



Appeal Decision

Site visit made on 2 January 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/B3438/W/23/3320968

Park House Farm, Biddulph Common Road, Biddulph ST8 7SR

- 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 Poynton against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0399, dated 17 June 2021, was refused by notice dated 26 October 2022.
 - The development proposed is described as 'application for use of land for stationing mobile home for holiday use.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the views of the parties have not been sought in this instance. Updated paragraph numbers have been referenced where relevant.
3. The Biddulph Neighbourhood Plan (BNP) has been 'agreed' through a public referendum but has yet to be formally 'made' by the Council. Having sought the parties' comments, I am satisfied that given its advanced stage, significant weight can be attached to the policies within the BNP.

Main Issues

4. The main issues in relation to this appeal are;
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii) Whether the site is a suitable location for tourism development having regard to its accessibility to services and facilities;
 - iii) The effect of the proposal on highway safety; and
 - iv) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. Policy SS10 of the Staffordshire Moorlands Local Plan 2020 (LP) sets out that development proposals within the Green Belt will be strictly controlled allowing

only for exceptions as defined by Government policy. Although the paragraph numbers with regard to Green Belt matters have changed within the recent update to the Framework, the exceptions remain the same.

6. Policy HCT1 of the Biddulph Neighbourhood Plan (BNP) provides support for tourism uses to diversify the rural economy subject to compliance with Green Belt policy and there being no significant adverse impacts on the amenities of the rural landscape and surrounding businesses and uses. Thus, Policy SS10 of the LP and Policy HCT1 of the BNP are consistent with the Framework with regard to development within the Green Belt.
7. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
8. At paragraph 155(e), (formerly 150e) the Framework states that development including the material change of use of land is not inappropriate, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. These purposes include safeguarding the countryside from encroachment. The effect on openness has spatial and visual aspects and is not confined to permanent physical works but also relates to the purpose or use of land. It is a matter of planning judgement.
9. The existing site comprises a parcel of agricultural land occupied by a single storey pole-barn enclosed on 2 sides, as well as a larger, taller, generally open-sided mono-pitched structure, both of which were in use for agricultural storage purposes at the time of my visit. These buildings would be removed and replaced by the proposed caravan which would be of a smaller scale such that it would result in a reduction to the spatial impact on the openness of the Green Belt.
10. Views of the appeal site would largely be localised and limited to those from Biddulph Common Road particularly when travelling in a south-easterly direction. Nonetheless, the proposed caravan would be appreciable in public views where it would appear as a more solid form of development than the existing, with the further addition of external vehicle parking and increased area of hardstanding where the larger shed would be removed.
11. It is asserted that the proposed caravan would result in a visual improvement to the appeal site. Whilst it would be a newer form of development than the existing buildings, they are typical structures that reflect the agricultural character of the surroundings, their bulk being mitigated to some degree by their open-sided nature.
12. Furthermore, the occupation of the caravan as tourist accommodation would involve the regular comings and goings of the occupiers and inevitably the use of outside garden/amenity space, the presence of associated paraphernalia such as bin storage and the use of artificial light which would draw attention to the proposed caravan during inclement weather or hours of darkness. In this regard it would be a more intensive form of development that would have the effect of spreading residential type development into the countryside. Thus, it would amount to encroachment, visually eroding the openness of the Green Belt. The provision of additional landscaping would be insufficient to mitigate this harm given the length of time it would take to establish. The proposal would therefore adversely affect the visual dimension of the openness of the Green Belt.

13. Reference is made to the caravan being a moveable structure. Whether or not that is the case, there is no evidence before me that the caravan in this instance, would be moved within the appeal site. To the contrary, it is proposed to be plumbed into a septic tank¹ and potentially other utilities such as water and electricity, such that it is unlikely to move. Being clad in timber logs the caravan would be of a considerable bulk and weight that it would only be possible to move by specialist equipment, such that it would be unlikely to occur frequently. Even if it did, the effect on the openness of the Green Belt arising from its visual impact would remain as described above.
14. The appellant also makes reference to the appeal site constituting previously developed land (PDL) for which there is an alternative exception to development within the Green Belt under paragraph 154g) of the Framework (formerly paragraph 149g). No evidence has been advanced as to why the appeal site is considered to constitute PDL. The definition of PDL contained within Annex 2 of the Framework, specifically excludes land that is or was last occupied by agricultural buildings, which would appear to be the case here based upon my observations.
15. However, even if I was to conclude that the site was previously developed, the exception would only apply where the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. For the reasons given above, I have found that the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing situation.
16. The harm in respect of openness and encroachment would be modest given the scale of development is limited to the provision of one caravan. Nevertheless, the proposal would not preserve openness and represents encroachment into the countryside, contrary to Green Belt purposes. The proposal would not therefore meet the exceptions for development set out under either paragraph 154g) or 155e) of the Framework. It would be inappropriate development, which is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also conflict with the aims of Policy SS10 of the LP and Policy HCT1 of the BNP as set out above.

Suitable Location

17. Policy E4 supports new tourism development including visitor accommodation, in conjunction with Policies SS10 and SS11 of the LP, subject to compliance with one of several criteria. These include that the proposal has good connectivity with other tourist destinations, particularly by public transport, walking and cycling; or is in locations close to settlements where local services, facilities and public transport are available or, is in an area specifically identified for development in the Churnet Valley Masterplan.
18. Despite being located close to a dwelling, the evidence before me and my observations indicates that the appeal site is not sited within or close to a settlement including those of Biddulph and Congleton. There are no facilities such as a convenience store or public house nearby to meet basic needs and, there are no specific tourist destinations at, or in proximity to the appeal site.
19. Future occupiers would have an approximately 30-minute walk to reach local facilities such as Biddulph Country Park², along predominantly unlit, rural roads

¹ Question 13 of the Planning Application Form.

² As cited by the Council and is not disputed by the appellant.

without pavements, where vehicles travel at some speed. As such, it would not feel pleasant or safe to walk in the vicinity of the appeal site, to access local facilities and services, even for a short distance. Instead, the location is likely to discourage travelling by walking, particularly after dark and for those with young children or restricted mobility.

20. Opportunities for cycling may be presented by the appeal site, although no specific measures have been proposed to accommodate this mode of transport. Given the rural location and nature and speed of Biddulph Common Road, cycling is likely to only be appealing to more proficient and experienced cyclists, such that it would be of limited benefit overall.
21. Access to the local bus service would also be limited by the need to walk a considerable distance along roads with unfavourable pedestrian conditions to the nearest bus stop³. In light of the general conditions of the appeal site as described above, future occupants of the proposed caravan are more likely to rely on the private car as a safer and more convenient transport mode to access local services, facilities and tourist destinations. Indeed, the appellant acknowledges that most journeys to and from the appeal site would be via a car⁴. Despite the use of 'particularly' within Policy E4 this does not suggest that good connectivity by car is appropriate. Instead, it puts the emphasis on accessibility by public transport, walking or cycling. This is consistent with paragraph 116a of the Framework which places pedestrian and cycle trips at the top of the movement hierarchy.
22. The evidence before me indicates that the appeal site is not located within the Churnet Valley Masterplan. For the above reasons, the proposal would not therefore comply with criterion 1A, B or C of Policy E4 of the Local Plan.
23. Criterion 2 of Policy E4 does however, permit tourism development in other locations where a rural location can be justified. New accommodation should support the provision and expansion of tourist, visitor and cultural facilities in the rural area where the needs are not met by existing facilities (2A) and, all development should be of an appropriate quality, scale and character compatible with the local area (2B).
24. Whether holiday accommodation can be considered to be a characteristic of the locality or not, the proposed caravan would not support the provision or expansion of an existing tourist, visitor or cultural facility. Moreover, the appellant has not provided any evidence to demonstrate that the proposal would meet a particular need for tourist accommodation that is not met by existing facilities in the area, the presence of which does not automatically justify the acceptance of further development.
25. Chapel Croft B&B and Little Pines Lodge provide existing tourist accommodation a short distance from the appeal site⁵. The precise location and nature of the 'Hideaway in the Woods' is unclear but if it does exist within the vicinity of the appeal site, it would further demonstrate the alternative tourist accommodation provision nearby. In the absence of any compelling evidence regarding the demand for staycations and rural breaks not being met within the area, it has not been demonstrated that the proposal would meet a particular need for tourist accommodation.

³ As cited by the Council in its officer report.

⁴ As suggested in the appellant's statement of case.

⁵ As observed during my visit.

26. The proposal is required to comply with criterion 2A and 2B of Policy E4. There is no need for me to consider the proposals compliance with 2B, as even if I found the proposal acceptable with regard to its quality, scale and character compatible with the local area, the proposal fails 2A for the reasons given above, such that it fails to comply with criterion 2 overall.
27. The proposal would not be a suitable location for tourism development having regard to its accessibility to services and facilities. It would therefore conflict with Policies SS10, SS11 and E4 of the LP, which seek amongst other things, to ensure that new visitor proposals are in sustainable locations enabling good accessibility to services and tourist resources. The proposal would also conflict with the sustainable transport objectives set out in paragraph 116a of the Framework.

Highway Safety

28. The Highway Authority indicates that the visibility splays of 2.0 x 43m in both directions from the existing access point as indicated on the submitted drawings would be suitable for a flat 30mph road. Biddulph Common Road is typically rural in character, narrow in places with a 60mph speed limit and sloping gradient immediately outside of the appeal site.
29. During my visit I egressed from the access in a vehicle and noted its poor visibility in both directions. Visibility to the south-east is particularly impeded by the rising topography of the land, the presence of the boundary wall and the curvature of the road. Although a mirror located on the opposite side of the road provides some assistance to drivers, nonetheless oncoming cars are travelling at some speed such that they appear at very short notice to a driver attempting to leave the access.
30. Due to the gradient and alignment of the road, vehicles may travel at less than the specified speed limit. However, as there is no speed survey before me it has not been robustly demonstrated that the reduced visibility splays proposed would be sufficient to provide a safe and suitable access in this instance.
31. Although the access is in existing use, no evidence has been presented of the intensity of the existing farming use including the vehicle types and how many trips are made on a daily basis. Larger farming vehicles would have the benefit of a greater view over the existing boundaries of the appeal site. In contrast holidaymakers are likely to travel in an average height car and would not know the local road network or conditions as well.
32. Whilst it is suggested that the accommodation would be used for one family, 4 bed spaces would be provided which could lead to more than one vehicle utilising the appeal site per stay. There is no mechanism before me to demonstrate that the use of the site would be limited to the spring and summer months. Even if it were, that would not make the access safer for users, particularly as during those times vegetation along the boundary of the appeal site would be in leaf, which may further hinder visibility.
33. The proposal would result in an increase in cars using a substandard access onto a fast-moving road. In the absence of any evidence to the contrary, it has failed to demonstrate that a safe and suitable access to the site can be achieved for the future occupants. It would therefore have an unacceptable impact on highway safety. The proposal therefore conflicts with Policies DC1 and T1 of the LP and paragraph 114b of the Framework, which seek amongst other things, for development to provide safe and satisfactory access.

Other Considerations

34. The proposal would support the local economy through the employment of local tradespersons and in the long-term, as a result of guests using local services and facilities as well as Council tax payments. However, one caravan would inevitably make a modest contribution to the local economy. It is further suggested that the proposal would support a strong, vibrant and healthy community through the provision of holiday accommodation in an area that attracts tourists. Any health benefits would be limited by the location of the development which would not encourage access by walking or cycling and result in car dependency. Limited weight is therefore attributed to these matters.
35. The lack of harm with regard to waste and pollution is a neutral matter, weighing neither for, nor against the proposal. Even if enhanced biodiversity could be achieved by condition, the environmental benefits of the proposal would attract no more than limited weight in favour of the proposal. Support from the Parish Council does not equate to a lack of harm.

Planning Balance and Conclusion

36. The Framework is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a proposal conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate that the plan should not be followed. The LP was adopted relatively recently, and no substantive evidence has been presented to indicate that the most important policies are out-of-date. Regardless, as the appeal site is located within the Green Belt the application of policies in the Framework that protect areas of importance, provides a clear reason for refusing the development proposed⁶. Consequently, paragraph 11d) of the Framework is not engaged and the proposal would not benefit from the presumption in favour of sustainable development.
37. The proposal would be inappropriate development in the Green Belt, resulting in a modest loss of openness and encroachment. Further harm with regard to the appeal site not being in a suitable location for tourism development, and harm to highway safety has been identified. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
38. The limited weight I have attached to the economic and health benefits of the proposal would not clearly outweigh the substantial weight to be given to Green Belt harm, combined with the other harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed accordingly.

M Clowes

INSPECTOR

⁶ As set out within footnote 7 of paragraph 11 of the Framework.