



Appeal Decision

Site Visit made on 25 May 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/Y3425/W/21/3266638

Land at Dell Close Trinity Fields, Stafford, ST16 1RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Russell Hansen against the decision of Stafford Borough Council.
 - The application Ref 20/32775/OUT, dated 25 July 2020, was refused by notice dated 4 December 2020.
 - The development proposed is described as outline planning permission for 2x new dwellings two story high.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The submitted plans indicate the position of the proposed dwellings and designated parking spaces. I have taken the indications into account. However, as the appellant has applied for outline planning permission with all matters reserved (ie access, scale, layout, appearance, and landscaping) I have taken such indications to be illustrative; the proposal is simply for 2 dwellings, two-storeys high. I have made my decision on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including its effect on protected trees.

Reasons

4. The appeal site consists of a section of open space between Dell Close and Crab Lane, located within a residential estate. The wider residential area comprises several open space areas, some formally designated as play/recreation areas, and many that are not. I consider each of them, however, to make a positive contribution to the character and appearance of the housing estate. Some provide sport and recreation opportunities; others provide relief between the mass of built form, as well as providing green, spacious, open areas for residents and visitors to enjoy in other ways. The benefits of green, open spaces and trees to health and well-being are well documented.
5. The open space which the appeal site forms part of is one of the larger open space areas within the strip of the estate located towards its north-western boundary. The space is essentially a mown grassed area with 7 or 8 mature

trees, of very good quality, sited within it, which I understand to be protected by Tree Preservation Orders. There are footpaths around its perimeter, and one that cuts through it diagonally, providing pedestrian links between Dell Close and Crab Lane.

6. The proposal consists of erecting two, two-storey dwellings with associated gardens within the central section of the open space adjacent to Crab Lane. Associated car parking spaces are shown to be potentially located where there is currently a small area of incidental open space on Dell Close.
7. I consider the proposed dwellings and associated gardens would erode an open space that currently makes a significant, positive contribution to the character and appearance of the area. The proposal would divide up the green space and partially fill the existing spacious gap between the properties either side of the land on Crab Lane and Dell Close. At present, people visually enjoy an uninterrupted, open, grassed area with high quality mature trees set within it. The green space is experienced whilst passing it, or passing through it, along/between Crab Lane and Dell Close, and/or whilst sitting on the benches sited at the edge of its southern boundary on Dell Close (although I accept one of these was damaged at the time of my site visit).
8. The appellant points out that the land is privately owned. Although this is the case, I note that in general the courts have concluded that planning is concerned with land use in the public interest, rather than the protection of purely private interests. I have reached my decision based on this principle.
9. The appellant also points out that the site is not listed, has never been nominated as an asset of community value and use of the space for sports is prohibited. Although I appreciate these points, neither of them means that the space cannot be appreciated, enjoyed, and valued for other reasons, or that the space does not contribute positively to the character and appearance of the area.
10. The appellant is of the view that the area of land was not designed as a formal open/amenity/recreation space when the estate was developed; it is suggested this has evolved by virtue of circumstance rather than design. However, regardless of how the space has come to be there, the fact is that it exists.
11. The appellant contends that most of the open space would be retained, that none of the trees would be affected and that all of them would still be visible following the development. As such, it is asserted that the retained space and trees would still be available for the public to enjoy; furthermore, to ensure that the remaining space is retained as open space in the future, the appellant has suggested that ownership of these areas could be transferred to the Council.
12. I accept that areas of open space would be retained. I also accept that it may be possible, technically, to construct the dwellings using specific techniques and materials so that the tree routes are not significantly damaged, and all existing trees are retained. However, I do not have the substantive evidence before me that clearly demonstrates that this could be achieved. Even if this can be achieved, due to the size of the trees and their proximity to the proposed dwellings (regardless of where they are sited), it is possible that future occupants of the dwellings would seek to have the trees removed or seriously pruned due to them, for example, blocking light or preventing full

enjoyment of garden areas. However, more importantly, I consider the sub-division of the space, the introduction of built form within its central area and the loss of space around the trees, would not provide the quality of open, green space that currently exists. I appreciate that all homes in the area have private, outdoor amenity space; and, as noted above, that there are other areas of outdoor space within the wider residential area. However, I do not consider these factors justify the harm that would result from the proposal in respect of eroding the existing quality of the open space and the detrimental effect this would have on the character and appearance of the area.

13. I note the points outlined by the appellant in respect of the proposal adhering in some respects to various local planning policies. However, due to the significant harm to the character and appearance of the area I have found, on the whole, I consider the proposal does not accord with policies SP7, C7, N1 and N4 of The Plan for Stafford Borough:2011-2031, (2014), guidance in the Design Supplementary Planning Document (2018), or paragraph 127 of the National Planning Policy Framework. Collectively, and among other things, these policies require new development to be sympathetic to, take account of and preserve, enhance and reinforce the character of the area and not to adversely affect it, including its open spaces; to protect green infrastructure; and to add to the overall quality of the area, to create places that promote health and well-being.

Conclusion

14. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR