on other development plan policies for this appeal relating to character and appearance, and accessibility, below.
16. In the appeal before me, there are no relevant development plan policies in respect of meeting the housing needs of those who wish to build their own homes. Consequently, paragraph 11 of the Framework is engaged and this is a matter and I shall return to later in this decision.

Accessibility

17. In setting out the sustainable settlement hierarchy and the sustainability merits of some settlements, paragraph 6.31 of the accompanying text to SP3 highlights that the KSVs of Little Haywood, Great Haywood and Colwich have a range of community facilities, although there is limited employment provision. Facilities in Great Haywood are between approximately 1 – 1.3km from the appeal site and include a school, church, village hall, health centre, pharmacy, a pub, a small supermarket. The nearest facilities in Little Haywood start at approximately 400m from the appeal site, but are more limited – namely, two pubs, a B & B, general store, and a hairdresser. There are some limited facilities and services further away, for example a playground and a mechanical garage, as well as a farm shop and cafe associated with the nearby canal.
18. There is a lit footpath to both villages on the opposite side of Main Road to the appeal site. However, given the distance to the facilities and the range and nature of the facilities very few trips to the facilities would be by walking and cycling. In particular for trips to services and facilities to Great Haywood and beyond, walking and cycling are not likely to be an attractive or convenient regular mode of transport for those that are able to do so, particularly in the colder and wetter months. There are bus stops in either direction on Main Road, but I have not been provided with information on the frequency of these.
19. Furthermore, as the facilities within Little and Great Haywood and Colwich appear very limited, trips to other service centres are likely to be frequently required. Therefore, occupants of the new dwelling would tend to rely upon a motor vehicle for accessing most routine services and facilities, which would soon add up to a significant number of vehicular miles per year. 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.

20. Therefore, the proposed development is not supported by paragraphs 8 and 78 of the National Planning Policy Framework (the Framework) (2019) which seeks sustainable development through (amongst other things) services that are accessible, using natural resources prudently and minimising pollution. For these reasons there would also be a degree of conflict with the aims of SP3 and SP4 of the PSB.

Character and appearance

21. The area of countryside between Little and Great Haywood is relatively narrow, but maintains separation between the settlements, which can be appreciated when viewed from the public rights of way to the north of the site, particularly from Colwich 46, which also allows some visibility of the appeal site. This means the countryside between the villages is particularly sensitive to change from incremental developments. The appeal site is composed of mostly open grassland with a small concrete slab and part of a wall. The appeal site is characteristic of the adjoining modest tree and hedgerow lined fields, contributing to the character and appearance of the area by its verdant and largely undeveloped nature.
22. The proposed new 'T' shaped dwelling would introduce a substantial built development notably visible above the hedgerow. It would include a main ridge spanning most of the width of the site (maximum dimensions of the dwelling would be approximately 15m wide by 10.85m deep and 7m high), as well as a detached double garage (approximately 8.3m wide by 5.2m deep and 5.5m high).
23. The introduction of the substantially sized dwelling, garage patio and paved areas would result in some further encroachment of development into the countryside and have a notable urbanising effect, reducing the openness of the countryside in this location. It would also be highly visible above the hedgerow from fields to the north and east, and from parts of a footpath to the north (Colwich 46). This increase in development would be harmful to the character and appearance of the site and wider area.
24. For the reasons above, the development would conflict with SP7 of the PSB which requires proposals promote protection and enhancement of environmental assets and character and are consistent with SP6 of the PSB, which requires proposals help to conserve or improve the rural environment. This requirement is reflected by Policy E2 of the PSB.

Planning balance

25. The Council can currently demonstrate a 5-year housing land supply and I consider the housing policies for Stafford Borough are up-to-date in this regard. I have found the development conflicts with the development plan in respect of the policies for the location of housing, accessibility of development, and character and appearance. However, as set out earlier in this decision, there are no relevant development plan policies in respect of self-build and custom build dwellings, therefore paragraph 11 of the Framework is engaged.
26. By providing a single dwelling that would contribute to meeting the need for self-build and custom build plot secured by a planning obligation, and providing an annex for an elderly person, I attach moderate weight to this benefit. This

would contribute to the objective of support strong, vibrant and healthy communities.

27. The development would result in a small temporary economic benefit during construction, and a small sustained benefit to the local economy through on-going spend once the dwelling is occupied. However, there would be adverse impacts from the development in respect of undermining the planned approach to the distribution of housing, undermining sustainable transport objectives and harm to the character and appearance of the area. This harm attracts significant weight, such that it significantly and demonstrably outweighs the benefits of the development when assessed against the policies in the Framework as a whole.

Other Matters

28. The proposal would result in a net increase in residential dwellings within the 0–8km zone of influence for the Cannock Chase Special Area of Conservation (CCSAC). The Council has provided me with a Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement which concludes any likely significant effects can be avoided or mitigated by financial contributions from developments of 10 or greater new dwellings from within in the 0-8km zone of payment. However, in light of my findings on the main issues above, it is not necessary to look at this matter in detail, given the proposal is unacceptable for other reasons.
29. The Highway Authority initially objected to the proposals due to the increased use of a substandard access onto Main Road. Subsequently the objection was withdrawn subject to conditions to secure access, parking, servicing and turning areas to be provided in accordance with the approved plans, were planning permission to be granted. I have noted various representations cite highway matters as grounds that the development should not be permitted, however from my observations on site and the evidence before me, I have no reason to disagree with the Highway Authority's opinion.
30. Land ownership and the provision of services have been raised by the appellant and as concerns in representations objecting to the development. Planning permission is separate from and does not override any private legal rights, for example in terms of land ownership. Whilst I note the concerns raised, there is no substantive evidence before me that would lead me to believe the appellant cannot secure adequate access and services on the site.
31. The appellant has set out various benefits of the development and compliance with various aspects of Policies N1, N8 C5, SP1 and SP7 of the PSB, including, the relationship and proximity to existing dwellings, the re-use of previously developed land, the lack of harm to heritage assets, nature conservation interests, green infrastructure, and the design of the development. However, this does not override the harm I have found above.

Conclusion

32. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, in the context of paragraph 11 of the Framework, the proposal would not represent sustainable

development and I consider that the balance of considerations is against the appeal proposal.

33. I have found the proposal to be harmful to the character and appearance of the site and wider area in conflict with SP6, SP7 and Policy E2 of the PSB. The proposal would result in harm having regard to paragraphs 8 and 78 of the Framework which seeks sustainable development through services that are accessible, using natural resources prudently and minimising pollution. For this reason, and by undermining the planned approach to the distribution of housing in the PSB, there would be conflict with Policies SP3 and SP4 of the PSB. Additionally, the proposal is contrary to SP7, Policies C5 and E2 as it has not demonstrated it cannot be accommodated within the settlement hierarchy and is not accompanied by Parish based Local Housing Needs Assessment
34. There are no considerations before me of sufficient weight to outweigh the totality of the harm arising nor the conflict with the development plan as a whole. Consequently, there is nothing that would indicate a decision other than in accordance with the development plan would be appropriate.
35. For the reasons set out above, the appeal is dismissed.

Dan Szymanski

INSPECTOR