



Appeal Decision

Site visit made on 10 August 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/Y3425/W/22/3291378

Land adjacent to Acorn Cottage, Drointon Lane, Stowe by Chartley ST18 0LD

- 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 Stephen Randall against the decision of Stafford Borough Council.
 - The application Ref 20/33078/OUT, dated 16 September 2020, was refused by notice dated 8 September 2021.
 - The development proposed is erection of a one and a half storey dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Stephen Randall against Stafford Borough Council. This application is the subject of a separate decision.

Procedural Matter

3. The planning application was submitted in outline form with all matters other than access, reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.
4. I have used the address as shown on the appeal form and Council's decision notice as it more accurately identifies the appeal site, than that shown on the planning application form.

Main Issues

5. The main issues are;
 - i) whether the proposed development would be in a suitable location having regard to the housing strategy for the area;
 - ii) the effect on highway safety, with particular regard to the provision of visibility splays; and
 - iii) the effect of the development on the character and appearance of the area.

Reasons

Location of Development

6. Policies SP3 and SP7 of the Plan for Stafford Borough 2014 (PSB) set out the Council's spatial strategy for the delivery of new development, indicating that the majority of future development will be directed towards the main towns of Stafford and Stone and key service villages (KSV). For areas outside these settlements, PSB Policy C5(A) sets out that proposals will be required to demonstrate compliance with 3 criterion; that new housing cannot be

accommodated within the Sustainable Settlement Hierarchy (SSH); a Parish based Local Housing Needs Assessment and appraisal of the scheme proving the development will meet the defined needs and, that the development is of high quality design that reflects the setting, form and character of the locality and surrounding landscape. All 3 criteria must be met. I will come back to the last matter later in my decision.

7. Stowe-by-Chartley is located within the open countryside, not being identified as a KSV within the SSH. There is no substantive evidence before me to demonstrate that the development cannot be located within one of the borough's main towns or KSV, where local services can be readily accessed. Rather, the location of the proposed development appears to be driven by the appellants connection to the village and option to purchase the appeal site. The proposal therefore fails to comply with the first criterion of Policy C5(A).
8. A Housing Needs Survey (HNS) accompanies the proposal and the appellant confirms that this identifies a need for 3 bedroomed accommodation that is available to purchase on the open market, up to £199,000. There is limited evidence before me to counter the Council's suggestion that property prices within the village appear to be significantly higher than the identified need. Reference is made to the application being in outline and that a smaller 3 bedroomed property could be secured at the reserved matters application stage. Be that as it may, I have no evidence such as a financial appraisal to demonstrate that the proposed dwelling shown in the illustrative plans or a smaller version, could be delivered that would meet this. Therefore, I am not satisfied that the proposal would meet the identified need, so it fails to comply with the second criterion of Policy C5(A).
9. Completions and commitments for dwellings outside of the SSH have already been exceeded. Whilst I accept this is not a maximum figure, further permissions for residential development outside of the SSH without justification, would be contrary to the Council's strategy of targeting new development to existing urban areas. The proposal for a single local needs dwelling is not particularly unique, nor the appellants desire to move close to their parents, which although understandable, could be repeated on sites elsewhere within the Borough, to the detriment of the Council's housing strategy.
10. For these reasons, the proposal would conflict with the Council's spatial strategy and detailed policies for housing delivery. It would be contrary to Policies SP1, SP3, SP7 and C5 of the PSB as they seek to achieve the sustainable distribution of development, by directing it to areas best served by infrastructure, facilities and services and ensuring easy accessibility to them, now and in the future.

Highway Safety

11. A new vehicular access would be created to serve the proposed dwelling. I note the Highway Authority objected to the original proposal on the grounds that visibility splays of 43m needed to be provided along Drointon Lane in either direction. Amended splays have been provided to achieve this standard but which cross over third party land outside of the appeal site. A unilateral undertaking (UU) has been provided to secure these amended visibility splays and to which the owner of the affected land is party to. It has not been shown why the UU would be ineffective in securing the proposed splays in perpetuity.

12. Even if I am wrong, with the original proposal for the access, the existing hedgerow would be removed and set back to create a small verge to either side. There would therefore be some visibility from the original access along Drointon Lane which I observed was lightly trafficked. Vehicle speeds are likely to be relatively low given the restricted road width in places close to the appeal site, and drivers would be aware that there are existing accesses emerging onto the road. Furthermore, sufficient space would be provided within the plot to allow cars to turn and leave in a forward gear. The longer visibility splays of 43m, have not therefore been shown to be necessary.
13. Paragraph 111 of the National Planning Policy Framework (the Framework) is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The creation of one dwelling would result in relatively limited vehicular movements per day onto Drointon Lane. Bearing in mind the site specific attributes noted above, in the absence of any evidence that safety issues or disruption to traffic flow would occur as a result of visibility splays below the 43m standard, I find that the proposal would not result in a severe impact on the road network.
14. The proposed development would not be harmful to highway safety, with particular regard to the provision of visibility splays. As such the proposal complies with paragraphs 110 and 111 of the Framework which aim, amongst other things, to achieve safe and suitable access and to prevent unacceptable impacts on highway safety.

Character and Appearance

15. The appeal site is located within a small village which has a pleasant, verdant and quiet rural character. I saw that buildings are set in spacious plots with additional gaps between buildings, a characteristic feature of the village. Such gaps enable views of the sky, vegetation, the surrounding countryside or are simply devoid of built development, such as to provide a feeling of spaciousness.
16. The appeal site consists of a vacant plot of land enclosed by hedgerows to all sides. It forms a green, softly landscaped gap between the suburban bungalow development to the west and Acorn Cottage to the east. The gap plays an important role in the verdant, spacious character of the village as it marks the transition between the built up area of Drointon Lane and the countryside to the east, where built development becomes more sporadic amongst agricultural land. The hedgerow to the front of the appeal site, serves to enclose the road and provides a green corridor, along with the hedgerow on the opposite side, which contrasts strongly with the repeated house types and open plan front gardens of the bungalows to the west.
17. The existing hedgerow to the front boundary has been left to grow to a substantial height such that the appellant considers that there is no gap. However, the appeal site is not only perceived directly from the front but also in views across the front garden of Greenhills, where the existing trees and sky are visible. Despite the current height of the front boundary hedge, the undeveloped nature of the appeal site remains apparent, and the lack of built development is perceivable. In any case, the hedge would be removed to accommodate the proposed vehicular access. Although it is suggested that a replacement hedgerow would be a fast growing variety, it would inevitably take some time to reach maturity. Even if it were to establish quickly, and to a

height akin to the existing hedge, the proposed dwelling, garage and hard surfacing would be readily visible from the newly created vehicular access, such that the green gap would no longer be discernible.

18. Whilst the proposed plans are indicative, the description of development is clear that the proposed dwelling would be 1.5 storeys high. The hedgerow and trees within the site would be removed to accommodate the proposed dwelling. Notwithstanding that gaps would be retained to the dwellings either side, there would be an erosion of 3-dimensional space and loss of vegetation, both of which would remove the undeveloped gap and be harmful to the spacious and verdant character of the village.
19. The proposed development would have an adverse effect on the character and appearance of the area. As such, it would fail to comply with Policies N1(h) and N8 of the PSB which seek amongst other things, a high quality of design that reinforces local distinctiveness and preserves and enhances the character of the area, objectives shared with Policy C5(A) of the PSB.

Other Matters

20. Reference is made to an Inspector's decision to dismiss a previous proposal for development on this site in 1998. The details of this decision are not before me in full, but I understand that it would have been made in a different local and national planning policy context. Irrespective of this I have made my own assessment based on the current circumstances of the site and current planning policy.
21. The Council has indicated that the proposal would result in a net increase in residential dwellings within the 0–8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). However, in light of my findings on the appeal overall, no significant adverse effects on the SAC would arise from my decision. I have not therefore considered it any further.
22. The appellant considers the proposal to be sustainable development in accordance with the Framework. However, paragraph 12 of the Framework indicates that development that conflicts with an adopted development plan should usually be refused. Moreover, the Framework shares similar aims to the development plan in terms of protecting an area's character and appearance. Accordingly, I find the policies of the Framework, taken as a whole, not to weigh in favour of allowing the appeal.

Conclusion

23. I have found that the proposed development would not be harmful to highway safety. Nevertheless, this lack of harm is neutral in the planning balance so it does not outweigh my findings in respect of the location of the development and the effect of the proposal on the character and appearance of the area. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, the appeal is dismissed.

M Clowes

INSPECTOR