



# Appeal Decision

Site visit made on 3 January 2024

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> March 2024**

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**Appeal Ref: APP/C3430/W/23/3324378**

**The Nurseries, Bungham Lane, Penkridge, Staffordshire ST19 5NP**

- 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 Ms Dawn Wright against the decision of South Staffordshire District Council.
  - The application Ref 22/00890/FUL, dated 20 September 2022, was refused by notice dated 31 January 2023.
  - The development proposed is the demolition of identified former nursery / garden centre buildings and erection of single dwelling and associated works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have determined this appeal in the context of the revised Framework.

## Main Issue

3. The main issue is whether the appeal site is suitable for new housing and whether future occupants of the development would be reliant on private motor vehicles.

## Reasons

4. Core Policy 1 of the Core Strategy (December 2012, the CS) sets out the spatial strategy and settlement hierarchy, with Penkridge being a Main Service Village (MSV). Primarily this strategy directs growth to the most accessible and sustainable locations and seeks to make efficient use of land and prioritises previously developed land as part of this. In the countryside outside of service villages, support for growth is more limited, primarily relating to affordable housing, tourism, sport or recreation, and development that would support the local rural economy and rural diversification. An objective of protecting the attractive rural character of the countryside is further sought alongside the accessibility and sustainability aims above.
5. The appeal site is located amongst a small linear group of dwellings, on this side of the road, which are visually and physically detached from the edge of Penkridge. Access to Penkridge is made directly along Bungham Lane which crosses, by bridge, a railway line which effectively presents the edge of the village. There are no pavements or street lighting until the other side of the bridge and the road is covered by the national speed limit for some distance

towards the bridge, it is 30mph thereafter into the village. There are a few notable bends along the road which restrict views along the route, and the hump of the bridge, which is also on a bend, significantly restricts views.

6. By way of being located outside of Penkridge the proposal would not comply with the spatial strategy unless it met with one of the identified exceptions set out above. It has not been demonstrated that the proposal would meet any of the exceptions set out under CS Core Policy 1 and therefore conflicts with the plan-led approach. Although development may be directed towards Penkridge, the appeal site is outside of this targeted area.
7. The appellant has submitted that the proposed dwelling would be close enough to Penkridge for the daily needs of future occupiers to be met. However, whilst the appeal site is at a walkable distance from services and facilities hosted there, there are no pavements or streetlights linking the site to the settlement. Pedestrians would therefore have to walk in the carriageway, which is narrow and somewhat winding, and this could lead to conflict with vehicles. This would be especially so during the hours of darkness or inclement weather. I therefore find the route to be difficult and unsafe for future occupiers, especially vulnerable occupiers, to walk. Given the context above, and although mindful that cyclists often use the carriageway, I find that it would be similarly unsafe for cyclists to use. Pressure would, therefore, be put on future occupiers to use private motor vehicles to reach services and facilities.
8. I understand that Penkridge has a train station and is served by bus routes. These would, therefore, be open for future occupiers to make use of in reaching services, employment or education further afield. However, as it would not be practical for future occupiers to walk or cycle to these links, I find it likely that future occupiers would not make regular use of the rail or bus routes, and instead rely upon private motor vehicles.
9. It is possible that alternative routes to services and facilities within Penkridge may exist. However, none of these have been brought to my attention and, from my site visit, it did not appear that there were any safer routes for pedestrians or cyclists. Although future occupiers may make use of electric or low-emissions vehicles, I do not find these to be so sustainable as to reflect, or comply with, the aims and requirements of the policies as set out above.
10. Whilst the proposal may only result in a small increase in travel to and from the site, it would nevertheless be an increase. Moreover, although the Framework understands that the opportunity for sustainable transport will vary between urban and rural areas, I find that this matter has been taken into account by the local policy and I have been mindful of this in my considerations of the appeal.
11. I note that the location of the proposed dwelling is previously developed land, development upon which is supported by the Council. However, I do not find that this support precludes conflict with other parts of the policy being found.
12. Although the appellant has referred to an employment site to the east of the appeal site, it has not been demonstrated how these two would relate. Moreover, I do not find that site would be likely to meet the daily needs of future occupiers or reduce the need for the use of private motor vehicles.

13. In conclusion, the location of the appeal site is in conflict with the Council's locational strategy, and future occupiers would be reliant upon private motor vehicles. The proposal therefore conflicts with CS Core Policy 1, as set out above, and CS Policy H1 which, amongst other things, seeks to provide sustainable communities. The proposal would also conflict with Section 5 of the Framework with regards a plan-led approach promoting sustainable development.

### **Other Matters**

14. I found harm stemming from the proposed development's conflict with the development plan. As such, the appeal must fail and therefore any potential harm to the Special Area of Conservation would not occur and mitigation would not be required. I therefore do not need to consider the matter further.
15. Although I note the restrictive nature of the wording in CS Core Policy 1. I do not find that this wording is, in so far as it is relevant to this appeal, contrary to the aims of the Framework with regard to the directing of development to more sustainable locations. I therefore afford it only a very modestly reduced weight compared to had it been fully consistent with the Framework. In considering this I have been mindful to appeal decisions<sup>1</sup> raised by the appellant. Although I have been provided with a copy of the Local Plan Review, it is not clear how far along this currently is. However, those policies most relevant to the appeal before me appear to reflect the strategy set out in the CS.
16. I recognise that the former garden centre buildings, are in a poor state of repair, the proposal would likely result in the site being tidied. However, it has not been demonstrated that the proposal would be necessary to achieve this and, as such, I do not find it to be determinative in my considerations.
17. To the north of Penkridge an appeal<sup>2</sup> was allowed for the erection of one dwelling. I have not been provided with all of the relevant information and so I cannot be certain of the overall context and circumstances of the decision. However, it is clear that the location of that scheme was significantly different to that before me. Notably, there was a bus stop nearby, and only a very small section of the route to Penkridge did not have a footpath. I also note that the Council could not, at that time, demonstrate a five-year housing land supply. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

### **Conclusion**

18. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some very limited social and economic benefits resulting from future occupiers to the benefit of the rural economy. There may also be the potential for the site to accommodate older people and those seeking a self-build. Given the small scale of the proposal these matters would at most attract modest weight.
19. Whilst the proposal may not result in any harm to character and appearance, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my consideration.

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<sup>1</sup> Appeal References: APP/C3430/W/18/3213147, APP/C3430/W/20/3258620 and APP/C3430/W/21/3283085

<sup>2</sup> Appeal Reference: APP/C3430/W/18/3216637

20. Conversely, the location of the proposal outside of a settlement, and where future occupiers would be reliant on private motor vehicles, would undermine the Council's plan-led approach to the delivery of housing. These matters attracts moderate weight and outweigh the benefits associated with the proposed development.
21. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR