



Appeal Decision

Site visit made on 20 December 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2024

Appeal Ref: APP/B3410/D/23/3329415

Fox Hollow Cottage, Forest Road, Dunstall, Staffordshire DE13 8BL

- 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 W Humphrey against the decision of East Staffordshire Borough Council.
 - The application Ref P/2023/00670, dated 8 June 2023, was refused by notice dated 3 August 2023.
 - The development proposed is described as 'retrospective application for the retention of a carport, incorporating alterations to the materials and design. Re-submission of application ref. P/2023/00254'.
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Decision

1. The appeal is allowed and planning permission is granted for a carport, incorporating alterations to the materials and design at Fox Hollow Cottage Forest Road, Dunstall, Staffordshire DE13 8BL in accordance with the terms of the application, Ref P/2023/00670, dated 8 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No. 635.02 Proposed Site Plan, Drawing No. SK220-201 Revision B Proposed Garage Floor Plans & Roof Plan, and Drawing No. SK220-301 Revision B Proposed Garage Elevations.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The description of development on the application form refers to a retrospective application and, on my site visit, I observed that an extension had been constructed where this appeal scheme is proposed. However, the development that has been undertaken materially differs from that shown on the appeal plans in most aspects. For the avoidance of doubt, and notwithstanding any work that has been undertaken, my responsibility is to consider the appeal based on the scheme as it appears on the appeal plans.
3. The description of development in the heading above has been taken from the planning application form. I have, however, amended the description in the decision to omit text that does not describe acts of development. I have determined the appeal on that basis.

4. The main parties disagree as to whether the curtilage to the property has been extended. However, the appeal before me relates to operational development and is not for a material change of use. I have determined it on that basis.
5. The Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. However, as the parts of the Framework most relevant to this appeal have not significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is in the open countryside, outside of defined settlement limits, within a short and sporadic ribbon of residential development, interspersed by small undeveloped gaps. On one side of the appeal site is a dwelling behind a hedge with several mature trees and shrubs within its garden. To the other side is fields set behind a hedge. Fields lie to the rear of the appeal site, and a dense woodland occupies the land opposite. The site contains a two-storey detached dwelling and a detached single storey garage and workshop is located to its rear and side.
8. The design of the proposed extension and the use of matching materials would ensure that the rural character of the outbuilding would be retained. Furthermore, as the proposed extension would be less than half the width of the outbuilding as originally constructed, it would be seen as a subservient addition to it.
9. On approach from Dunstall Cross, the proposed extension would be screened within medium to long distance views by the existing dwelling. In the other direction, the existing field hedgerow would soften its appearance. Given that the extended outbuilding would only be glimpsed, the additional bulk and massing arising from the proposed extension would not result in it becoming a dominant or conspicuous feature within the countryside.
10. The building as extended would have a significantly smaller footprint than the existing dwelling and would have a considerably lower overall height. Such factors, together with its position at the rear of the site, would ensure that the proposals would not result in an outbuilding that is unacceptably dominant or disproportionate in scale when compared to the dwelling. Accordingly, the visual integrity of the dwelling would not be compromised.
11. The Council calculates that the proposed extension would result in the outbuilding having a footprint that is almost 70% of the size of the existing dwelling. This is not disputed by the appellant, and I have no reason to disagree. Nevertheless, due to the smaller height and massing of the resultant building, it would continue to be seen as an ancillary rural outbuilding and would be appropriate to its rural setting.
12. Accordingly, the proposal would not harm the character and appearance of the area. It would therefore accord with Policies SP1, SP8, SP24, DP1 and DP3 of the Local Plan which, amongst other things, require new developments to

integrate with the character of the landscape, be appropriate in the countryside, respect patterns of development and reinforce character and identity. I also find no conflict the design aims of the East Staffordshire Design Guide and the Framework.

Conditions

13. The development, according to the description set out on the application form, has already commenced. Therefore, a condition specifying the time limit for commencement is not necessary. However, as the development is not completed it is necessary and appropriate to include a condition specifying that it is carried out in accordance with the approved plans. A condition relating to matching materials is also necessary to ensure that the appearance of the new development would be satisfactory.
14. An additional condition has been requested by the Council to require the revised scheme to be fully implemented within 6 months of the date of permission. Such a condition would, effectively, give no option other than to complete the appeal proposal. Planning Practice Guidance (PPG) and the Framework make it clear that planning conditions should only be used where they satisfy six tests, which include that conditions must be reasonable and necessary. The PPG states that conditions requiring development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to resolve. It adds that such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development.
15. I acknowledge that the Council has concerns about the extension to the garage that has been carried out. However, any requirement to replace the existing extension with the appeal proposal would be more than is needed, given that returning the outbuilding to its original form through the demolition of the extension would also address such concerns. Such a condition, therefore, fails the tests of necessity and enforceability and, accordingly I have not imposed it. If the existing extension is not removed, then it is open to the Council to consider the expediency of enforcement action.

Conclusion

16. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR