



Appeal Decision

Site visit made on 1 August 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/B3410/W/23/3315228

**Little Headlands Barn, Withington Lane, Withington, Staffordshire
ST10 4SW**

- 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 & Mrs Bradley against the decision of East Staffordshire Borough Council.
 - The application Ref P/2022/00463, dated 1 April 2022, was refused by notice dated 27 July 2022.
 - The development proposed is conversion and alteration of existing building to form 1no. dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide a suitable location for housing having regard to local and national policy, and the accessibility of the site to services and facilities; and
 - the effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

Location of proposed development

3. The appeal site comprises a detached building located on Withington Lane. The appeal building is set back from the carriageway and sits within a large paddock area. The building has a rectangular form and is constructed from red bricks and plain clay roof tiles, with some timber cladding. The site is accessed from an existing vehicular entrance off Withington Lane.
4. There are existing dwellings located to the west and north of the site, and to the east beyond the existing paddock. To the south of the site is countryside. The surrounding area is predominantly rural.
5. The site is located outside the settlement boundaries as defined in the East Staffordshire Local Plan (2015) (Local Plan) and is therefore considered to be in the countryside.
6. Policy SP1 of the Local Plan sets out the Council's approach to sustainable development, which includes the application of principles depending on the

type of development proposed. Policy SP8 of the Local Plan states that development outside settlement boundaries will not be permitted unless one of several criteria are met. One such criterion is the appropriate re-use of rural buildings in accordance with the Re-use of Rural Buildings Supplementary Planning Document (SPD) (2010).

7. Policy SP8 and the Rural Buildings SPD do not provide a specific definition of rural buildings. However, paragraph 2.3 of the SPD states *"It should be noted that in the case of more modern structures it will be necessary to demonstrate that the building has been properly used for agricultural purposes for a substantial period of time prior to any application being submitted for an alternative use. This is to prevent buildings being constructed under false pretences merely to secure a non-agricultural use in a rural location."*
8. It is evident from the planning history that the appeal site was granted planning permission as a detached stable block in 2013 (application ref P/2013/00253). The Council has submitted evidence which indicates that the approved stable block was under construction and substantially completed in 2017; this has not been disputed by the appellant.
9. Although the stable block was substantially completed in 2017, it has not been shown when the stabling use of the building began, or how often and for how long horses were stabled at the site. Therefore, there is no evidence before me to demonstrate that the building was in active use as a stable block for a substantial period of time.
10. The building was later approved for conversion and alteration to form an illustration and design studio in 2018¹. I acknowledge that the design studio business ceased trading during the Covid-19 pandemic. However, it would have ceased trading during a period when there were Government restrictions in place, and during a time of public uncertainty and wariness. Moreover, it has not been shown when the building was first used as a design studio, or how often and for how long, and what date it was no longer in use. It has also not been demonstrated why the design studio business could not continue trading from the building after the Covid-19 pandemic.
11. The proposal would make use of a building that is currently not in use. However, I am not convinced that all options to bring the building back into active use have been explored, including ways of re-using the building for horse stabling.
12. Accordingly, there is insufficient evidence for me to find that the building has been in use for agricultural purposes, or indeed for any other purpose, for a substantial period of time. As such, the proposal would not comply with Policy SP8 of the Local Plan or the SPD.
13. The appeal site is not isolated given its proximity to existing dwellings. However, the site's lack of isolation with regard to paragraph 80 of the National Planning Policy Framework (Framework) does not mean that the site would be reasonably accessible to services when considered in the context of other requirements of the Framework and Policy SP1 of the Local Plan which seeks to ensure that it is convenient and safe to walk, cycle and travel by public transport between the site and existing homes, workplaces, shops, education,

¹ P/2018/01004

health, recreation, leisure, and community facilities and between any new on-site provision.

14. The appeal site has a rural location which, whilst it lies within walking distance of a bus stop and a public house, is located some distance from the nearest settlement that offers a range of services and facilities of the type necessary to meet day to day needs. Therefore, future residents of the proposal would likely need to travel to neighbouring settlements to access a wide range of shops, services, possible places of employment and public transport networks on a frequent basis.
15. I observed during my site visit the unlit road with no footway and the lack of cycle paths in the vicinity of the appeal site. I note the comments from the Highways Authority regarding pedestrians and cyclists. However, on balance most journeys to access day to day services and facilities are likely to be made in a private motor vehicle, particularly during hours of darkness or bad weather conditions. This would result in future occupants of the proposal using private motor vehicles to travel to services and facilities in the neighbouring settlements on a more frequent basis.
16. I note the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, this does not justify locating development in an inherently unsustainable location. Given my findings above, there would be conflict with the Framework in these respects.
17. My attention has been drawn to a previous approval for the conversion of a stable building to form a dwelling (ref P/2021/00778). However, in this case the building had been in use as horse stables since before 2003. Therefore, the building had been present on the site and in use as a stable block for a substantial period of time. Thus, there are significant differences between this approval and the proposal before me, so this other decision does not lead me to a different conclusion.
18. For the reasons set out above, the proposal would not represent a suitable location for housing. Therefore, the development would fail to accord with the Council's strategy for residential development and the sustainability aims of Policies SP1 and SP8 of the Local Plan. In addition, the proposal would fail to accord with the Framework in respect of achieving sustainable development.

Character and appearance

19. The appeal building has an agricultural design, with a simple utilitarian appearance. It is rectangular in shape and constructed from red bricks and plain clay roof tiles, with some timber cladding. The site is accessed from an existing vehicular entrance off Withington Lane.
20. The proposal would use similar materials to the existing building, such as brickwork and roof tiles. However, the proposal would remove the timber cladding and would introduce a number of new openings, such as rooflights and several large, glazed windows. This would introduce modern features that would detract from the plain, simple, and utilitarian character of the existing building. It would be particularly visible because of its location adjacent to the highway.

21. The garden paraphernalia that would likely be associated with the proposed dwelling, such as garden furniture, would result in a domestic appearance that would diminish the rural qualities of the site and its surroundings.
22. Consequently, the proposal would form an incongruous feature to this part of the road and surrounding area, contrary to its rural character.
23. The previously approved scheme (P/2018/01004) differs from the current appeal proposal in that it retained the timber cladding and did not include excessive glazing, such as the rooflights and full-length glazed windows. Its brickwork and glazing would be less prevalent than the proposal before me. The previous scheme would therefore maintain the buildings simple, utilitarian appearance.
24. In contrast, the proposal would result in an urbanising change to the appeal site harming its existing rural qualities and thereby for the reasons above, I conclude that the proposal would harm the character and appearance of the area. As such, it would fail to accord with Policies SP24 and DP1 of the Local Plan. Amongst other things, these policies seek to ensure development achieves high quality design and reinforces character and identity, through local distinctiveness, and positively contributes to the context of the surrounding area.
25. In addition, the proposal would fail to accord with the Framework (para 130), which emphasises the importance of securing good design and states that development should respond to local character and add to the overall qualities of the area.

Other Matters

26. The Framework at paragraph 79 seeks to promote sustainable development in rural areas. The proposal would contribute positively to the local economy by generating additional household expenditure within the local area, and also helping to support local day-to-day services in nearby villages. It would also contribute to the Council's housing land supply. However, given that the proposal is only for one dwelling these benefits would be limited.
27. I note reference by both parties to a previous appeal decision (APP/B3410/W/19/3241944). However, relatively little detail has been provided regarding the background to this scheme and I do not know what evidence was before the Inspector at the time of their decision. In any event, from the limited evidence before me, it would not appear to be directly comparable, and all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.

Conclusion

28. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR