



Appeal Decision

Site visit made on 1 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/B3410/W/20/3254045

Bents Cottage, Lane from Hothill Lane to Field Lane, The Bents, Withington ST10 4QD

- 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 & Mrs Boughey against the decision of East Staffordshire Borough Council.
 - The application Ref P/2020/00228, dated 27 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is the use of former annexe as a separate dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not the proposal provides a suitable location for new housing; and, the effect of the proposed development on:
 - the living conditions of prospective occupiers with particular regard to the provision of outdoor amenity space; and,
 - highway safety in the locality.

Reasons

Locations for housing

3. The site is located within a small cluster of residential and farming development about a narrow rural lane within open rolling countryside. The site consists of a two-storey annex building containing a garage and living accommodation and a small hardstanding which physically separates it from Bents Cottage.
4. Strategic Policy 1 of the East Staffordshire Local Plan (October 2015) (LP) is a criteria-based policy setting out the Council's approach to locating development in sustainable locations. This includes provisions for the re-use of existing buildings where practicable and desirable in terms of the contribution that buildings make to their setting and where 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.
5. Strategic Policy 8 of the LP, relating to development outside settlement areas, allows for the appropriate re-use of rural buildings subject to the guidance set out in the Council's Rural Buildings Supplementary Planning Document

(September 2010) (SPD). Although the SPD pre-dates the National Planning Policy Framework (the Framework) and refers to policies in a former Local Plan, Strategic Policy 8, including its explicit reference to the more prescriptive SPD, were found to be consistent with the 2012 version of the Framework on adoption of the LP in 2015.

6. The revised Framework (2019) in relation to rural housing substantially reflects the policy contained in the earlier version. A notable amendment is in relation to the subdivision of an existing residential dwelling. However, consistent with the approach in *Wiltshire Council v SSHCLG & Mr W. Howse* [2020] EWHC 954 (Admin), this provision does not apply to a separate annex. As such Strategic Policy 8 remains up-to-date and consistent with the Framework in respect of limiting new housing in the countryside.
7. For the re-use of redundant modern rural buildings, the SPD requires both evidence of a former agricultural use and efforts to secure other uses, including commercial, leisure, tourism or community uses before consideration of a use for residential purposes. As a domestic outbuilding, the building fails to meet the initial limiting criteria. Furthermore, there is little within the appellant's evidence to detail or demonstrate the extent of any efforts to secure other uses ahead of the independent residential use proposed.
8. The location of the site is within a small group of properties with little of the convenience facilities, services, or employment opportunities that remove the pressure to travel to other settlement areas for day-to-day living needs. The locality is served by narrow derestricted lanes that are substantially devoid of footways or lighting. Therefore, whilst residents of the development may sustain services elsewhere, in the absence of easy access to public transport, the main parties agree that this would require trips which would be most easily facilitated by use of private transport. Although the number of trips would be small on account of the limited extent of accommodation, the proposed use would fail to reduce carbon emissions or the negative effects of climate change.
9. The level of traffic generation might be comparable to other converted rural buildings, however, this modern domestic building does not provide the benefit of preserving a traditional agricultural building where its inherent historic value and contribution to local distinctiveness and landscape character give weight to the building's conversion.
10. For the reasons given, I find that the proposal would fail to provide a suitable location for new housing. It would therefore conflict with Strategic Policies 1 and 8 of the LP, the SPD and the Framework as they seek to prioritise the re-use of rural buildings to support the rural economy and restrict housing development outside settlement areas to that meeting an identified local need.

Living Conditions

11. Due to the small scale of the site and resultant close proximity of the boundaries on three sides of the building, the opportunities to provide private amenity space at the site are severely limited. The necessity to provide sufficient parking and manoeuvring space to facilitate use of the garage would leave limited space available for usable private areas. Although space could be made for sitting out and clothes drying, this would not achieve the standard of privacy typical of the locality.

12. The substantial absence of available outdoor private amenity space at the site would provide a poor standard of accommodation. This would conflict with the requirements of Detailed Policies 1 and 3 of the LP and the East Staffordshire Borough Council Separation Distances and Amenity SPD (Oct 2019) as they seek to provide commensurate garden spaces which allow outdoor domestic activities to be undertaken in reasonable privacy and reflect provision locally.

Highway Safety

13. The site would provide two off-road vehicle spaces on the hardstanding area sufficient for the proposed occupation of the annex. However, this would limit the off-street parking currently available to serve Bents Cottage.
14. An additional driveway is present at the western end of the garden to Bents Cottage. This would not be of sufficient length to accommodate the two vehicle spaces claimed by the appellant. However, additional parking space, accessible from the existing western driveway could be provided within the grounds of the cottage. In accordance with Paragraphs 54 and 55 of the Framework, this could be secured through planning condition to make the development acceptable in highway safety terms.
15. For the above reasons, I find that the site is capable of providing sufficient parking in accordance with Strategic Policies 1 and 35 of the LP and the Staffordshire Borough Council Parking Standards Supplementary Planning Document (Oct 2017) as they seek to secure sufficient levels of parking and avoid highway safety issues arising from new development.

Other Matters

16. In support of the appeal, the appellant states the building would be underutilised if it were to remain empty. However, there is little evidence as to why this would occur as the building would be capable of serving other uses or its original intended purpose as a garage and ancillary accommodation.
17. The development would not have an adverse impact on neighbouring land uses or adversely affect the character and appearance of the locality, it could be developed without loss of agricultural land or harm to bats. As requirements of the LP, these matters do not constitute benefits in favour of the development.
18. The proposal would contribute to housing in the Borough and could be enhanced through a greening of the site. Nevertheless, whilst I have found in favour of the appellant in respect of highway safety, these matters do not outweigh the harm identified in relation to the Council's policies for rural housing constraint and delivery of high standards of living conditions for occupiers.

Conclusion

19. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR