



Appeal Decision

Site visit made on 11 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/X3405/W/19/3236980

66 Hayfield Hill, Cannock Wood, Rugeley, Staffordshire WS15 4RS

- 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 John Dixon against the decision of Cannock Chase District Council.
 - The application Ref CH/18/019, dated 2 January 2018, was refused by notice dated 13 March 2019.
 - The development proposed is 3-bedroom 1.5 storey bungalow with ancillary buildings (double garage and stables).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Paragraph 177 of the National Planning Policy Framework (the Framework) states that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site. I am not aware that an appropriate assessment has been undertaken in respect of the proposal's relationship with the Cannock Chase Special Area of Conservation (SAC). I note that the Council considered that mitigation in the form of a contribution towards the cost of works on the SAC provided through the Community Infrastructure Levy (CIL) would ensure that the development would not have a significant impact on nature conservation interests. Given I am dismissing the appeal I have not explored this issue in any further detail. However, if the circumstances leading to a grant of permission had been present, I would have been required to give further consideration to the impact upon the European Site in accordance with the Habitats Regulations.

Main Issues

3. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy;
 - the effect of the proposal on the special landscape character of the Cannock Chase Area of Outstanding Natural Beauty (AONB);

- whether the proposal would provide acceptable living conditions for future occupants with particular regard to means of outlook;
- the effect of the proposal on the living conditions of the occupants of No 70 Hayfield Hill with particular regard to privacy; and
- the effect of the proposal on existing trees.

Reasons

Location

4. Policy CP1 (Strategy) of the Cannock Chase Local Plan (2014) (the LP) and the Framework confirm a presumption in favour of sustainable development. Policy CP1 also states amongst other things that suitable development in villages identified on the Policies Map will be limited to infill sites only. This approach is repeated in Policy CP6 (Housing Land) of the LP which confirms that housing proposals within a defined village settlement boundary shown on the Policies Map will be limited to small infill sites.
5. The evidence before me confirms that the site is within the settlement boundary. The development would be positioned a substantial distance back from the ribbon development to this section of Hayfield Hill. Whilst the dwelling to the rear of No 74 Hayfield Hill has a backland position, the appeal site shares boundaries with paddock land and sits beyond the vast majority of neighbouring residential curtilages.
6. I agree with the Council that the site does not have the attributes of a logical infill site which more often consists of the infilling of small gap within a built-up frontage. The position of the site next to Covert Lane and the example to the rear of No 74 do not persuade me otherwise. Development of the appeal site would not be consistent with the predominant layout of the settlement pattern to this part of Cannock Wood and a new dwelling in this position would not promote a sustainable approach to development.
7. To conclude, the development would not constitute infill development nor accord with sustainable development principles. Consequently, in that regard, the proposal would conflict with Policies CP1 and CP6 of the LP and the Framework.

Special Landscape Character

8. The appeal site is located within the Cannock Chase AONB and as such the site forms part of a landscape recognised for its scenic beauty. Paragraph 172 of the Framework states amongst other things that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited.
9. Existing dwellings to this part of Hayfield Hill predominantly consist of a mix of single storey and two-storey dwellings laid out in ribbon form. Land beyond the residential curtilages where the appeal site is situated includes paddocks, fields and woodland within a gently undulating rural landscape. With the exception of the dwelling to the rear of No 74, the pattern of development here generally retains dwellings towards the boundary with Hayfield Hill, thereby minimising the incursion of residential buildings further into the AONB.

10. The appeal site is a grassed paddock situated to the rear of the ribbon development on Hayfield Hill. It would be accessed by Covert Lane which is currently a grassed track. Boundary treatments include post and rail fencing to Covert Lane and to the boundary with the fields to the west. The site is presently occupied by a stable block, a shed, a store building and several trees. Consequently, the site currently displays an open and rural character, consistent with the prevailing character of the area and complementing the special landscape qualities of the AONB.
11. The residential curtilage of the dwelling would be visually distinct from the curtilages serving No 66 and No 68 Hayfield Hill with the land subdivided to provide an intervening paddock between the rear boundaries of these properties and the appeal site. The dwelling would have a footprint comparable with the footprint of dwellings fronting the main road and incorporate tall gable sided roof slopes with dormer windows at first floor level. A substantial double garage would also be provided.
12. The design and layout of the proposal would appear at odds with the generally linear layout of dwellings to this part of Hayfield Hill and the undeveloped and soft landscaped character to the rear of these properties. Even accounting for neighbouring land levels and additional planting that could take place, the development would be appreciable within the landscape from neighbouring dwellings and from Public Footpath No 5 Cannock Wood Parish, which runs along Covert Lane and continues into the adjoining field. Indeed, the appellant's submission confirms that the existing stable building would also be removed to allow for an unobstructed vista. These factors would combine to increase the presence of domestic built form and associated paraphernalia to the rear of existing dwellings and would have an urbanising effect on the AONB. For these reasons, the proposal would not be well-related to existing buildings and their surroundings and would not protect, conserve or enhance the landscape, scenic beauty and character of the AONB.
13. My attention has been drawn to farm and equestrian buildings within the AONB. However, such buildings are synonymous within a rural landscape and I do not find these comparisons persuasive in respect of the residential development before me.
14. To conclude, the proposal would have a harmful effect on the special landscape character of the Cannock Chase AONB. Consequently, in that regard, the development would be contrary to Policies CP3 (Chase Shaping - Design) and CP14 (Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)) of the LP. The proposal would also conflict with paragraph 127 of the Framework which amongst other things states that development should add to the overall quality of an area and be sympathetic to local character including the surrounding landscape setting.

Living conditions for potential occupants of the proposed dwelling and for the occupants of No 70 Hayfield Hill

15. The rear elevation of the dwelling would sit in close proximity to the boundary with the neighbouring paddock which sits to the rear of the residential curtilage serving No 70 Hayfield Hill. Ground floor windows serving a master bedroom, a laundry / utility room and secondary windows serving a living area would face towards this boundary. A timber panelled fence is currently positioned along this boundary.

16. Garden area sizes in the Cannock Chase Council Design Supplementary Planning Document (SPD) are minimum recommended sizes and do not specifically relate to rear gardens. Given the overall extent of private garden area that would be provided, I do not consider the depth of the garden between the rear elevation of the dwelling and the boundary with No 70 conflicts with the SPD. The nearest window serving the laundry / utility would not serve a main habitable room. There would be a further window serving the living area on the west facing elevation. I also note the master bedroom window would be set away from the boundary. Overall, I am satisfied that the position of these windows relative to the boundary would provide for an acceptable means of outlook for future occupiers.
17. The proposed first floor dormer window facing the boundary with No 70 would be one of two windows serving a bedroom. I noted on my site visit that the land the window would overlook is laid out as a paddock with a stable building. The rear boundary of the garden serving No 70 is set further away from the position of the proposed dwelling. Given the angle from the window and intervening distances involved, the first-floor window would not afford substantially greater views of the private garden area serving No 70 than could already be achieved from neighbouring dwellings on Hayfield Hill. On this basis, the development would not result in any material loss of privacy for occupants of this neighbouring dwelling.
18. Taking the above factors into account, the development would therefore provide acceptable living conditions for future occupants and would retain acceptable living conditions for the occupants of No 70. Consequently, in that particular regard the development would not conflict with Policy CP3 of the LP, the SPD or Paragraph 127 of the Framework.

The effect on existing trees.

19. The site benefits from several mature trees which complement the soft landscaped surroundings of the AONB. An Arboricultural Report and Impact Assessment has been provided. It was clear on my site visit that some birch trees, towards the boundary with No 70, would need to be felled to facilitate the development and this corresponds with the annotation on the proposed layout plan. The Report confirms that there would be opportunities for supplementary planting to remediate these losses.
20. The proposals indicate that the majority of trees towards the northern boundary of the site and along Covert Lane would be retained. I note the Council's reasonable concern that the intensive use of the track by heavy goods vehicles during the construction period would necessitate the hard surfacing of Covert Lane and this could potentially impact on the root structure of existing trees. The appellant has put forward suggested mitigation measures including tree protection fencing, a no dig driveway as well as the ground protection measures that could be put in place. Furthermore, the appellant proposes that a JCB type vehicle would be used to remove the top layer of soil in the paddock and that heavy deliveries would be left at the top of the Lane and moved onto the development site using a JCB or telehandler.
21. However, the details provided do not set out a detailed design or methodology for construction of the access road. This is acknowledged in the Arboricultural Report which suggests that detailed design could be dealt with by condition. Storage areas for the unloading of materials are not shown and it is unclear

how practical development of the site would be without a full methodology and schedule of works to facilitate access. The appellant also suggests an existing foul sewer in the garden of No 66 could be utilised to serve the dwelling. However, precise details of the location and connection to underground infrastructure including sewers has not been provided. A full understanding of the effectiveness of tree protection measures cannot be ascertained without the provision of these details before planning permission is granted.

22. Given the above, it has not been demonstrated that the proposed methods would be effective in retaining the identified trees. The loss of trees would compound the harm already identified to the special landscape character of the AONB. The development would conflict with Paragraph 170 of the Framework which states amongst other things that decisions should contribute to and enhance the natural environment.

Other Matters

23. Whether or not landowners in the area were previously approached by the Council in respect of offering up land for potential future development is not a matter which overrides the need for the proposal to be assessed against the policies of the development plan.
24. The information before me indicates that the dwelling would be occupied by the appellant and his wife who would like to stay living in the area and have a desire for a dwelling to meet their future needs. However, I am not persuaded by the evidence before me that this personal need should override the harm that I have identified, nor that development of the appeal site is the only way that suitable accommodation could be acquired.
25. My attention has been drawn to the time taken for the Council to deal with the planning application. Matters relating to the processing of the planning application are not factors which would be determinative in my assessment of the appeal.

Conclusion

26. I have concluded that the development would provide acceptable living conditions for future occupants and neighbouring occupiers. However, the development would not be in a suitable location having regard to local and national policy. It would not conserve or enhance the landscape and scenic beauty of the AONB, a matter to which I must attach great weight. The full extent of impact on existing trees is unknown. These represent significant and overriding issues which would be decisive in this case.
27. The proposal would conflict with the development plan as a whole and would not amount to sustainable development. There are no other considerations, including the policies in the Framework that would outweigh this conflict. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR