



Appeal Decision

Site visit made on 16 May 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2022

Appeal Ref: APP/Y3425/W/21/3285871

190B Main Road, Milford, Stafford ST17 0UN

- 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 John Maude against the decision of Stafford Borough Council.
 - The application Ref 21/33764/COU, dated 25 January 2021, was refused by notice dated 22 October 2021.
 - The development proposed is the change of use of land from agricultural to purposes incidental to the enjoyment of a dwellinghouse (domestic garden).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agricultural to purposes incidental to the enjoyment of a dwellinghouse (domestic garden) at 190B Main Road, Milford, Stafford ST17 0UN, in accordance with the terms of the application Ref 21/33764/COU, dated 25 January 2021, and the plans titled DCRP2021.01.01-01 Rev A Location Plan and DCRP2021.01.01-02 Rev A Site Plan.

Preliminary Matter

2. At the time of my site visit the change of use had already occurred, with the extended garden area laid out in accordance with the submitted plans and post and rail fencing around its perimeter. I have determined the appeal accordingly.

Main Issue

3. Whether the part of the appeal site is suitable for a change of use, having regard to the development plan and the effect on the character of the area.

Reasons

4. The appeal site is located to the rear of a cluster of dwellings and includes a detached dwellinghouse and garage. There is an enclosed parcel of land to the rear of the appeal site which rises steeply upwards and to the north west is a wider agricultural field. The site is immediately adjacent to the Cannock Chase Area of Outstanding Natural Beauty (AONB).
5. The enlarged part of the garden, subject of this appeal, now has a distinct domestic identity rather than appearing to form part of the agricultural field. Nevertheless, the character of the area immediately to the rear of the appeal site is rural and it is within this context which the enlarged part of the garden would have previously been read. However, the amended garden boundary results in a continuation of the adjoining domestic boundaries to the rear,

which do not follow a strict uniform line. It is suggested that the adjoining garden boundary is unlawful however it appears well established and there are no further details before me to indicate that the Council is actively engaged in enforcement action relating to its use.

6. Furthermore, the enlarged garden is of a very limited size and would have formed the southern corner of the field. Given its location and relationship with adjoining boundaries, it does not significantly interrupt the field boundaries or the landscape of the rural/urban divide in this locality. Whilst the change of use is not readily apparent in the street scene it is nevertheless read in context with the adjoining built form within the settlement boundary. As such, the erosion of the rural character of the area is nominal in this instance and the intrusion would not appear awkward or out of character given the layout of adjoining boundaries and pattern of adjacent domestic development.
7. The existing sub-division of the field to the rear which I observed during my site visit has resulted in an intervening strip of land between the appeal site, the enclosed field and the wider agricultural land. The extension of the domestic curtilage has nevertheless resulted in encroachment onto agricultural land, whether subdivided or not, and the appellant has indicated that the enlarged garden area was formally used for the grazing of horses.
8. Despite this however, there is no conclusive evidence before me to indicate that the encroachment has prejudiced any viable agricultural operations on a farm or other existing viable uses on the adjoining parcels of land. The extended garden area is of a narrow, linear layout and is limited in overall size. The change of use does not appear to prevent access to the wider agricultural field or the enclosed parcel of land. Without convincing evidence to the contrary, collectively these factors ensure that the land could continue to be used effectively for agricultural purposes.
9. Accordingly, the development does not have an adverse impact on the character and appearance of the area and does not prejudice the use of the adjoining agricultural land. It therefore accords with Policies E2, N1 and N8 of The Plan for Stafford Borough 2011-2031 (June 2014) and the National Planning Policy Framework (the Framework) which collectively seek to ensure that developments are sympathetic to local context and landscape quality, do not prejudice agricultural operations and therefore make effective use of land.

Other Matter

10. There are concerns that the appeal development could create opportunities for the erection of a further dwelling. The enlarged part of the garden area is of a limited size and there is nothing before me to indicate that the suggested development would occur. Furthermore, each proposal is determined on its own merits. I therefore afford this matter limited weight.

Conditions

11. A condition specifying a time limit is unnecessary as the development has already taken place. As the development involves a change of use only, it is also not necessary for me to attach a condition specifying the approved plans. I do however note the Council's concern regarding the site boundaries. Although I consider the garden extension to be in accordance with the submitted plans,

in the interests of certainty, I have referred to the plans in the effective part of the decision above.

12. The Council has suggested that a condition is attached which removes certain permitted development rights. The enlarged garden area is outside of the AONB, which is located to the east of the site, and the boundary consists of mature hedging. Additionally, I have found that the site is read in context with the adjacent built form to the south which is within the urban area. There is also nothing before me to suggest that permitted development rights for the host dwelling and its original garden have previously been removed. As such, the removal of permitted development rights to the garden extension hereby approved would be unreasonable and unnecessary, and thus would fail to accord with the tests in the Framework.
13. Similarly, a requirement for landscaping details to be submitted is unnecessary as I have found that the enlarged garden area does not harm the rural character of the area given its visual association with the adjacent built form.

Conclusion

14. The development complies with the development plan as a whole and there are no material considerations worthy of sufficient weight that indicate a decision otherwise than in accordance with it. The appeal should therefore be allowed.

H Ellison
INSPECTOR