



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: 14 September 2023

Appeal Ref: APP/Y3425/W/23/3316767

Land South of Burston Lane, Burston Lane, Burston, Stafford ST18 0DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr John Donnelly against Stafford Borough Council.
 - The application Ref 22/36288/OUT, is dated 15 September 2022.
 - The development proposed is outline application with all matters reserved for the development of two self-build dwellings.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal follows the Council's failure to determine the application (22/36288/OUT) within the prescribed period. However, the Council has indicated in its statement, that had it been in a position to determine the application, it would have refused planning permission. The substance of the Council's statement has informed the main issues of the appeal.
3. The planning application for the subject of this appeal was submitted in outline with all matters reserved for the construction of two self-build, detached dwellings. The matters of appearance, landscaping, layout and scale would therefore be for future consideration were the appeal allowed. I note that the footprint/location of the proposed dwellings is shown on the submitted plans, however the precise form and layout of the proposed dwellings would be determined at reserved matters stage were the appeal allowed. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the appeal site would be a suitable location for housing, having regard to local and national planning policies;
 - The effect of the proposal on the character and appearance of the area, including whether or not the proposal would preserve or enhance the setting of the Trent and Mersey Canal Conservation Area and the effect on the setting of three Grade II listed buildings.

Reasons

Suitability of site location for residential development

5. The appeal site is a parcel of land located off Burston Lane in the village of Burston. Policy SP3 of The Plan for Stafford Borough 2011-2031 (2014) (Local Plan) sets out the settlement hierarchy for the borough and directs the majority of future development towards the towns of Stafford and Stone and the defined Key Service Villages. The appeal site lies outside of these areas and so Policy C5 of the Local Plan applies.
6. Policy C5 states that in areas outside the settlements identified in SP3, proposals for new residential development will need to meet the criteria listed in Policy SP7, together with all of the criteria listed within Policy C5. The criterion for Policy C5 is clear that it will need to be demonstrated that the residential development cannot be accommodated within the settlement hierarchy. In addition, it needs to be proven that the scheme will meet defined local housing needs.
7. Policy E2 of the Local Plan states that for rural areas outside the settlements identified in Policy SP3, support will be given to the achievement of rural sustainability by encouraging iv) proposals which meet the essential local development needs of a community, to be evidenced by the developer, and which cannot demonstrably be met within the settlements identified by Policy SP3 and in the context of criteria in Policy SP7; and x) residential development in accordance with Policy C5.
8. Whilst the proposed development would be sited close to existing housing, it is nevertheless outside of a defined settlement boundary and there is no evidence before me to demonstrate that the criteria listed within Policy C5 or Policy E2 have been met.
9. The appellant has indicated that the proposal would be for two self-build dwellings. Paragraph 62 of the National Planning Policy Framework (Framework) supports self-build development and I note that the Council do not have a development plan policy that relates specifically to custom and self-build. Although it is not clear from the evidence as to whether the appellant is on the Council's self-build and custom house building register, I have no reason to doubt their intentions. However, there is no mechanism before me to secure the proposed development as self-build, such as a planning obligation, and none which I could legitimately impose. Accordingly, the proposal would be for open-market dwellings within the countryside.
10. Turning therefore to the accessibility of the site, there are no day-to-day facilities within Burston, with the nearest shops and services being located a considerable distance from the appeal site. Therefore, although the appeal site is not isolated in respect of its relationship with the surrounding built form, it is located far from shops and services.
11. I observed during my site visit the lack of pavements and cycle paths in the vicinity of the appeal site, which would deter future residents from walking or cycling to access services and facilities. Public transport would also be infrequent in this locality. There would therefore be limited realistic alternatives to the private car to access everyday shops and services thus the appeal site is not in an accessible location.

12. For the reasons given, the proposal would not be a suitable location for housing having regard to local and national planning policy. It would conflict with the Council's settlement hierarchy and the sustainability aims of Policies SP3, SP7, C5 and E2 of the Local Plan. Collectively, these policies restrict development outside the defined settlements, and seek to ensure that new residential development in rural areas is directed to sustainable locations. In addition, the proposal would fail to accord with the Framework in respect of achieving sustainable development.

Effect on character and appearance and heritage assets

13. The appeal site is an undeveloped area of scrub grassland. It forms part of a wider field that backs onto the Trent and Mersey Canal Conservation Area. The site is also adjacent to three Grade II listed buildings; Burston Hall to the east, Burston Lodge to the north-east and Burston House to the north. The site itself has an open grassy appearance and makes a positive contribution to the rural character and appearance of the area.
14. The significance and special interest of the three listed buildings is derived, in part, from their age, their relevance to the historic evolution and rural history of the village, and their historic building fabric and attractive aesthetic appearance. This significance and special interest is further underpinned by the spaciousness and openness of their rural setting, which is contributed to in no small part by the appeal site.
15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
16. The significance and special interest of the Trent and Mersey Canal Conservation Area (CA) is mainly drawn from its industrial archaeological importance and historic interest. This significance is further underpinned by its predominantly rural setting.
17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
18. The overriding character of existing residential development along the southern side of Burston Lane is that of properties abutting the lane on long narrow, linear plots. The tight-knit arrangement of the buildings and their strong street presence, with positioning close to and fronting the road, are features which contributes to the character and appearance of the area.
19. The appeal site is located on the southern side of Burston Lane. It is currently free from built form and creates a clear gap between Burston Hall and St. Ruffin's Church with a block of terraced dwellings located to the west of the church. The site also creates a clear gap between Burston Lane and the canal, which contributes to the canal's open appearance. Burston House is located directly opposite the site with clear views of the canal.
20. The proposed development would introduce two dwellings into this countryside location. Regardless of the site layout and positioning of the proposed

dwellings, the proposed plot sizes would be significantly wider and more spacious than much of the existing residential development on this side of Burston Lane. The proposal would therefore be out of keeping with the existing narrow plot sizes that is characteristic of the area. The proposed dwellings, hardstanding surfaces, and garden paraphernalia that would likely be associated with the proposal (such as garden furniture), would have an urbanising effect that would severely diminish the rural qualities of the site and its surroundings.

21. In addition, due to the open nature of the site, the proposal, whether single storey or two-storey, would appear visually prominent when viewed from Burston Lane or from the canal. As a consequence, the previously unobstructed gap, devoid of any built structures, would be eroded, thereby compromising the overall setting and visual integrity of the nearby heritage assets and the CA.
22. I acknowledge that the layout/position of the proposed dwellings is reserved and that landscape planting could be designed to provide some degree of screening. Nevertheless, the proposed development would still be visible from the surrounding area, including views from the canal and the nearby listed buildings.
23. Consequently, the proposed development would fail to preserve the setting of the CA, or the setting of the three Grade II listed buildings. As such, it would harm the significance of these heritage assets. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the heritage assets to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal.
24. The proposal is intended to be a self-build housing development that would contribute to the local housing supply and would add to the mix and range of residential accommodation in the locality. It would also provide some direct and indirect social and economic benefits, including employment during the construction period. However, given the small scale of the proposal, the provision of two additional dwellings would attract only limited weight as a scheme benefit.
25. The proposed development is intended to directly enable the delivery of a replacement waste management facility. Whilst this approach would take account of waste management solutions and would make provision for a new septic tank unit, nonetheless, there is no mechanism before me to secure such investment. Furthermore, the scale of the development proposal dictates that any benefit in this sense would be attractive of limited weight.
26. Accordingly, giving great weight to the conservation of the designated heritage assets, I consider that the less than substantial harm I have identified would not be outweighed by the scheme's public benefits when considered cumulatively.
27. Given the above, I conclude that on balance the proposal would fail to preserve the setting of the heritage assets, with associated harm to the character and

appearance of the area. As such, the proposal would conflict with Policies N1, N8 and N9 of the Local Plan. Collectively, these policies seek to ensure, amongst other things, that development conserves and enhances the significance of heritage assets, including their settings. In addition, the proposal would not accord with the policies of the Framework (Section 16) which seek to conserve and enhance the historic environment.

Other Matters

28. The appeal site is located within 15km of the Cannock Chase Special Area of Conservation (SAC). The appellant has submitted a statement of willingness as part of the application which refers to a willingness to make a financial contribution towards the Cannock Chase SAC. However, given my findings in respect of the suitability of location and the character and appearance of the area and its effect on heritage assets, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

29. The proposal would conflict with the development plan as a whole, and there are no other considerations worthy of sufficient weight, including the provisions of the Framework, which would outweigh this finding. Therefore, I conclude that the appeal is dismissed and planning permission refused.

H Smith

INSPECTOR