



Appeal Decision

Site visit made on 18 September 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2023

Appeal Ref: APP/Y3425/W/22/3312985

Land off Summerhill, Milwich, Stafford ST18 0EJ

- 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 planning permission.
 - The appeal is made by Mr and Mrs Wheawall against Stafford Borough Council.
 - The application Ref 22/36276/FUL is dated 18 July 2022.
 - The development proposed is described as 'demolition of farm buildings and re-construction to form a single dwelling'.
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Decision

1. The appeal is dismissed and planning permission for the demolition of the farm buildings and re-construction to form a single dwelling is refused.

Procedural Matters

2. Section 78 of the 1990 Act provides that an applicant may appeal if the Council has not given notice of its decision on a planning application within the statutory period (or within an extended period if agreed in writing).
3. In its statement the Council sets out that, had it determined the application, it would have refused it due to a conflict with the spatial strategy, and its impact on the character and appearance of the area. It is in that context that I have identified the main issues in this appeal.

Main Issues

4. The main issues are:
 - Whether or not the proposal would accord with the spatial strategy for the area, with particular regard to policies which seek to promote sustainable development; and
 - The impact of the proposal on the character and appearance of the area.

Reasons

Spatial strategy

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be

made in accordance with the plan unless material considerations indicate otherwise.

6. In its first putative concern, the Council refers to Policies SP3, SP7 and C5 of The Plan for Stafford Borough 2011 – 2031 (2014) ('TPS'). Collectively and in general terms, in order to promote sustainable development, these seek to direct most housing to identified towns and key service villages, which are more easily accessible to services and facilities. Outside of these locations, they state that development will only be permitted where specific criteria are met.
7. This includes, at Policy C5 Part A, demonstrating that the proposed housing will meet defined local needs, that the provision cannot be accommodated within the settlement hierarchy, and that it is high quality design that reflects the setting and character of the locality. At paragraph 11.17 it refers to Government policy which supports the-reuse of appropriately located and suitably constructed existing buildings in the countryside, where this would meet sustainable development objectives.
8. The National Planning Policy Framework 2023 ('Framework') states at paragraphs 79 and 80 that isolated homes in the countryside should be avoided unless, amongst other things, the development would re-use redundant or disused buildings, and enhance its immediate setting; or there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
9. The site lies in the open countryside, some distance from the nearest identified town or village. Even if the two farm buildings on the site are redundant as claimed, this scheme would involve their complete demolition, and the erection of a new building in their place. Having regard to TPS Policy C5 and paragraph 11.17, and the Framework, I have been presented with no evidence to demonstrate that the proposed house could not be accommodated within a settlement, and I have scant information to assess whether it would meet defined local needs, or the essential needs of a rural worker.
10. In favour of their scheme, the appellants state that the existing farm buildings could be converted without planning permission under Schedule 2, Part 3, Class Q of the Town and County Planning (General Permitted Development) (England) (Order) 2015 (as amended) ('GPDO'). In support of that stance, they have provided drawing no. 20027/10 of a 'Class Q conversion', which they state represents a potential 'fallback'.
11. I also understand that they have submitted a prior approval application for the conversion of the existing buildings to a dwelling under Class Q, but which has not been determined. However, whilst the GPDO sets out that a development under Class Q must not begin before the expiry of 56 days following the date on which the application was received, such a proposal must still comply with all the relevant limitations, including at Q.1, and the Council's failure to determine an application within that period does not mean that the development automatically amounts to a 'deemed consent' as claimed.
12. Other than the above drawing, I have very little evidence in order to assess whether or not the existing barns could be converted to form a dwelling, in accordance with all the limitations and conditions in the GPDO. Consequently, whilst a potential Class Q conversion of the barns could be a fallback and thus

a material consideration, in this case, I give it only very limited weight in my decision.

13. In any event, to benefit from the permitted development right at Class Q of the GPDO, a change of use would involve only building operations reasonably necessary to convert the barns to a dwelling. As a result, this scheme, involving the erection of an entirely new structure, would be less sustainable in terms of its use of materials.
14. Whilst the appellants refer to Part C of TPS Policy C5, as that addresses extensions and alterations to existing buildings, it is not relevant to this scheme. For the above reasons, the scheme would amount to an unsustainable isolated dwelling in the countryside, which would not comply with the spatial strategy for the area, and it would clearly conflict with TPS Policies SP3, SP7 and C5; along with the approach at paragraphs 79 and 80 of the Framework.

Character and appearance

15. The site lies in an area of open countryside described by the appellants as very rural, and which is broadly characterised by scattered dwellings, barns and small farmsteads, set amongst fields and hedgerows with occasional coppices and areas of woodland. The existing, modestly proportioned and utilitarian agricultural barns on the site accord with that established local character.
16. The proposed dwelling would be significantly taller and would have a slightly larger footprint than the barns it would replace. Additionally, it would sit within a substantial curtilage including gardens, a driveway and a parking area. Whilst overgrown hedgerows and trees currently provide a degree of screening from the adjacent road, and the proposal would incorporate traditional materials and design features, given its scale and bulk, and the formalisation of this otherwise very rural countryside setting, the proposal would cause a modest degree of harm to the character and appearance of the area.
17. Turning to the potential fallback, the plans submitted with this appeal show that, in order to comply with the GPDO, the external dimensions of the barns would not be extended. Additionally, the dwelling would need to have a much smaller curtilage than that proposed here. Consequently, even if there is a fallback, it would not harm the character and appearance of the area to the extent of the proposal before me.
18. For the above reasons, the scheme would conflict with those parts of TPS Policies N1 and N8 which, amongst other things, and in general terms, require development to take account of, and be informed by, local character; along with the Framework's stance that schemes should contribute to and enhance the environment by recognising the intrinsic character and beauty of the countryside.

Other matters

19. The scheme would contribute a single unit to the supply of housing. I have limited information regarding the appellants' circumstances, but I am told that it would be occupied by them, thus enabling them to stay in the area, and live closer to their plant hire business. However, I have not been presented with a mechanism by which that could be ensured, and in any event, those personal circumstances would not persist in perpetuity.

20. Nevertheless, in these regards, and as a result of economic benefits during construction and from subsequent occupation, the scheme finds a degree of support from the Framework and the development plan. These are very limited benefits in its favour.

Planning Balance and Conclusion

21. I have found that the scheme would not comply with the spatial strategy for the area, and that it would also cause modest harm to the character and appearance of the locality. The scheme's very limited benefits would not outweigh the totality of the harm that it would cause. The scheme would conflict with the development plan, and it does not benefit from the Framework's presumption in favour of sustainable development.
22. Consequently, and having regard to all other matters, including a representation in support from a local resident, the appeal is dismissed and planning permission is refused.

Chris Couper

INSPECTOR