



Appeal Decision

Site Visit made on 15 December 2020

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/Y3425/W/20/3258727

Land at Penfold Farm, Trentham Road, Stoke-on-Trent ST3 3DS

- 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 and Mrs Hill against the decision of Stafford Borough Council.
 - The application Ref 19/31683/FUL, dated 23 December 2019, was refused by notice dated 3 March 2020.
 - The development proposed is a new two storey dwelling.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The proposed development follows an earlier grant of planning permission for "the conversion of the redundant timber barn to one use class C3 residential dwellinghouse and use of the concrete block buildings as ancillary storage and undercover car parking"¹ ('the conversion scheme'). The conversion scheme was commenced, and conditions discharged² by the appellant, but not completed as the building to be converted was demolished. The effect of this means that the conversion scheme can no longer be implemented in accordance with the approved plans.
3. Instead a steel portal frame has been erected on site roughly in the same place as the building that formed the conversion scheme. Works have ceased on site pending the outcome of the appeal and a considerable amount of work remains. I have considered the appeal scheme on this basis.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The proposal's effect on the purposes of the Green Belt;
 - Whether future occupants of the proposal would have acceptable living conditions, with regards to privacy, outlook and sun and daylight; 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 required to justify the proposal.

¹ Council Ref: 18/29447/FUL

² Council Ref: 19/31379/DCON

Reasons

Whether inappropriate development

5. Policy SP3 of The Plan for Stafford Borough 2011 – 2031 (PSB) explains that the majority of future development will be delivered through the Sustainable Settlement Hierarchy. The appeal site lies within the Green Belt outside of the areas identified in the Hierarchy. Although new development in such areas are still envisaged, PSB Policies SP7 and E2 state that development in the Green Belt will only be supported where it is consistent with national policies for the control of development. Residential development outside of the Settlement Hierarchy also need to meet the criteria set out in PSB Policy C5.
6. The appeal site lies to the side of an existing two-storey detached dwelling at Penfold Farm which fronts Trentham Road. The property once operated as a farm many years ago. A series of single storey outbuildings line the site's eastern boundary, while brick built single storey outbuildings form the appeal site's western boundary. Low boundary treatments extend around the perimeter of the site to the south and east. These allow views out towards open fields. A stone rubble wall and planting form the site's northern boundary with the road.
7. A mix of detached and semi-detached dwellings lie on the opposite side of the road. A public house is to the south-west of the site on the same side of the road as Penfold Farm. A field extends up to the road between the two pockets of development, but this is not an isolated location.
8. I agree with the appellants that as there is no building currently existing on the site, Framework paragraph 145 d) cannot apply.
9. Nevertheless, if I were to consider the appeal site to be previously developed land, the proposal would introduce a dwelling of a fair size onto the land. While this may be sited where the former building once stood, and have a smaller footprint, this building has now been demolished. That said, the proposed dwelling would be read in amongst the existing dwelling, a series of outbuildings and within a well-defined plot. The site's ground levels would help reduce the proposal's visual effect on the openness of the Green Belt, but they would not prevent a limited loss of openness from occurring compared to the existing development. As a result of this greater impact on the openness of the Green Belt, the first limb of Framework exception g) is not met.
10. Insofar as the second limb of Framework paragraph 145 g), I do not agree that PSB Policy C5 should carry a reduced weight. The PSB has been through examination and it is the role of development plan policies to set out how development should come forward locally. Furthermore, the Framework refers to an 'identified affordable housing need within the area of the local planning authority'. This is the very thing that PSB Policy CS5 seeks to address.
11. But even if I were to apply the appellants logic, this does not mean that this policy carries no weight at all. Nor would it change the proposal's conflict with PSB Policy CS5 as there is no local housing needs assessment or substantive evidence to indicate that a single dwelling could not be accommodated within the Settlement Hierarchy. While the site maybe close to Stoke-on-Trent, the proposed market dwelling would not address an identified affordable housing need within the area of the local planning authority. Hence, the proposal would not accord with PSB Policy CS5 and Framework paragraph 145 g).
12. I conclude, on this issue, that the proposal would be inappropriate development in the Green Belt and conflict would arise with PSB Policies SP7, E2 and CS5

together with Framework paragraph 145. I attach this harm substantial weight in accordance with Framework paragraph 144.

Purposes

13. I consider that the proposed development would not conflict with any of the purposes of including land in the Green Belt as the development would take place within a well-defined plot adjacent to a road and an existing dwelling. Thus, the proposal would accord with Framework paragraph 134.

Living conditions

14. The kitchen window proposed in the flank elevation of the new dwelling would face out onto an existing brick outbuilding and wall that would form a new party boundary with the existing dwelling at Penfold Farm. The intervening distance would fall short of the minimum distance of 8 metres set out in the Council's Design Supplementary Planning Document 2018 (SPD) for when a principal window faces part of a single storey structure.
15. Be as that may the aim behind the minimum distance is so that occupants enjoy a degree of privacy. This would be achieved through the retention of the existing outbuilding. But, even if they were removed at a later date, then the distance to Penfold Farm would not be direct and likely to be in excess of the distance set out in the SPD. Furthermore, given the scale and massing of the outbuilding and the southerly orientation of the kitchen window, along with the other kitchen openings, I consider that future occupants of the dwelling would have acceptable living conditions in terms of outlook, sun and daylight.
16. I note the comparisons drawn by the main parties to the conversion scheme, but these do not alter my conclusion on this issue that the proposal would accord with PSB Policy N1(e) which requires the design and layout of development to take account of the amenity of adjacent residential areas or operations of existing activities.

Other considerations

17. The background to this case indicates that the former building was demolished against the appellants instructions. There is no evidence to suggest otherwise, and while I have empathy for the distress and concern that this action has and is causing the appellants, I must base my decision on the circumstances as I find them in accordance with the development plan, unless material considerations indicate otherwise. As a result, while the proposed dwelling is part of the appellants retirement plan, there does not appear to be any indication that they would not be able to continue to live at Penfold Farm.
18. Although the site lies in the Green Belt and outside of the Sustainable Settlement Hierarchy, any future occupants would be able to access a good range of facilities and services nearby including public transport links and employment opportunities. The proposal would also not conflict with Policies H1 and H2 of the Barlaston Neighbourhood Development Plan 2019-2031 as these policies guide developments within the Settlement Boundary of Barlaston which the appeal site is not within. These matters carry neutral weight.
19. As the proposal would be inappropriate development, the appellant has advanced a fallback position centred on their ability to erect any buildings for a purpose incidental to the enjoyment of a dwellinghouse. The evidence before me sets out how the use of the land has evolved over time. I note that the suggested residential use of the appeal site has not been formally established

through an application. It is not my role in determining a planning application to reach a view on a lawful use. While going through this process is not a requirement, it does reduce the certainty around the starting point for the assessment of the fallback position advanced.

20. But, if I were to proceed based on that the appellants stance being correct, and that there is a greater than theoretical possibility of the fallback position being carried out, a substantially sized building could be erected under Class E. The eaves and ridge height of a building under Class E would be lower than the proposed dwelling though a building under Class E could potentially have a larger footprint. Comparing the two, the fallback position would be likely to have a similar impact on the purposes of the Green Belt. However, if a building under Class E were to extend towards the rear of the site, this is likely to have a greater effect on the openness of the Green Belt given that it has a more open character unlike the land on which the appeal site would sit which lies between existing single storey outbuildings.
21. However, both the proposal and the fallback position could both be physically carried out, and there would be nothing to prevent permitted development rights being exercised before the appeal scheme were implemented if I were to allow the appeal. In this situation the fallback position is negated. Accordingly, I attach the fallback position very little weight.
22. The proposal would result in economic and social benefits from the delivery of a family-sized dwelling near to facilities and services. Construction jobs and spending in the supply chain and from future occupants would also arise. These matters carry limited positive weight. The proposed dwelling would be of a good design and appropriate for the site's context. As this is an underlying desire of national and local planning policy, this matter carries a neutral weight.

Conclusion

23. The appeal scheme would be inappropriate development in the Green Belt. I attach this harm substantial weight. Although no conflict with occur in respect of the purposes or living conditions, these matters carry neutral weight.
24. I have considered matters put before me in favour of the scheme by the appellants, but these matters do not clearly outweigh the harm to the Green Belt that I have identified. It follows that the very special circumstances necessary to justify the development do not exist.
25. For the reasons set out above, I conclude that the appeal is dismissed.

Mr Andrew McGlone

INSPECTOR