



Appeal Decision

Site visit made on 29 May 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/Y3425/W/24/3337551

3 Quarry Lane, Gnosall, Stafford ST20 0BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Sadler against the decision of Stafford Borough Council.
 - The application Ref is 23/38083/OUT.
 - The development proposed is described as "Outline application for a single dwelling within the garden area of 3 Quarry Lane."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with approval being sought for detailed matters relating to the access only. Layout, scale, appearance, and landscaping are reserved for subsequent approval. I have therefore dealt with the appeal on that basis, treating the plans as illustrative only except where they relate to the access.
3. The site is located within the influence of the Cannock Chase Special Area of Conservation (SAC) which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not an issue raised by the Council in its decision, it is incumbent upon me as competent authority to carry out an appropriate assessment as to whether the proposal would be likely to have a significant effect on the integrity of the SAC. I return to this matter later.
4. The appeal site is located within the Shropshire Union Canal Conservation Area (the CA). As such there is a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. I also return to this matter later.
5. The appellant has submitted a Transport Statement (TS), Version 2, dated 10 January 2024. The TS was prepared after the Council's decision, but it was submitted with the appellant's Statement of Case. The Council has had an opportunity to comment on the TS, as has the Highways Authority (the HA). Having regard to the principles established in *Holborn Studios Ltd*¹, I am satisfied that no party has been prejudiced in this regard and I have taken the TS into account in determining this appeal.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

Main Issues

6. The main issues are:

- the effect of the proposed development on highway safety, and
- the effect on the qualifying features and integrity of the Cannock Chase Special Area of Conservation (SAC).

Reasons

Highways safety

7. The appeal site forms part of the side garden of 3 Quarry Lane, located within the village of Gnosall. The host property fronts Quarry Lane and is located near to the junction with Beffcote Road. The property has an existing vehicle access and parking area off the lane, to the side of the main dwelling. The proposed development would share the existing access arrangements.
8. Quarry Lane is a single track unclassified road that serves a small number of residential properties. The carriageway is relatively straight and has a 60mph speed limit. The lane has a rural character with no segregated footway and limited streetlighting.
9. Policy T2 of The Plan for Stafford Borough 2011-2031 (the Development Plan) seeks to ensure that adequate parking facilities are provided for new development, which must, amongst other things, have safe and adequate means of access, egress, and internal circulation, that does not materially impact highway safety or traffic movement and not detract or conflict with the transport function of the road. This is consistent with paragraph 114 of the National Planning Policy Framework (the Framework), which requires that safe and suitable access is available for all users.
10. In addition, paragraph 115 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116(c) also states that developments should minimise the scope for conflicts between pedestrians, cyclists, and vehicles.
11. The TS includes a speed survey (the survey). The survey was carried out over a seven-day period during July. The survey demonstrates that the 85th percentile speeds on Quarry Lane were 14.7mph northbound and 15.9mph southbound. Therefore, visibility splays of 19m to the North (looking right out from the access) and 18m to the South (looking left out from the access) are recommended.
12. Manual for Streets guidance indicates that visibility splays can be reduced for lightly trafficked streets. Furthermore, the Manual for Streets 2 advises that in rural areas many parts of the highway network are subject to the national speed limit, but they have traffic speeds significantly below 60mph. Speeds on Quarry Lane are significantly below 60mph.
13. The proposed access would achieve visibility splays of 17m in each direction, taken from the centre of the road. This is a shortfall on the recommended guidance and the HA have concerns about the reduced splays and them being taken from the centre of the road.

14. However, I am mindful that the lane serves a limited number of residential properties and vehicle movements along the lane are limited, as confirmed by the speed survey. Furthermore, during my site visit I observed that existing highway signage confirms that at its junction with Cowley Lane, Quarry Lane is unsuitable for motor vehicles. In addition, the proposal is for one dwelling and the increased use of the access and parking area would also be small. As such, I am satisfied that the volume of traffic using the road is low. Likewise, the evidence confirms that pedestrian and bicycle movements along the lane are minimal.
15. While I acknowledge that visibility at the Quarry Lane and Beffcote Road junction is limited, the vehicle movements associated with one additional dwelling would not be significant. The HA has also confirmed that no 'Personal Injury Collisions' have been recorded within 43m of the site in the previous five years, which suggests that the junction and roads close to the appeal site are not inherently dangerous. As such, I find in those regards that the proposed access arrangements would not result in unacceptable or severe levels of highway danger.
16. The single track width of the lane would suitably deter the potential for the future occupiers or visitors from parking on the road. Nonetheless, the submitted plans, while only indicative insofar as they relate to layout of the proposal, demonstrate that five parking spaces, including one visitor space, could be provided within the site. The TS also demonstrates that vehicles can park and manoeuvre within the site. Therefore, appropriate parking provision for the existing and proposed dwelling could be achieved, without resulting in vehicles parking on the lane.
17. It is evident that in order to access services and amenities within the village, the future occupiers of the proposal would be expected to walk along a single width road with no streetlighting. This would be for a short distance until they reach the footway on the other side of the canal bridge on Wharf Road. Therefore, owing to the distance, the volume of traffic, vehicle speeds and the prevailing rural character, occurrences of pedestrian and vehicle conflict is likely to be limited.
18. Consequently, based on the evidence before me, I conclude that the proposed development would not cause an unacceptable impact on highway safety. As such, it would not conflict with Policy T2 of the Development Plan and paragraphs 114, 115 and 116 of the Framework.

Cannock Chase SAC

19. The appeal site is located within 15km Zone of Influence (ZOI) of the SAC. The SAC is designated for its unique heathland habitat. The submitted evidence confirms that the adverse effects to the SAC would be as a result of increased recreational activity from visitors, which could have an adverse effect on the integrity of the SAC. The majority of visitors to the SAC are from within ZOI. Activities such as walking, cycling and horse riding are popular due to the excellent accessibility via its network of public footpaths, bridleways, and permissive trails.
20. Policy N6 of the Development Plan states that development within 15kms of the SAC, leading to a net increase in dwellings, shall provide necessary steps to avoid or mitigate any adverse effects which may include contributions to a

range of measures. It states that these measures should be secured through a suitable mechanism (such as a Legal Agreement) to mitigate any adverse harmful effects.

21. The Council has formed a partnership with other Council's within the vicinity of the SAC, known as the Cannock Chase SAC Partnership, to assess the impact of development upon the SAC. The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. These are referred to as Strategic Access Management and Monitoring Measures (SAMMM).
22. Based on the submitted evidence, I find that the proposal, individually and in combination with other development, would be likely to have an adverse effect on the integrity of the SAC. Under the Habitat Regulations, such impact would need to be avoided and in line with the Council's approach to such matters a mitigation payment per net residential dwelling is required. This would need to be secured by a satisfactory legal agreement or CIL contribution to secure the proportional financial contribution towards the SAMMMs.
23. Natural England, who were consulted as part of this appeal, do not object to the proposal, as a developer contribution can be made as mitigation, in accordance with the SAC Guidance.
24. The appellant has submitted a signed 'Statement of Willingness' to pay a set developer contribution fee of £344.01 per dwelling, to mitigate the impact of the proposed development on the SAC. Whilst the Council has advised that this is sufficient at this stage, as payment can be conditioned so that it is paid prior to any commencement of works, this approach is not supported by the Planning Practice Guidance², unless in exceptional circumstances. No such circumstances are before me.
25. The appellant was given an opportunity to suitably address the matter. However, in the absence of a legal agreement to secure a mechanism for suitable mitigation, there is insufficient certainty that the necessary avoidance and mitigation measures would be secured and implemented. Consequently, I am not satisfied beyond all reasonable scientific doubt that effective mitigation measures would be secured which would be effective in avoiding the likely significant effects. In the absence of this there would be residual adverse effects on the integrity of this Site.
26. For the reason given above, in the absence of suitable mitigation, I conclude that the proposed development would be likely to have a significant effect, either alone or in combination with other development, on the qualifying features and integrity of the Cannock Chase Special Area of Conservation. Accordingly, this would not meet the provisions of the Habitat Regulations and the proposal would conflict with Policy N6 of the Development Plan, and the Framework. These seek, among other matters, for development to be resisted if it would lead to an adverse effect upon the integrity of the SAC.

Other Matters

27. The CA encompasses the linear formation of the canal, and its significance derives in part from the groups of associated industrial buildings strategically located close to the canal, reflecting the importance of the canal for industry.

² Paragraph: 010 Reference ID: 21a-010-20190723

As well as many historic canal side buildings including farms and canal side pubs. It is recognised within The Shropshire Union Canal Conservation Area Appraisal as a 'modern' canal built between 1827-1835 marking the end of the major canal development in Britain, and the last major work to be undertaken by its originator and engineer, Thomas Telford.

28. The appeal site backs onto the canal and is elevated above the tow path by an established embankment. The host building forms a terrace of 19th century, two storey cottages, with rendered walls and a concrete pantile roof. The terrace is located near to 'Boat Inn Bridge' and 'The Boat Inn' canal side pub. The cluster of buildings and structures, adjacent to the canal make a positive contribution to the character, appearance, and significance of the CA.
29. The proposed development would be located to the side and rear of the host building. It would be viewed within the context of the more modern residential developments along Quarry Lane. The Council is content with the principle of a new dwelling on the site, subject to the details provided at reserved matters stage for layout, scale, appearance, and landscaping, and that it would not have an adverse effect on the CA.
30. Based on the submitted evidence, I am also satisfied that a new dwelling, with an appropriate layout, scale, appearance, and landscaping, in this location, would preserve the character and appearance of the CA and no harm would be caused to the significance of the CA as identified above.

Conclusion

31. The Framework states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate otherwise.
32. In terms of the disputed highway matter, I have found in favour of the appellant. Nonetheless, I have assessed that the appeal proposal fails to secure appropriate mitigation for the SAC. This gives rise to a significant conflict with the development plan taken as a whole. Moreover, the appeal proposal would not meet the provisions of the Habitat Regulations.
33. Despite the matters weighing in favour of the appeal scheme, in exercising my statutory duty under the Habitat Regulations this firmly indicates that the appeal should be dismissed.

N Bromley

INSPECTOR