



Appeal Decision

Site visit made on 25 November 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/Y3425/W/22/3299894

Land adj The Cottage, Church Eaton Road, Haughton ST18 9JG

- 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 & Mrs M Hipwell against the decision of Stafford Borough Council.
 - The application Ref 21/34220/OUT, dated 15 April 2021, was refused by notice dated 10 March 2022.
 - The development proposed is a dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. As such, I have treated details shown on plans as indicative. However, the Planning Practice Guidance stipulates that where access is a reserved matter, the approximate location of the access must be given. Therefore, I have considered the appeal on the basis that the access would be located as shown on the submitted plans.
3. The site address is variously referred to as Church Eaton Road and Jolt Lane, but I note the main parties have agreed to use Church Eaton Road. I have done the same, whilst treating references to both road names as meaning the same stretch of road where the appeal site is located.
4. The appellants signalled an intention to seek an award of costs against the Council, but no grounds for costs were subsequently put forward and therefore I have not addressed this further.

Main Issue

5. The main issue is whether the proposal would represent a suitable location for housing, having regard to relevant local and national planning policy and guidance, and other material considerations.

Reasons

6. The appeal site is located on Church Eaton Road which leads out of the village of Haughton to the south. It comprises a paddock stated to be agricultural land, which is under the same ownership as an adjacent dwelling, The Cottage. A detached dwelling is proposed within a plot to the northern end of the paddock. The settlement boundary for Haughton runs along the northern boundary of the appeal site. Therefore, the site is adjacent to, but outside of, the settlement boundary for the purposes of the development plan.

7. The development plan is the Plan for Stafford Borough 2011-2031 (Part 1 adopted June 2014, Part 2 adopted January 2017). Spatial Principles 3 and 4 set out the sustainable settlement hierarchy and distribution of housing growth for the borough, with the majority of development directed first to the County Town of Stafford (70%), followed by the Market Town of Stone (10%) and then the eleven Key Service Villages (12%), which include Haughton. The remaining 8% of development is to be directed to the rest of the borough.
8. Spatial Principle 6 supports appropriate rural housing schemes to achieve sustainable communities. Spatial Principle 7 (SP7) sets criteria for establishing settlement boundaries for the named settlements in the hierarchy, and for supporting proposals outside of these boundaries. Policy C5, in particular Part A, sets out detailed criteria for new residential development outside of the settlement hierarchy, including demonstrating that provision cannot be accommodated within the settlement hierarchy; demonstrating local need through provision of a parish based local housing needs assessment; and demonstrating that development is of a high quality design that reflects the setting, form and character of the locality and surrounding landscape.
9. The Council argues that the proposal does not meet the criteria of Policy C5(A) as no evidence has been provided that alternative sites have been considered within the settlement hierarchy and no evidence of local need has been adduced. The appellants counter that the site should be considered as part of the village and that there is a lack of suitable sites within the settlement boundary of Haughton. The appellants also point to the need for bungalows locally and nationally and their personal need to move to a single level home.
10. The appellants argue, with reference to the Court of Appeal judgement in *Julian Wood*¹, that the settlement boundary of Houghton is not determinative in this case as the village actually extends beyond the boundary along Church Eaton Road. However, that case related specifically to the relevance of the settlement boundary to application of national Green Belt policy, due to there being no definition of a 'village' in the National Planning Policy Framework (the Framework). In my view, this differs from the use of settlement boundaries to define the applicability of settlement strategy policies in an adopted development plan. The principle of settlement boundaries as a planning tool is well-established, with the criteria explicitly set out under SP7, and the purpose of the boundaries made clear at Paragraph 6.64 in that 'a different approach to development is implemented on either side,' with a presumption in favour of housing within the boundary, but this principle being reversed outside of the boundary, with only small scale development accepted in exceptional, tightly controlled cases as defined by the plan's policies.
11. Moreover, despite the appellants' assertions that the appeal site would satisfy the criteria of SP7 for inclusion within the settlement boundary, that is a separate exercise beyond the scope of this appeal, and it is not for me to question or re-visit the methodology employed by the Council in establishing its settlement boundaries, for which I have no substantive evidence in any event.
12. This aside, I saw that the settlement boundary is tightly drawn on all sides of Haughton around what is a compact and contiguous village layout. Once beyond the boundary, there are immediate and extensive gaps between what

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council
EWCA Civ 195 - 9 February 2015

is sporadic development along Church Eaton Road that is surrounded by open countryside. I recognise that those living along Church Eaton Road, including the appellants, may consider themselves 'in the village' and postal addresses may include Haughton, but this does not alter the fact that the appeal site lies outside of the defined settlement boundary. Ultimately, my observations do not lead me to support the appellants' view that the appeal site, or development further to the south, should be considered as being within the settlement boundary, such that different policy requirements should be applied, or that the settlement boundary should be considered 'out-of-date' because of perceived differences between the defined boundary and what is considered to be the village 'on the ground'.

13. Rather, the settlement boundary reflects a clear differentiation between the contiguous built form of the village, where development is encouraged, and sporadic countryside development beyond, where the range of permitted development is more limited, reflecting the balanced approach of the Framework between ensuring growth in rural areas and recognising the intrinsic character and beauty of the countryside. In essence, the appellants seek to reduce the importance of the settlement boundary in favour of other considerations, in particular the proximity of the appeal site to the settlement. However, to downgrade the relevance of the settlement boundary, and by extension certain development plan policies and the overall settlement strategy, when these have not been shown to be out-of-date would undermine the primacy of the plan-led system. Therefore, taking all of these considerations together, I find that the site lies in the open countryside for the purposes of applying development plan policy, in particular Policy C5.
14. The first test of Policy C5(A) is to demonstrate that development cannot be accommodated within the settlement hierarchy. I note the contention that no available sites exist within Haughton, a village expected to take a greater share of development within the KSV tier of the hierarchy due to Green Belt restrictions around some other KSVs. Reference is made to paragraph 6.40 of the PFSB where it is acknowledged that development in KSVs '*will need to be provided, generally, outside of the existing built up areas because [there are] insufficient infill sites identified to deliver the scale of new development required in most of the settlements.*' However, the built up areas of these settlements are not necessarily contiguous with their settlement boundaries, and this does not imply to me unequivocal support for proposals beyond the settlement boundaries, other than those specifically provided for under SP7 and Policy C5 and where the requirements of those policies are met.
15. Even if I were to accept the appellants' position that no suitable sites exist in Haughton, the policy requirement is not limited to the nearest settlement, but applies to the overall settlement hierarchy. No evidence has been adduced to show that suitable sites are not available in other settlements, some of which, such as Gnosall and the outskirts of Stafford, are less than 3 miles away. Therefore, I find that this requirement of Policy C5 has not been met.
16. Turning to the second test, no parish-based Local Housing Needs Assessment has been provided by the appellants, who instead refer to their longstanding residence in the area, and to a desire to remain there in a dwelling that meets their changing needs as they grow older. The appellants also point to a lack of available bungalows in Haughton and to the low numbers of new bungalows being built nationally. Whilst recognising the appellants' circumstances, these

are personal aspirations and not substantive evidence of local need. The evidence of a lack of available properties is also limited to two snapshots in time, with a lack of detail as to the exact parameters of the search or whether other forms of housing were considered. No local needs assessment in the form required by Policy C5 has been submitted, and so it has not been demonstrated that a local need for housing outside the settlement boundary exists.

17. In reaching this view, I have noted that the Council sets out that it can demonstrate in excess of a five year supply of deliverable housing sites, and that as of 31 March 2021, combined housing completions and commitments already exceed its overall housing target of 10,000 dwellings for the plan period, such that it is not necessary to release further greenfield sites for development. The appellants do not dispute the Council's overall housing position, but they point to the Council's latest Annual Monitoring Report showing delivery of 11% of housing in KSVs against a 12% target over the plan period as evidence of a need for additional housing to balance the figures. However, a shortfall of one percentage point is not significant, and does not indicate to me a cause for serious concern, particularly as the Council's overall delivery of housing is on or above target. In any event, delivery of a dwelling on the appeal site would not count towards the KSV shortfall as it would be located outside of the settlement boundary.
18. The third test of Policy C5 is that development is of a high quality design that reflects the setting, form and character of the locality and the surrounding landscape. As an outline application, the details submitted are only illustrative. Whilst not expressly refusing the application in these respects, I note concern from the Council in terms of the loss of the existing agricultural character to a domestic one, and potential loss or degradation of the existing hedgerow along the roadside boundary to form the access and provide adequate visibility splays. However, I recognise that it would be open to the appellants' to address these issues through detailed design and landscaping plans at reserved matters stage were outline permission to be granted. As such, I find no conflict with this part of the policy at this stage.
19. Overall, I do not read the aforementioned development plan policies as being permissive of market residential development within the open countryside outside of the named settlements within the hierarchy. In my view, the identified conflicts with SP7 and Policy C5 mean that, overall, the proposal is not in conformity with the spatial strategy and so does not meet with the overall aims of the development plan in achieving sustainable development. Given the importance of the spatial strategy to the overall aims of the development plan, the identified policy conflicts mean that there would be conflict with the development plan read as a whole.
20. I address various benefits of the scheme below which are to be weighed in the planning balance, but on this main issue, I conclude that the proposal is in conflict with the requirements of Spatial Policies 3, 4, 6 and 7 and Policy C5 of the PFSB. Moreover, I find that the aforementioned policies, taken together, are consistent with the Framework and should be afforded significant weight in the assessment of the proposal.

Other Material Considerations

21. Based on the evidence before me, there is no demonstrable need for housing arising as a result of the Council's housing land supply position, and the

presumption in favour of sustainable development of Paragraph 11 of the Framework is not triggered on this basis. I recognise that the delivery of a single dwelling would nevertheless be a benefit in that it would add to the borough's housing stock, and would help address a stated shortfall in bungalow development. However, given the small scale of the development and the Council's overall housing position, these benefits would attract only limited weight in favour of the proposal.

22. There would also be economic benefits from the construction of the dwelling, though these would be temporary, and from future residents' support of local facilities and services which would go some way towards the Framework aim of maintaining the vitality of rural communities. However, these would also be modest in scale and would attract no more than limited weight in the planning balance.
23. The Council did not refuse permission in respect of other matters, such as the effect on neighbour's living conditions, highway safety, trees and archaeology. The absence of harm in these respects means they are neutral factors in the overall planning balance.
24. At appeal stage, the Council has indicated that it has introduced a new requirement for a financial contribution to mitigate effects on Cannock Chase Special Area of Conservation (SAC), to be sought from development for new dwellings falling within a 15km zone of the SAC. However, I have no other information from the Council which underpins this requirement, and therefore have little basis to find it necessary to make the development acceptable in planning terms. Whilst the effect on a SAC is a material consideration, given my findings on the main issue of the appeal, the circumstances that could have led to the granting of planning permission are not present. Therefore, it is not necessary for me to further consider this matter as, even if it were found to be acceptable, it would be no more than a neutral factor in the overall planning balance and so would not alter the outcome of the appeal.

Conclusion

25. The starting point for decision-making is the development plan. The Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. For the reasons set out above, I have found there would be conflict with the development plan, taken as a whole. I afford significant weight to this conflict.
26. I do not find that the identified benefits, taken together, are sufficient to outweigh the development plan conflict that I have identified. I conclude that the development would not be in a suitable location for housing having regard to the housing strategy for the area. This is a matter of overriding concern and, therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR