



Appeal Decision

Site visit made on 27 November 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/C3430/W/24/3345249

The Dingle, Coven Road, Brewood, Staffordshire ST19 9BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Williams against the decision of South Staffordshire District Council.
 - The application Ref is 23/00933/FUL.
 - The development is Proposed 1 no. dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the location would be suitable for housing having regard to flood risk;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - whether or not the location would be suitable for housing having regard to accessibility to services and facilities.

Reasons

Flood risk

3. The appeal site includes land within Flood Zone 3, which has a high risk of flooding, and the appeal is supported by a 'Household Flood Risk Assessment' (FRA). In particular, the proposed access lies within Flood Zone 3.
4. In these instances, the Framework and Planning Policy Guidance (PPG) aim to steer development to areas with the lowest probability of flooding through the application of the sequential approach. Core Policy 3 of the South Staffordshire Council's Core Strategy Development Plan Document December 2012 (the CS) is not listed in the Council's decision notice but also seeks to guide development away from known areas of flood risk.
5. The Framework requires a 2-stage process to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The

process consists of the sequential test and exceptions test which seek to minimise the risk of flooding both to the development proposed and the surrounding area.

6. A new dwelling does not fall within any of the exceptions listed in footnote 62 of the Framework and accordingly a sequential test is required, as set out at paragraph 176 of the Framework.
7. Even though the majority of the appeal site is within Flood Zone 1, which has the lowest probability of flooding, and the FRA identifies 'usual prevention / mitigation measures', the PPG is clear that even where an FRA shows that the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied for sites that fall within Flood Zone 3.
8. It has not been demonstrated that the sequential and exception tests have been undertaken. Therefore, in the absence of any information to enable the sequential test to be undertaken, I cannot be satisfied that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The proposal therefore fails the sequential test and would therefore not be an acceptable form of development with regards to flood risk.
9. For these reasons, I conclude that the proposed development is not in a suitable location having regard to flood risk. Therefore, it is contrary to Core Policy 3 of the CS, and the flood risk aims of the Framework.

Whether inappropriate development

10. The appeal site lies within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.
11. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, other than in a few exceptions, including (e) limited infilling in villages. Policy GB1 of the CS is broadly consistent with the Framework and includes limited infilling as an exception.
12. The Framework does not define 'village' or 'limited infilling'. However, Policy GB1 of the CS defines limited infilling as the filling of small gaps (1 or 2 buildings) within a built-up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site or have a greater impact on the openness of the Green Belt and the purpose of including land within it. The Green Belt and Open Countryside Supplementary Planning Document (2014) (SPD) provides further guidance on what constitutes acceptable limited infilling. I am also mindful that it is a matter of planning judgement for the decision maker, taking into account numerous factors, including the size and location of the development and its relationship to the existing built form of the surroundings.
13. There is no dispute between the main parties that the appeal site falls outside the defined development boundary of Brewood. However, as you approach Brewood along Coven Road, there are a small number of houses along the road.

14. The appeal site is located in between a complex of residential dwellings on Hyde Mill Croft, which adjoin the settlement boundary, and 'The Dingle', a detached property. The Dingle and the residential dwellings on Hyde Mill Croft are also separated by a bridleway and Chillington Brook (the brook) but the houses form a ribbon of development along Coven Road as you leave the village. A detached property, with a number of outbuildings, is also located opposite the appeal site.
15. There is a continuous footway with streetlighting to the front of the appeal site providing direct access into the village and there is an obvious visual and functional relationship between the ribbon of development along the road and the village. Taking all these factors together, it is reasonable to conclude that the appeal site is, for the purposes of this appeal, within the village.
16. The proposed detached dwelling would front the road and have a similar building line to The Dingle. The footprint, height and appearance of the development would be commensurate with the plot and surrounding buildings also. Therefore, even though the bridleway and the brook would maintain a narrow gap in the ribbon of development, small gaps between existing buildings within a village are not uncommon. As a result, the proposed detached dwelling would otherwise infill the gap between The Dingle and the complex of residential dwellings on Hyde Mill Croft. In combination, taking these factors into account the proposed development would fall within the provision of 'limited infilling'.
17. Consequently, I conclude that the development would represent limited infilling in a village and, therefore, would fall within the exception listed under paragraph 154(e) of the Framework, and would not be inappropriate development in the Green Belt. Therefore, the proposal would not conflict with GB1 of the CS, or the Framework, insofar as they seek to protect the Green Belt from inappropriate development.
18. Given that the proposal is not inappropriate development in the Green Belt, it is not necessary for me to consider its effect on the openness of the Green Belt. It is also not necessary for 'very special circumstances' to be present to outweigh harm to the Green Belt by way of inappropriateness.

Location

19. Core Policy 1 (CP1) of the CS seeks to locate development in the most accessible and sustainable locations, in accordance with the settlement hierarchy, and seeks to restrict development in the open countryside.
20. Although CP1 of the CS identifies Brewood as a Main Service Village, the appeal site lies beyond the settlement boundary. In these instances, CP1 identifies that new development will be restricted to meet affordable housing needs, support tourism, provide for sport and recreation, and support the local rural economy and rural diversification. None of these apply to the appeal scheme and the proposed development is thus contrary to CP1 of the CS.
21. As a Main Service Village, Policy CP1 of the CS recognises Brewood as one of the most sustainable rural locations in terms of the level of available essential community facilities and, access to public transport and supporting infrastructure.
22. The village is a short walk from the appeal site, along a continuous footpath. Therefore, walking and cycling to access services and amenities within the village would be an attractive possibility for the future occupants of the proposed dwelling.

Likewise, there are bus stops near to the site which would provide an alternative to the private car for some journeys also. As such, the location of the appeal site, offers future occupants with a genuine choice of transport modes to access a range of services, amenities and facilities, as an alternative to car travel.

23. Therefore, notwithstanding its countryside location and the conflict with Policy CP1 of the CS, I conclude that the site would be suitable for housing having regard to accessibility to services and facilities. It would also be in accordance with the objectives of the Framework which seeks to prioritise sustainable modes of travel, and in particular encourage walking and cycling.

Other Considerations

24. The Council accepts that it can only demonstrate a 1.17 year supply of housing land following the publication of the revised Framework on 12 December 2024. This represents a significant shortfall of housing delivery within the borough.
25. The appeal site represents a windfall site and housing on the land could be delivered relatively quickly and would make a small numerical contribution to reducing the significant housing supply deficit. There would also be social and economic benefits to local services during the construction and occupancy phases. In combination, these factors attract considerable positive weight.

Other Matters

26. The appeal site is not located within a conservation area; however, it is adjacent to the boundary of the Breward Conservation Area (the CA) and it is identified as being within the CA Buffer Zone.
27. The significance and special interest of the CA largely derives from its historic interest as a settlement, centred around the Market Place and the Grade I listed St Mary and St Chad's Church occupying a prominent position. The Market Place has a mix of two and three storey sixteenth and seventeenth century buildings and there are many examples of timber framed buildings, as well as stone and brick built buildings, largely built in tight rows.
28. Larger eighteenth and nineteenth century housing are located on the southern edges of the village near to the brook and contribute to the rural character of the village. These features make a positive contribution to the character and appearance of the village, and the significance and special interest of the CA.
29. The design and appearance of the proposed dwelling, as an infill plot, would preserve the rural character on the southern edge of the village, preserving the setting of the CA. The Council is also content with the design of the proposed scheme and that it would not have an adverse effect on the CA. Therefore, based on the evidence, I am also satisfied that the development would preserve the character and appearance of the CA and no harm would be caused to its significance and special interest.
30. The appellant has submitted a signed Unilateral Undertaking to address the issue of recreation activities on the Cannock Chase Special Area of Conservation. However, given my findings that the proposal would not be a suitable location for new housing having regard to flood risk, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate

Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Planning Balance

31. The proposed development would not be inappropriate development within the Green Belt and its location adjacent to the village would be suitable for housing having regard to accessibility to services and facilities. Even so, the proposal would not be a suitable location for new housing having regard to flood risk and the significant harm draws the scheme into conflict with the development plan when read as a whole. The identified positive benefits that one dwelling would result in would be modest and not outweigh this significant harm.
32. It is the case that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. However, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework does not apply where policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 to paragraph 11(d) of the Framework is clear that this applies to areas at risk of flooding. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

33. For the above reasons, the proposed development would conflict with the development plan as a whole and there are no material considerations of sufficient weight which indicate that a decision should be taken otherwise than in accordance with it.
34. Therefore, the appeal should be dismissed.

N Bromley

INSPECTOR