



Appeal Decision

Site visit made on 11 January 2022

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/C3430/W/21/3283085

Land at Beech Farm, Feiashill Road, Trysull, Staffordshire WV5 7HT.

- 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 M Morgan against the decision of South Staffordshire District Council.
 - The application Ref 21/00676/FUL, dated 17 June 2021, was refused by notice dated 18 August 2021.
 - The development proposed is full application for the proposed development of a single detached dwelling on land at Feiashill Road, Trysull.
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Decision

1. The appeal is allowed and planning permission is granted for the development of a single detached dwelling on land at Feiashill Road, Trysull at Land at Beech Farm, Feiashill Road, Trysull, Staffordshire WV5 7HT in accordance with the terms of the application Ref 21/00676/FUL, dated 17 June 2021, subject to the conditions on the attached schedule.

Procedural matter

2. The address has been taken from the Council's decision notice as this more accurately describes the location of the appeal site.

Main Issues

3. These are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (the Framework) and any relevant development plan policies, and;
 - the relationship of the development to the development strategy for the area.

Reasons

Inappropriate development

4. Whilst I have no evidence of a settlement boundary before me, the main parties agree that the appeal site is outside a recognised settlement as defined by policy. In the absence of any evidence pertaining to a settlement boundary, I concur with this view.

5. Nevertheless, the parties dispute whether the appeal site can be considered to lie within a village. The Council suggests that development within a village is defined as being 'within the boundaries of a recognised settlement' based on the interpretation of village in appeal decisions, though I have no evidence of these decisions and their interpretations. Given the absence of any evidence regarding boundaries and recognised settlements, it appears, on the basis of the Council's interpretations, that the development proposed would be outside a village.
6. However, the appellant has provided the Oxford English Dictionary definition of a 'village' which is stated as 'a group of houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area.' The appellant states that there is a footpath adjacent to the site which leads to the village, which implies that the site is outside the village. Evidence of a public house, primary school, church and village hall seen on my site visit suggest that the village is, indeed, some distance from the appeal site. The Council's view of the appeal site being 1km from the village of Trysull supports this view.
7. Nonetheless, at different points of entry into the village there are signs welcoming the visitor to the village. There is one welcome sign south of the appeal site. When travelling north along Feiashill Road, the visitor passes through open countryside. Buildings appear around the point of the welcome sign, and further along, are 30mph speed limit signs. At this point the chicane in the road and a prevalence of housing has the distinctive feel of a village, rather than open countryside. The appeal site is yet further along, amongst houses. In light of this, and using the general interpretation of the term village, it is my view that the appeal site lies within the village of Trysull.
8. Exception e) of Paragraph 149 of the Framework allows development in the Green Belt if it would constitute limited infilling in villages. The appeal site constitutes a gap between two houses which to my mind, constitutes infill. The proposed development, being for one dwelling, would fall within the category of limited. And as I have found the appeal site to be within the village of Trysull, the development would meet exception e) of Paragraph 149 and therefore would not be inappropriate development
9. Policy GB1 of the Core Strategy Development Plan Document (2012) (DPD), and the Green Belt and Open Countryside Supplementary Planning Document 2014 (SPD), make exceptions for limited infill in the Green Belt only where the development does not have a greater impact on the openness of the Green Belt and the purposes of including land within it.
10. As the proposed dwelling would be constructed on a site which is currently free from built development, the proposal would result in both a spatial and visual reduction in the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt and would be contrary to the purpose of safeguarding the countryside from encroachment. However, the Local Plan predates the Framework by several years and in this regard is inconsistent with the Framework. Para 219 states that the weight to be given to policies that predate the Framework is predicated upon consistency with the Framework. As such, I give greater weight to the Framework and conclude that the development would not be inappropriate development in the Green Belt.

Development Strategy

11. Policy CP1 of the DPD directs development to the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Trysull is defined as a Small Service Village where limited development may be acceptable for the provision of rural affordable housing. Parties agree that the development would be outside the settlement boundary of Trysull and in my findings above, I have found this to be true. And so, the development would conflict with Policy CP1.
12. However, as noted above, the Local Plan predates the Framework and Policy CP1 takes a more restrictive approach to directing development than the Framework. The Framework seeks new housing in areas according to need and at Paragraph 79, encourages new housing where it will enhance or maintain the vitality of rural communities. Paragraph 69 of the Framework also makes clear that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
13. I have found that the development would be within a village. The new dwelling would rely on Main Service Villages for local shopping needs given the absence of a shop in the Trysull. The nearest Main Service Village is Wombourne which is a drive away. Access to local services and facilities would, therefore, be limited to a car. Nonetheless, the harm that would ensue as a result of the development generating an unsustainable overreliance on the private motor vehicle would be limited given that the development is for one dwelling.
14. Consequently, I give limited weight to the conflict with Policy CP1. Moreover, the limited harm associated with the development's location would be outweighed by the provision of one dwelling within the village of Trysull, for the reasons set out above. As such, the proposal would be in an appropriate location for market housing.

Other matters

15. There is no evidence before me to support a claim that the development would result in a conflict between existing and proposed users of the highway. Nor were any objections raised by County Highways to consider that the proposal would result in harm to highway safety.
16. Concerns regarding the decision-making process and the Council's handling of the application are outside the remit of this appeal. Concerns in this regard should be directed to the Council.

Conditions

17. I have considered the Council's suggested conditions against the Framework's tests, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
18. I have attached conditions relating to materials, hard and soft landscaping and tree protection to ensure that the character and appearance of the area is safeguarded. A condition relating to parking and access is added in the interest of highway safety.

Conclusion

19. Whilst I acknowledge that the development would conflict with the Local Plan, I have concluded that the relevant policies carry lesser weight than the Framework. On that basis, I have found that the development would be compliant with the Framework and having regard to all matters raised, I conclude that the appeal is allowed.

R Walmsley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1192 500 Proposed Site Layout; 1292 300 Proposed Block Plan; and 1192 600 Proposed Floor Plans and Elevations.
- 3) No work above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - ii) boundary treatments, and;
 - iii) replacement trees where relevant.

The hard and soft landscaping scheme shall be completed in accordance with the approved details within 12 months of the development being completed and the Council notified in writing accordingly.

- 5) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Before first occupation of the house, the access, parking and turning areas shall be completed in accordance with details submitted to and approved in writing by the local planning authority and shall be retained thereafter.