



Appeal Decision

Site visit made on 10 May 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/X3405/W/22/3292014

Aldene, 7 Stafford Brook Road, Rugeley WS15 2TY

- 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 Paul Richardson against the decision of Cannock Chase District Council.
 - The application Ref CH/21/0260, dated 10 May 2021, was refused by notice dated 22 September 2021.
 - The development proposed is the change of use of a portion of the garden area to utilise an existing static caravan as a self contained holiday let.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The static caravan was on site at the time of my visit, and I was therefore able to view it. Whilst it would appear from the evidence that the static caravan has been in situ for some time, the lawfulness of it and the associated use of the land is disputed between the parties. However, the lawfulness of the static caravan is not before me in this appeal. Consequently, in the absence of an extant planning permission or certificate of lawfulness, I have dealt with the appeal on the basis that planning permission is required for the whole development including the static caravan and associated use of the land.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area, having particular regard to the Cannock Chase Area of Outstanding Natural Beauty; and
 - if the proposal is inappropriate development, 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.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework directs that development within the Green Belt is inappropriate, with the exception of the types of developments set out in paragraphs 149 and 150 of the Framework. Paragraph 150 (e) states that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. The appeal site is located within the West Midlands Green Belt. Policy CP1 of the Cannock Chase Local Plan (Part 1) 2014 (LP) sets out that development proposals within the Green Belt will be assessed against the Framework.
7. The appeal site comprises a residential dwelling known as Aldene which occupies a roadside location on the corner of Stafford Brook Road and Penkridge Bank. The property sits within a spacious plot which also includes a detached outbuilding known as 'The Old Smokehouse' which has been converted into a holiday let. The appeal proposal seeks the change of use of part of the land associated with Aldene to utilise a static caravan for use as a self-contained holiday let.
8. In terms of whether the development would preserve the openness of the Green Belt, the proposal would be located on part of the land associated with Aldene where there was previously no development. The static caravan is a sizeable structure, and whilst the site contains other existing buildings these are set further back within the site away from Penkridge Bank. This results in the plot appearing open in nature. Although the static caravan is partially screened by vegetation and the existing boundary hedgerow, it is visible from external vantage points which intrudes upon the openness of the site.
9. I acknowledge that the proposal includes a planting scheme to further screen the static caravan from external views. Nonetheless, openness has both a visual and spatial aspect and, the provision of improved screening would not result in the proposed scheme not constituting inappropriate development. The proposal also includes the provision for additional fencing and solid gate to be installed across the vehicular access. Despite this, the top of the static caravan would still be visible above the gate and the addition of these structures would further reduce openness, albeit to a very limited degree.
10. The purposes of including land within the Green Belt are set out in paragraph 138 of the Framework. One such purpose is to 'assist in safeguarding the countryside from encroachment'. As detailed above, the appeal proposal would introduce development onto land where there was previously none. Even though this land is associated with an existing residential dwelling and a large proportion of the site would remain open, the development would not safeguard the countryside from encroachment. Although the effects of this would be limited, it nevertheless represents an encroachment into the countryside and the proposal would be inappropriate development within the Green Belt.

11. Consequently, I conclude that the proposal would not preserve the openness of the Green Belt or safeguard the countryside from encroachment and would be contrary to Policy CP1 of the LP. The proposed development would therefore fall outside of the exceptions set out in paragraph 150(e) of the Framework and would be inappropriate development in the Green Belt which is, by definition, harmful.

Character and Appearance

12. The site is located within the Cannock Chase Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the Framework states, amongst other things, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues, and that the scale and extent of development within these designated areas should be limited.
13. I have concluded above that the proposal would not preserve the openness of the Green Belt. The effect of the proposal on the character and appearance of the area and the AONB requires its own consideration. The area is characterised by dense woodland with occasional built form found sporadically within it. A holiday park comprising approximately 100 static caravans is located to the northwest of the appeal site, with other nearby developments consisting of varying design and materials including timber built and timber clad structures.
14. The proposal would introduce a single static caravan for use as a holiday let into a generous sized plot. Given the plot size and the amount of open space the proposal would not represent overdevelopment of the site. Views of the static caravan are possible from Penkridge Bank, a busy main route through the AONB, however due to the existing boundary hedgerow and other planting the caravan is partially screened, and any views afforded are fleeting. Furthermore, the static caravan has the appearance of a timber clad building or log-cabin which further reduces its visual impact and is similar in design to other nearby buildings. As a result, the proposal would not be significantly intrusive in the wider landscape and would have little effect on the character and appearance of the area.
15. For the reasons given above, I conclude that the development would not result in undue harm to the character and appearance of the area and the AONB. Consequently, the proposed development would not conflict with Policies CP3 and CP14 of the LP which seek, amongst other matters, to ensure that developments preserve and enhance the landscape, scenic beauty and character of the AONB and its setting through the careful design of new development.

Other Considerations

16. The appellant states that the proposal would bring about economic benefits, and in particular that it would help support a prosperous rural economy and support tourism in the area including his existing business. I accept that the proposal would support tourism in the area and there would be associated economic benefits. However given the small scale of the proposal these benefits would be comparatively minor and as such I give this consideration limited weight.

17. The appellant considers that the proposal would represent a sustainable form of development. Sustainable travel would be encouraged during occupants stay at the holiday let, particularly given the numerous footpaths, trails and cycle routes available in Cannock Chase. Furthermore, given the small scale of the proposal there would be a negligible impact on the landscape and biodiversity features. However, notwithstanding these points, the predominant form of travel to and from the site would be by private car due to the proposed holiday let being located away from any meaningful services or facilities. As a result, I afford this consideration little weight.
18. I saw similar or larger buildings at sites in the vicinity of the appeal site, which were referenced by the appellant. Nevertheless, these existing buildings are in relation to a variety of different uses and in the majority of cases appear to have been in situ for a considerable time. As such I do not consider they are comparable to the proposal before me and they do not represent sufficient justification to outweigh the harm identified that would be caused to the Green Belt by the appeal proposal.
19. Similarly, the appellant has also drawn reference to the nearby static caravan site 'Silvertrees' and the recent granting of planning permission¹ to expand the existing site by an additional 12 static caravans onto the land to the immediate west of the appeal site. I do not have the precise details of that application before me. However, each proposal should be considered on the basis of the evidence presented. It is for the decision maker in each case to assess the benefits and harms of any proposal and undertake the planning balancing exercise. As a result, I have attached limited weight to the referenced planning permission.

Other Matters

20. The Council has identified that the site is located within the zone of influence of the Cannock Chase Special Area of Conservation (SAC), and adjacent to Cannock Chase Site of Special Scientific Interest (SSSI). Policy CP13 of the LP states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network, and the effects cannot be mitigated. Additionally, all development that results in a net increase in dwellings will be required to mitigate adverse impacts.
21. The Council as the competent authority has undertaken an Appropriate Assessment (AA), as required under the Conservation of Habitats and Species Regulations 2017. The AA concluded that any likely significant effects of the development on the integrity of the SAC could be avoided or mitigated through a financial contribution secured via a planning obligation. I note that the appellant has indicated a willingness to make the necessary contributions, however there is no planning obligation before me. In any event, as I have found against the appellant on other main issues, and therefore planning permission is to be refused, these matters need not be considered any further in this case.

¹ Council Ref: CH/22/0052

Conclusion

22. The proposal would represent inappropriate development in the Green Belt that would fail to preserve its openness and conflict with the purposes of including land within it. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The Framework advises that substantial weight is given to any harm to the Green Belt.
23. Against this harm the benefits identified by the appellant, including economic benefits, afford only limited weight. The Framework sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt. Therefore, very special circumstances necessary to justify the proposal do not exist.
24. I have concluded that the proposal would not result in any harm being caused to the character and appearance of the area, having particular regard to the AONB. However, the absence of any harm is not a positive benefit and therefore is a neutral factor in the Green Belt Balance.
25. The proposed development would not accord with the development plan as a whole, and there are no material considerations to outweigh that finding. Therefore, for the reasons given above, the appeal is dismissed.

David Jones

INSPECTOR