



Appeal Decision

Site visit made on 5 November 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/Y3425/W/24/3342492

Land rear of 66 Mount Road, Stone, Staffordshire ST15 8LJ

- 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 Sarah Tolley against the decision of Stafford Borough Council.
 - The application Ref is 22/36059/OUT.
 - The development proposed is a new dwelling on land off Whitebridge Lane, Stone.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Sarah Tolley against Stafford Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The application was submitted in outline with only access and scale being considered at this stage. All other matters, namely appearance, landscaping and layout have been reserved for a subsequent application.
4. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected thereby. I do not therefore feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.

Main Issue

5. The main issue is the effect of the proposal on the health of a protected tree, in the interests of the character and appearance of the area and the living conditions of future occupiers.

Reasons

6. The Copper Beech tree in question is substantial in size and located in the rear garden of No 66 Mount Road and close to its rearmost boundary as it abuts the appeal site. It is an attractive specimen of some considerable maturity, height and canopy spread. These factors mean the tree makes a significant and positive contribution to the character and appearance of the area, being seen from a number of vantage points around and over surrounding dwellings. It is subject to a Tree Preservation Order (TPO).

7. There is some debate in the evidence as to whether the tree is a veteran. If this were to be so, and the Council's officer presents a reasonably compelling case in favour, the Root Protection Area (RPA) would be wider than the 15 metres set out by the appellant. Their RPA, though supported by measurements of the trunk diameter at the required height and taking into account the specimen's age, species and overall size, does not give a sufficiently compelling case for limiting it to such. With this in mind, and erring on the side of caution, the RPA could be wider, truncating any developable space if a dwelling were to be erected completely clear of a RPA even further.
8. Built form can take place within a RPA and there are construction methods suggested to be able to facilitate such. Without knowing more precise detail on the one for the Copper Beech in question however, taking account of its age and quality, it is difficult to commit to which one might be the most appropriate, if indeed any would be at all. Granting a planning permission and dealing with such matters later might thus be akin to trying to lock the door after the horse has bolted. Such works would then lead to future problems for the tree's health due to compaction or severance of key parts of the root system closest to the soil's surface. Any damage to the longer-term health of the tree, leading to its demise in the future, would be significantly detrimental to the character and appearance of the area.
9. If I were to take it that a dwelling could be developed entirely outside of the RPA, assuming it were to be 15m as suggested, it would be squeezed entirely to the boundary of the plot closest to the road edge. The Council has not alleged any harm in this regard and putting the potentially contrived nature of such a solution aside, any garden space for the unit would be entirely within the crown spread of the tree. It would therefore, during significant periods of time when the tree would be in leaf, would be in almost permanent shade given the density of the tree's canopy and foliage. Without a final design I could not be sure where windows on such a unit would be placed but should it have more than one aspect then the rooms they would serve would be similarly affected.
10. The density of the tree's canopy would result in significant leaf fall and by the appellant's own admission this has created issues for their own and neighbours' dwellings and gardens. It is difficult to see that the same nuisance would not befall occupiers of a dwelling on the appeal site. This would lead to future pressure for overly substantial pruning or complete removal. In any case, for this and the above reasons, the proposed development would result in an unacceptably poor standard of living conditions for future occupiers.
11. The above harms to both the character and appearance of the area and the living conditions of future occupiers, owing to the effect the scheme would have on the longer term health of the Copper Beech tree, would result in conflict with Policies N1 and N4 of the Plan for Stafford Borough 2011-2031 (2014) and Policy H2 of the Stone Neighbourhood Plan 2016-2031, which together and amongst other matters seek to ensure the development protects and conserves the natural environment and respects trees. Although Policies N1 and H2 are concerned with design, they also require development to take account of local character and respect trees. Whilst the application was in outline, these matters are directly relevant to development of the site due to the presence of the protected tree.

Other Matters

12. I have been provided with other examples of outline proposals for development on sites which include trees in the local area. Whilst I do not have the full details of the proposal before me, they do not appear to be comparable to the appeal site, due to the size of the trees and space available for development. I am also not certain that they include trees protected by a TPO. In any event I have determined the appeal on the site-specific circumstances of the case.
13. I am also aware that the appeal scheme would be acceptable in a number of other areas. Such as the site being within the settlement, not in a flood zone and there being no objections on highways grounds. These matters would however be a lack of harm in each case and not therefore weigh in the proposed development's favour. They would be neutral in any balance.

Planning Balance and Conclusion

14. The appeal scheme would not accord with the development plan in relation to the health of the protected tree within the site in the interests of the character and appearance of the area and living conditions of future occupiers. It would however provide an additional dwelling, that could both contribute to the supply of self and custom build plots and to the mix and supply of homes in the area. This would support the social and economic objectives of the Framework. However, given the magnitude of the development, these benefits would attract limited weight in favour of the proposal. This leads me to conclude that the proposal would not accord with the development plan when considered as a whole and that the benefits of the proposal would not outweigh the substantial harms identified. The appeal should therefore be dismissed.

H Senior

INSPECTOR