



Appeal Decision

Site visit made on 6 January 2020

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/Y3425/C/19/3233762

The land at Former Bird in Hand Car Park, Cresswell Road, Hilderstone, Stafford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Dawn Banner against an enforcement notice issued by Stafford Borough Council.
 - The enforcement notice was issued on 20 June 2019.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a three bay carport, in the approximate position marked with a cross on the attached plan.
 - The requirements of the notice are:
 - (i) Remove the building
 - (ii) Remove from the land all building materials and rubble arising from compliance with the first requirement above, and restore the land to its condition before the breach took place..
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background

2. Application 18/28990/FUL for the retention of three bay carport to provide covered parking for vehicles, to reduce impact visually of neighbouring metal sheds and containers, provide roosting for bats was refused by the Council on 4 October 2018.

Ground (a)

Main Issues

3. The site falls within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the Framework and development plan policy; and
 - Its effect on openness and the purposes of including land within it; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether inappropriate Development in the Green Belt

4. The National Planning Policy Framework (the 'Framework')(2019) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. Policy E2 of The Plan for Stafford Borough (PSB) 2011-2031¹ sets out that within (the Green Belt) development is controlled in accordance with national guidance.
5. The appeal site is located in a prominent location on the corner of the junction with Cresswell Road and Moss Lane. Although there are other buildings in the vicinity of the car port, the area generally has a rural character typified by open fields bound by mature hedgerows.
6. The car port is an open fronted, single storey structure, constructed of timber with a slate style roof. It is not disputed that the land can be used for the parking of vehicles, which is permitted under planning permission reference 09/11677/FUL. However, whilst the carport has been erected wholly within the designated parking spaces, the permission only permits open parking.
7. The appellant has not alleged that the car port would fall under any of the exceptions set out within paragraph 145 of the Framework and in the absence of evidence to the contrary, I concur with the Council's conclusion that the car port comprises inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and would therefore conflict with Policy E2 of the PSB and with the Framework.

Openness

8. A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open. The car port occupies a prominent position which is clearly visible from the public highway. In spatial terms, the building occupies a space which was previously free of structures and as such I consider that the car port results in a loss of openness which, given its prominent location, harms the Green Belt and conflicts with the purposes of including land within it, contrary to the relevant expectations of the Framework.

Whether Very Special Circumstances Exist

9. The appellant asserts that the car port has been erected to protect vehicles from damage caused by from other vehicles travelling along the road and to deter thieves. However, I have no substantive evidence that the vehicles would be subject to theft if they were parked outside, nor am I persuaded that this is the only means of protecting the appellant's vehicles from dust and dirt. The use of vehicle covers, for example, could help protect vehicles which are parked close to the highway.
10. The appellant has drawn my attention to other structures in the vicinity of the appeal building, as well as a site at Beech Tree Byrne, Moss Lane, where it is alleged planning permission was granted for a similar building. Whilst I acknowledge that there are other buildings in the vicinity of the appeal

¹ Adopted 2014

building, I have no substantive details of the examples cited and cannot be sure they are comparable to the appeal before me. Furthermore, I must consider the appeal on its own merits.

11. The appellant asserts that neighbours and Councillors have commented that the car port has tidied up the area and restricts views of other containers and sheds. However, the Council has other powers to control untidy land and as such I give very limited weight to any benefits in this regard.

Other Matters

12. The appellant has drawn my attention to matters relating to the Council's processing of the application, including an allegation that a Councillor has a conflict of interest. However, in determining the ground (a) appeal I can only have regard to the planning merits of the case, so am unable to give any weight to this particular concern.

Conclusion

13. The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The proposal is inappropriate development in the terms set out in the Framework and has led to a limited loss of openness to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
15. The protection of vehicles from theft and risk of damage from the highway does not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist, and the proposal conflicts with Policy E2 of the Local Plan and the Framework.
16. Thus, for the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

M Savage

INSPECTOR