



Appeal Decision

Site visit made on 26 November 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/B3410/W/24/3344567

Bank House Farm, Oak Road, Denstone, Staffordshire ST14 5HT

- 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 Miss Edwina Keates against the decision of East Staffordshire Borough Council.
 - The application Ref is P/2023/00041.
 - The development is retention of detached garage building and use of first floor as an Aesthetics Clinic.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The Council's reason for refusal clearly relates to the use of the first floor as an Aesthetics Clinic and no concerns are raised with the design and appearance of the building, which is different to the original planning permission for its construction, reference P/2015/00578. I have no reason to come to a different conclusion on that element of the development and have determined the appeal on that basis.
4. I observed at the time of the site visit that the works and use of the first floor as an Aesthetics Clinic had taken place. As such, I am dealing with the appeal retrospectively.

Main Issue

5. Given the foregoing, the main issue is whether or not the location is suitable for the development, including its effect on highways safety, having regard to local and national planning policies.

Reasons

6. The appeal site comprises a farmhouse and a detached two storey, double bay garage (the garage), located outside of the defined settlement boundary of Denstone, in the open countryside. The site is accessed from Oak Road via a

single width unmade track, which is also a Public Right of Way, Public Footpath Denstone 38, (PRoW).

7. The Aesthetics Clinic (the clinic) occupies the first floor of the garage and is operated by the appellant who lives in the farmhouse. The working hours of the business are 10am to 5pm on weekdays, 10am to 1pm on Saturdays and closed on Sundays and Bank Holidays.
8. Policy SP1 of the East Staffordshire Borough Council Local Plan (the Local Plan) seeks to ensure that proposals are located where there are good links to the strategic highway network and where it is convenient and safe to walk, cycle and travel by public transport to services and facilities.
9. Policy SP8 of the Local Plan sets out that development outside settlement boundaries will not be permitted unless, amongst other things, it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycle or by public transport, or it is in accordance with a 'made' Neighbourhood Plan. If it does, then development is judged against further criteria, including that development will not have an adverse impact on the transport and highway network and provides adequate access for all necessary users.
10. The appellant has also drawn my attention to Policy LE1 of the Denstone Neighbourhood Development Plan (the NDP), 2017, which sets out, amongst other things that proposals for the development of new small business units and the expansion or diversification of existing small-scale units will be permitted, providing that it can be demonstrated that there will be no significant adverse impact resulting from increased traffic generated by the proposed development.
11. In addition, the Framework supports the development of accessible local services in rural areas and paragraph 89 states that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, the Framework also expects planning decisions to encourage and prioritise sustainable travel modes, whilst also ensuring that safe and suitable access to the site can be achieved for all users.
12. There are limited details in regard to the services on offer at the clinic or the likely catchment area for the development. However, the services are likely to be niche and it is reasonably likely that the vast majority of customers travel considerable distances to access the appeal site and clinic, as opposed to providing facilities for the local community. As a result, even though some customers may make linked trips to the appeal site, when they are travelling to employment opportunities and nearby schools, there is limited substantive evidence to demonstrate that the clinic needs to be located in this rural location. Furthermore, the customer base of the business is likely to be heavily reliant on the private car to access the development.
13. I accept that the reliance on a private car to access the services of the clinic would be the case even if the appeal site was located within the settlement boundary. However, a business within the village would offer more opportunities for

alternative transport modes compared to the appeal site, which is outside the settlement boundary.

14. In addition, although the access to the site is adjacent to the settlement boundary, the garage is located at the end of an unmade, narrow, winding track that is steep in parts. This limits the probability of visitors walking or cycling to the appeal site, particularly during hours of darkness and inclement weather. For similar reasons, customers are unlikely to use public transport to access the services and the appeal site. Therefore, the development is not easily accessible by sustainable travel modes.
15. The track is also a PRow with bridleway status, and there are few passing places. Therefore, the additional use of the track by vehicles using the clinic increases the likelihood of conflicts between vehicles and pedestrians, as well as horse riders.
16. Likewise, use of the existing access on to Oak Road would be increased. The access is near to a bend in the road and visibility splays for the access have not been provided. In addition, vehicles approaching the site from the village would need to turn right into the appeal site and I observed during my site visit that forward visibility for a vehicle turning right is restricted by the bend.
17. It is suggested that the clinic typically treats no more than five clients per day, which equates to a maximum of five vehicle round trips daily. Even when considering deliveries, the vehicle movements associated with the appeal scheme would be relatively modest. Nonetheless, the development has increased vehicle movements to the site and, on the evidence before me, I am not satisfied that the increased use of the access, as a result of the development, is suitable and safe.
18. Reference is made to Denstone Hall Farm Shop, which has a variety of commercial uses including a hairdresser. Whilst it is suggested that the farm shop is a more substantial commercial use and located outside the settlement boundary, the site history and circumstances of that development are unknown. Inevitably, it is the detail and specific context of any development which determines whether it is acceptable in practice. Having considered this appeal scheme against local and national planning policy, for the reasons given, I consider that there would be unacceptable harm.
19. For the reasons outlined above, I conclude that the appeal scheme would not accord with relevant development plan policies and the site is not a suitable location for the development, including its effect on highways safety, having regard to local and national planning policies. As such, the development conflicts with Policies T1 and LE1 of the NDP and Policies SP1, SP8 and SP35 of the Local Plan, as well as Section 9 of the Framework.

Other Matters

20. Bank House Farm is identified as a non-designated heritage asset (NDHA) in the NDP. It is highlighted as being a 19th Century red brick building with Hollington stone quoins and a blue tile roof. The garage is located next to the existing farmhouse, within a farmyard setting. However, as only minor external alterations have been carried out when compared to the original planning permission¹ for the building, I consider the setting and significance of the NDHA would not be harmed.

¹ Reference: P/2015/00578 - Erection of a detached garage & storage building

21. The creation of a new business in the countryside offers some limited benefits through supporting a prosperous rural economy and I note that the Parish Council and third parties have raised no objections. However, the wider economic benefits of the development are minor due to the small-scale nature of the appeal scheme. Therefore, the benefits do not outweigh the harm and associated policy conflicts that I have identified.

Conclusion

22. The proposed development would conflict with the development plan when read as a whole. There are no material considerations before me to indicate a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR