



Appeal Decision

Site Visit made on 9 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/Y3425/W/21/3275446

Downside, Garshall Green Lane, Garshall Green, Stafford ST18 0EP

- 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 A Williams against the decision of Stafford Borough Council.
 - The application Ref 21/33783/FUL, dated 29 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

3. The main issue is whether the proposed development would be consistent with local policies relating to the location of new housing development.

Reasons

4. The appeal site comprises a residential caravan sited within a largely open plot located in the hamlet of Garshall Green. The settlement includes a number of dwellings either side of the lane all of differing designs and forms. Garshall Green is located within and surrounded by open countryside and is not classed as a settlement in the Sustainable Settlement Hierarchy (SSH). The site is located within 15km of the Cannock Chase Special Area of Conservation.
5. The Plan for Stafford Borough (2014) (PSB) Spatial Principle 3 sets out the spatial strategy for the borough and indicates that the majority of future development will be directed through the SSH to the towns of Stafford and Stone and Key Service Villages.
6. For areas outside these settlements PSB Policy C5, at criterion A, set out that proposals will be required to demonstrate that housing cannot be accommodated within the SSH; proposals will need to meet a need as identified by a Parish based Local Housing Needs Assessment and is of high-quality design that reflects the setting, form and character of the locality and surrounding landscape. The policy states that all criteria must be met.

7. I have not been provided with any evidence that the proposed dwelling could not reasonably be located within a settlement outlined in Spatial Principle 3 or that there is an identified local need.
8. The existing caravan has a temporary low-key appearance and occupies a small area of the site with the land around it largely free from development. The proposed development would, in contrast, introduce considerable built form resulting from the scale of the dwelling and an extensive amount of hardstanding in the form of the driveway and parking area.
9. The dwelling, associated infrastructure and domestic paraphernalia would be dispersed over a greater area of the site. This urbanisation of the site and encroachment into countryside would adversely harm the character and appearance of the area which is largely undeveloped. Consequently, the proposed development conflicts with PSB Policy C5(A).
10. Whilst the proposed development would not be isolated, it would be located within open countryside and is not well connected to the nearest Key Service Village. Future occupiers would be overwhelmingly reliant on private vehicles to access services and facilities to meet their day-to-day needs. There are no realistic alternative modes of transport or footpaths that would be available for future occupiers.
11. In terms of a fallback position, I note that a Certificate of Lawful Development¹ has been issued that establishes the siting of a residential caravan on site for more than 40 years and for its replacement with a twin caravan, as defined by the Caravan Sites Act 1968 (the Act).
12. I acknowledge that the appellant has purchased the plot with a view to safeguard their investment and that a residential caravan has been on the site for a significant period of time. However, the floor area and the scale of the dwelling would be substantially larger than the existing caravan or the replacement one, where its size is limited by the Act. The proposed development would have a greater impact on the character and appearance of the area, resulting from its size and the urbanisation of the site compared to the existing or replacement caravan.
13. Despite the appellant's comments, I have not been provided with any substantive evidence that the land immediately around the caravan could be used for domestic purposes similar to a residential garden associated with a dwelling.
14. Consequently, in my judgement a legitimate fallback position does not exist that would outweigh my findings in respect of the conflict with the development plan.
15. As such, the proposed development would be contrary to Spatial Principles 3 and 7 and Policy C5(A) of the PSB which, amongst other things, seek to direct new housing to sustainable settlements through the sustainable settlement hierarchy unless it can be demonstrated that it cannot be accommodated within it or that there is an identified local need.

¹ Application Reference 18/28838/LDCP

Other Matters

16. I accept that the proposal would add to the general availability of housing in the Borough. However, I have not been made aware of any pressing housing need that would justify a different overall conclusion that the appeal should be dismissed.
17. I acknowledge that the proposed development would incorporate green technology and biodiversity improvements. I also note that it is unlikely to significantly increase vehicle movements. However, these individually or cumulatively would not outweigh the harm that I have identified.
18. The appellant has drawn my attention to paragraphs in the Framework that promote high quality, innovative and sustainable design. I acknowledge the Framework is a consideration in planning decisions. However, in this particular case, it is not justification to allow inappropriate development.

Conclusion

19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR