



Appeal Decision

Site visit made on 22 November 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2024

Appeal Ref: APP/K3415/W/23/3322799

**Laburnum Lodge, Rough Park Lane, Hamstall Ridware, Rugeley,
Staffordshire WS15 3SH**

- 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 Robert Carr against the decision of Lichfield District Council.
 - The application Ref 22/01098/FUL, dated 19 July 2022, was refused by notice dated 28 November 2022.
 - The development proposed is a holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments. References to the Framework hereafter are to the December 2023 version.

Main Issues

3. The main issues are whether the proposal would represent a suitable location for tourism development, with regard to accessibility to services and facilities; and the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of Location

4. The appeal site is a parcel of rough grassland adjacent to Laburnum Lodge. It is accessed via a private road leading from Rough Park Lane. The surrounding area is mainly undeveloped open agricultural land.
5. Core Policy 1 of the Lichfield District Local Plan Strategy 2008 – 2029 (adopted 2015) (Local Plan) directs the majority of new development and growth to the most sustainable locations. The appeal site is not located within any of the locations defined within the policy. Consequently, the site is located within open countryside where development is strictly controlled.
6. Core Policy 3 of the Local Plan states that development should reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly, walking, cycling and public transport. Core Policy 9 of the Local

Plan states that support will be given to the growth of sustainable tourism in the district in line with the principles of Core Policy 3 and where this does not conflict with other Core Policies.

7. The appeal site has a rural location, which is some distance from the nearest settlement that offers a range of services and facilities of the type necessary to meet day to day needs. 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. Therefore, visitors would have to share the carriageway with vehicles, which would potentially be travelling at greater speeds. This conflict is likely to deter travelling by foot or cycle and, in turn, encourage travelling by private car.
8. Whilst there is a public right of way footpath nearby, the route is unlit and unsurfaced, which would limit its use during hours of darkness. Such routes would be particularly unsuitable for children's pushchairs, wheelchair users or people with limited mobility.
9. These factors, combined with the absence of lighting, are likely to discourage visitors from using sustainable travel options to access essential services and facilities. Furthermore, there are no public transport facilities within the vicinity of the appeal site.
10. For the reasons given, the proposal would not be a suitable location for holiday accommodation and would conflict with Policies CP1, CP3, CP5, CP9, ST1 and BE1 of the Local Plan. Amongst other things, these policies seek to ensure development is directed towards sustainable areas within the district and reduce the need to travel by private car. In addition, the proposal would fail to accord with the Framework in respect of achieving sustainable development.

Character and Appearance

11. The immediate area has a strong rural character, predominantly consisting of agricultural fields. The open and undeveloped nature of the appeal site, surrounded on 3 sides by open fields, contributes positively to this rural character.
12. The proposed building would be single-storey and constructed of modern materials, consisting of horizontally orientated Siberian larch timber cladding, alu-clad timber windows and timber doors in anthracite grey colour, and dark ridge tiles. The building would also have extensive glazing to the front and rear elevations. The proposed glazing to the front elevation would also be large vertical features that would not be in keeping with the typical style of rural buildings within the local area. The timber cladding combined with the modern glazed windows and door openings would result in the building having a domestic appearance.
13. In addition, the proposed composite decking area and the permeable recycled woodchip pathways would further domesticate the visual appearance of the site and would contribute to the harmful impact to the character and appearance of the surrounding countryside.
14. The appellant suggests that the proposed building would be seen alongside the existing buildings. However, the submitted plans show that the proposed building would be spatially separated from the existing buildings. It would also appear unsympathetic and out of keeping with the existing buildings, which have a traditional appearance.

15. I observed that the appeal site was exposed to views on several of its sides and therefore the proposal would be visible from the surrounding area. The existing vegetation along the site's roadside boundary was intermittent and did not comprise particularly mature or dense planting. It would not prevent views of the appeal site from the road or public right of way, especially when not in leaf. Although landscaping could be secured by condition, such planting could not be guaranteed to survive or be maintained in the longer term.
16. When the proposed building would be occupied by visitors, it would result in the increased presence of vehicles and ancillary paraphernalia typically associated with holidaying.
17. Consequently, the proposal would result in an urbanising change to the appeal site harming its existing rural qualities and thereby would harm the character and appearance of the area.
18. My attention has been drawn to two previous approvals (21/01330/FUL and 11/00449/FUL). However, these previous approvals were for an agricultural building and a wind turbine. Thus, there are significant differences between these approvals and the proposal before me. Furthermore, I have not been provided with the full details of these other approvals. In any event I have determined this appeal on its own merits.
19. For the reasons given, the proposed development would harm the character and appearance of the area. It therefore fails to accord with Policies CP1, CP3, CP5, CP9, ST1 and BE1 of the Local Plan. Amongst other things, these policies seek to ensure development does not have an unacceptable impact on the character and appearance of the countryside. It would also fail to accord with the design objectives of the Framework.

Other Matters

20. The appellant has submitted a signed Unilateral Undertaking dated 17 November 2022 in an attempt to address the issue of recreation access to the Cannock Chase Special Area of Conservation. However, given my findings in respect of the suitability of location and the character and appearance of the area, 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.
21. The appellant has drawn my attention to Core Policy 9 of the Local Plan and the Council's Strategic Policy 10, which supports the growth of sustainable tourism. Core Policy 9 mentions "new initiatives will be supported where they are of particular relevance and significance." Whilst this may well be the case, the policy also seeks to ensure that proposals do not conflict with other Core Policies. In this case, I have found harm in respect of the character and appearance of the area and any policy support for such accommodation is outweighed by that harm.
22. I acknowledge that the proposal would be located on under-utilised land and would lead to some economic benefits with visitors using local tourist attractions, services and facilities. However, these benefits would not outweigh the harm that I have identified.

23. My attention has been drawn to a previous approval for the erection of a single storey 3 bedroom holiday cottage in a rural area near Lichfield (21/01215/FUL). However, full details of this case are not before me. I do not know the planning circumstances that led to this approval or its specific relationship to the site. Therefore, I cannot be certain that this other case is analogous to the proposal before me. Moreover, the proposal has its own setting and circumstances. In any event, I have determined this appeal on its own merits.
24. There are nearby heritage assets, such as the Grade II Listed Rough Park. However, in light of my decision on the appeal overall, no harm to their significance would arise.

Conclusion

25. 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