
Appeal Decision

Site visit made on 3 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/C3430/W/22/3306088

The Hayloft, Fairfield Lane, Otherton ST19 5NX

- 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 Markwell against the decision of South Staffordshire District Council.
 - The application Ref 21/01333/FUL, dated 17 December 2021, was refused by notice dated 13 April 2022.
 - The development proposed is the erection of a detached single storey dwelling with detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the appeal site is a suitable location for the development proposed, having regard to local and national policy relating to, accessibility to services, and reliance on private motor vehicles;
 - The effect on flooding;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 149. One such exception, 149(e), is limited infilling in villages.
4. Policy GB1 of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (CS) broadly conforms to the general thrust of the

Framework. It states that planning permission will normally be permitted within the Green Belt where the proposal is for certain purposes, including limited infilling.

5. The term 'limited infilling' is not defined in the Framework, it is therefore a matter of judgement for the decision maker in the context of any relevant development plan policy or guidance. In that regard, CS Policy GB1 clarifies it as the filling of small gaps (1 or 2 buildings) within a built-up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site or have a greater impact on the openness of the Green Belt and the purpose of including land within it.
6. The site is within a group of buildings to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. It is not, therefore, a gap between buildings that form a built-up frontage to Fairfield Lane. Accordingly, whilst limited in scale, the proposal is at odds with the definition of limited infilling as set out in CS Policy GB1. It does not, therefore, constitute 'limited infilling'.
7. The group of buildings within which the appeal site is located forms part of Otherton. At the time of my site inspection, I noted that there is an undeveloped area of land on Boscomoor Lane that creates a break in the built form and separates Otherton from Penkridge. Furthermore, a more significant area of undeveloped land lies between the appeal site and the edge of Penkridge on either side of Lyne Hill Lane. As such there is not a continuum of built development between Otherton and Penkridge.
8. Additionally, the buildings within Otherton have a more informal and rural appearance that is in marked contrast to the suburban and planned character of the nearest residential development within Penkridge. Moreover, the narrow, winding Boscomoor Lane is currently devoid of pavements restrictions that are present in the settlement area.
9. I have had regard to Staffordshire County Council describing Fairfield Lane as within Penkridge within the draft Traffic Regulation Order provided. I also note that the site is closer to Penkridge than 'central' Otherton as identified on Google Maps. However, these matters do not alter my findings set out above which, combined with the limited number of buildings and the absence of local services and amenities within Otherton, leads me to the conclusion that the appeal site would not be within a village for the purposes of Green Belt policy, notwithstanding that it is within Penkridge district and in the Penkridge South East ward.
10. Accordingly, the proposal would not fall within the scope of limited infilling within a village for the purposes of paragraph 149(e) of the Framework.
11. The appellant suggests that the proposed development should be considered as a rural exception site for the provision of rural affordable housing, as the dwelling would be affordable in comparison to many much larger rural properties in the area. However, in the absence of evidence to the contrary, the proposed development does not meet the definition of affordable housing as set out in Annex 2 of the Framework and does not meet any identified local community needs. As such the proposed development does not fall within the paragraph 149(f) of the Framework which identifies, as an exception, limited

affordable housing for local community needs under policies set out in the development plan.

12. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with CS Policy GB1, the Green Belt and Open Countryside Supplementary Planning Document (SPD) as well as the Framework.

Openness

13. The Framework, at paragraph 137, sets out that 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. Openness has both spatial and visual aspects.
14. The proposed development would be viewed from the adjoining dwellings. There would also be very limited views of the proposed development from Fairfield Lane, and other public views of the site would be from some distance away from the nearest residential development in Penkridge and in gaps in the hedges along Lyne Hill Lane. However, the significant increase in the massing of built form arising from the proposal, when compared with the modest proportions of the existing animal shelter on site, would be discernible from such views.
15. I therefore conclude that it would result in a loss of openness of the Green Belt in this locality. It would conflict with CS Policy GB1, the SPD as well as the Framework which also requires development to not impact on openness.

Suitable location

16. CS Core Policy 1 (CP1) sets out a Spatial Strategy (SS) to deliver the rural regeneration of South Staffordshire. The overall strategy of the CS, therefore, is to direct new development to the larger settlements, which have access to a wider range of facilities. This is consistent with the aims of the Framework to actively manage patterns of growth to locations which allow a choice of sustainable transport modes, whilst recognising that such options vary between urban and rural areas. As such this policy can be attributed significant weight due to its consistency with the Framework, notwithstanding its age.
17. The appeal site lies outside of the identified service villages and, therefore, the areas identified for rural housing as set out in Policy CP1. The journey from the appeal site to the amenities and services within Penkridge would require journeys that are, in part, along an unlit rural road without footways. This would be a deterrent to pedestrians, in particular during times of darkness and inclement weather. The narrowness and the bends along the first stretch of the route may be off-putting for many less confident cyclists as well as pedestrians. Furthermore, on my visit I noted that the nearest bus stop is some distance from the site, on Wolgarston Way, and for the same reasons it is unlikely that they will be used.
18. Consequently, the private motor vehicle would most likely be the predominant means of transport for residents of the appeal site for most journeys. For this reason, I do not consider that the proposal represents accessible development in a rural area.

19. I find that the site is not a suitable location for the development proposed in respect of its accessibility to services and the consequent reliance on private motor vehicles. The proposal would be contrary to CS Policy CP1, and to the Framework, therefore.

Flood Risk

20. Paragraph 168 of the Framework states that some minor development meet the requirements for site-specific flood risk assessments (FRA) set out in footnote 55. In Flood Zone 1, as in this case, the footnote indicates that an assessment should accompany all proposals that introduce a more vulnerable use on land that may be subject of other sources of flooding. As the proposal involves a change from a paddock to a dwelling, a more vulnerable use is proposed.
21. The Council has confirmed that the site is identified as an area where flooding incidents have been recorded including internal property flooding. However, no reference has been made to any reported flooding of the appeal site and the recorded flooding incidents referenced are said to be within 500m of the site and therefore possibly some distance away.
22. The appellant has referred to extensive work to line the channel of the local brook and remove blockages, and that there have been no flooding incidents since such work was carried out, which the Council do not dispute. The appellant further indicates that no flooding has occurred at any of the properties on Fairfield Lane which are at a materially higher level than the one property that has been affected by flooding.
23. Based on the information before me, I am not persuaded that a site-specific FRA is required to support this proposal. The appellant has indicated that care has been taken to prevent any increase in surface water runoff including use of permeable materials and rainwater capture and harvesting mechanisms. Such matters could be secured by condition on any planning permission granted.
24. Accordingly, I conclude that the development would not be at risk of surface water flooding and would not increase flood risk elsewhere. The proposal consequently complies with the relevant parts of CS Policy EQ7, which, amongst other things, requires applications to include a suitable Sustainable Drainage Scheme. The proposal also complies with the Framework, which require that development should be made safe for its lifetime without increasing flood risk elsewhere.

Character and appearance

25. The appeal site is a paddock which, other than a small animal shelter, is open in appearance. As indicated above, it is within a group of buildings, bordered by dwellings on three sides and a paddock to the rear. It sited to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. Due to the position of the site and existing boundary treatments the site is not prominent in public views from Fairfield Lane and other locations.
26. Otherton, in the vicinity of the appeal site, comprises of single and two storey dwellings of traditional but varied design. The proposed development would be a single storey dwelling that would be in keeping with the scale of neighbouring properties. The proposed dwelling and garage would occupy a greater proportion of the site when compared to the existing animal shelter and would,

as I have already stated, result in a loss of openness. Nonetheless, the introduction of a further development into the group of buildings would not materially change the density of the built form or appear as an unusually cramped development relative to the plot and to the size of the surrounding plots.

27. The existing dwellings are predominantly of brick and render construction, although there are examples of wood clad buildings in the area. The introduction of a timber framed and wooden clad dwelling of a contemporary design and comparable scale and massing would not be a visually incongruous addition to the area and would not appear out of place.
28. Consequently, the proposal would not harm the character and appearance of the area. It would therefore accord with the design aims of CS Policies EQ4, EQ11 and EQ12.

Other Considerations

29. The proposal is described as built of ecologically sound principles incorporating the highest standard of insulation, a ground source heat pump and electric car charging point amongst other such features. However, as all dwellings should be constructed to such principles this only carries limited weight in favour of the proposal.
30. It has been advanced that the appeal proposal could meet the particular mobility needs of the appellant and would be appropriate to meet the needs of others who have mobility issues. The evidence before me, however, does not convey that those needs demand this particular location. Therefore, this attracts moderate weight in favour of the appeal proposal.
31. I acknowledge the economic and social benefits resulting from the construction and occupation of the proposed development. However, given the scale of the development these would be limited.

Green belt balance

32. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
33. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt. The proposed development would also cause harm in terms of its unsuitable location in respect of its accessibility to services and the consequent reliance on private motor vehicles. The lack of harm to the character and appearance of the area, and to flooding are neutral factors.
34. The other considerations I have identified are of limited to moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Other Matters

35. The appeal site lies within the 0-15 kilometre zone of influence for the Cannock Chase Special Area of Conservation (SAC). However, there is no need for me to consider the implications of the proposal upon the SAC because the scheme is unacceptable for other reasons.

Conclusion

36. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

37. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR