
Appeal Decision

Site visit made on 27 August 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2019

Appeal Ref: APP/B3410/W/19/3232400

34 Barton Gate, Barton under Needwood DE13 8AG

- 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 Thomas against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/00052, dated 15 January 2019, was refused by notice dated 12 March 2019.
 - The development proposed is demolition of existing detached garage/office and erection of a single new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for housing with regard to the development strategy of the development plan, the accessibility of services and facilities and other material considerations.

Reasons

3. The appeal site is located within the settlement of Barton Gate and is accessed off the northern side of the B5016.
4. Strategic Policy SP2 of the East Staffordshire Local Plan (2015)(ESLP) identifies a 3-tiered settlement hierarchy aimed at directing development towards the most sustainable locations. Barton Gate does not have a defined settlement boundary and, therefore, falls within the tier 3 settlements category, described as 'small villages and other settlements'. ESLP Policy SP2 states tier 3 settlements are to be treated as open countryside where development will only be permitted in exceptional circumstances in line with the provisions of other ESLP policies including, amongst others, Policy SP8.
5. Policy SP8 sets out the Council's approach to development outside settlement boundaries. It states that development will not be permitted unless it meets one of nine bullet-pointed criteria. The proposal does not comply with the first eight bullet-pointed exceptions to the overall approach set out by Policy SP8. There is disagreement, however, between the Council and the appellant as to whether the proposal would meet the ninth bullet pointed criterion of 'other appropriate development in the open countryside'.

6. The Council consider that this criterion is intended as a catch-all for agricultural buildings and uses incidental to the main permitted use, whether it be agricultural or residential, and not for those proposals where the principle of the use has not yet been permitted. The appellant, however, asserts that the ninth bullet point of SP8 is positively worded and is not limited as the Council suggests, but would include proposals that, overall, represent sustainable development.
7. ESLP Policy SP1 sets out the Council's approach to sustainable development and that proposals will be assessed against the presumption in favour of sustainable development.
8. Barton under Needwood is located to the east of the appeal site and is identified as a tier 1 strategic village by Policy SP2. Barton under Needwood provides a range of facilities and services including, amongst others, public houses, shops, a village hall and schools for infant, junior and secondary age pupils.
9. A bus stop that provides access to a two-way service between Lichfield and Burton-on-Trent, including stops within Barton under Needwood, is located adjacent to the appeal site. In support of the appeal before me, the appellant's evidence indicates that the bus service is approximately hourly. Given the proximity of the site to the adjacent bus stop and the frequency of service, the local bus service would provide some limited alternative to the use of the private car to access services and facilities.
10. Appendix 4 of the appellant's statement indicates that the walk from the appeal site to the edge of the central retail area in Barton under Needwood would be approximately 15 minutes (1.3km). The journey to many facilities and services, including to the local schools (which are located at the eastern edge of the settlement), would take significantly longer.
11. The Manual For Streets (MfS) guides that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas, which residents may access comfortably on foot. The walking distances for future occupiers of the appeal site to access the nearest facilities in Barton under Needwood would be in excess of this guideline. Furthermore, whilst a formal roadside pavement links the appeal site to Barton under Needwood, it is only lit in part. These factors would significantly reduce the likelihood that car trips to local services would be replaced by walking or cycling.
12. Overall, there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. The proposal would, therefore, conflict with Policy SP1 of the ESLP which requires, amongst other things, that it is convenient and safe to walk, cycle and travel by public transport between the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities.
13. The proposal does not, therefore, represent sustainable development when assessed against the principles set out in Policy SP1. As such, even if the appellant's interpretation of the ninth bullet-pointed criterion of Policy SP8 is accepted, the proposal would not meet the criteria of Policy SP8 for development outside settlement boundaries, including otherwise appropriate development in the countryside. The proposal would not be consistent with the

development plan strategy relating to the location and supply of housing in rural areas.

Other Matters

14. The Council have drawn my attention to two dismissed appeals at 24 Barton Gate in 2013 and 2014 for the creation of a new dwelling house ¹. The Inspector in the later appeal found that, although some trips to the village would be on foot or by cycle, there would be a strong likelihood that journeys to work and larger shops would involve private motor vehicles. The appeal site is located further from Barton under Needwood than the location of the previous appeals at 24 Barton Gate. Given the passage of time, planning policy changes and the up to date evidence before me, I give these decisions limited weight.
15. The appellant has drawn my attention to a number of other planning permissions which have been granted by the Council for development in the surrounding area. I have not been provided with details of the background to those cases and cannot, therefore, be certain of the full circumstances in which they were permitted. From the limited information before me regarding the permission at 2 Barton Gate, that differed from the appeal proposal as it related to the conversion of an existing building. Notwithstanding this, I have considered the appeal on its own merits.
16. The first refusal reason refers to harm resulting from a reduction to openness. This harm is not referenced within the Council's appeal statement. It is not clear from the Council's evidence which aspect of Policy SP8 it considers the harm to openness to be contrary to. Notwithstanding this, I do not find it a matter determinative in my decision.

Overall Balance and Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise.
18. I note the appellant's reference to other appeals where an overall assessment of a proposal against the Framework, when read as a whole, is a material consideration of such magnitude that it remains capable of outweighing development plan conflict². I acknowledge that the proposal would result in some economic and social benefits, including through its construction and as a result of a slight increase in spending and patronage of facilities in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, as the proposal is for a single dwelling, the social and economic benefits identified would be limited.
19. Whilst I note a range of energy efficient design details are proposed, there would be environmental and social harm arising from the lack of sustainable transport choices available to enable future residents to conveniently access

¹ APP/B3410/A/13/2207379 & APP/B3410/A/14/2227504

² APP/A1720/W/16/3156344 & APP/A0665/A014/2226994

services and facilities. This would not promote sustainable development in rural areas or encourage the healthy lifestyles and community building supported by paragraphs 78 and 91 of the Framework.

20. Paragraph 15 of the Framework states that the planning system should be genuinely plan-led. I accept that the development plan should be taken as a whole and that one policy may pull in a different direction to another as highlighted by the Drakes Broughton appeal referred by the appellant³. I have identified that, in this case, the proposal does not accord with the key strategic policies concerned with the distribution of development across the borough and the proposal would conflict with the development plan when taken as a whole.
21. Whilst there would be limited benefits associated with the proposal, there are no material considerations of such weight, including the provisions of the Framework, to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
22. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR

³ APP/H141840/W/15/3005494