



Appeal Decision

Site visit made on 4 December 2024

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/B3410/W/24/3346031

Dovecote Barn, Outwoods Lane, Burton Upon Trent, Staffordshire DE13 9QU

- 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 and Mrs S Falder against the decision of East Staffordshire Borough Council.
 - The application Ref is P/2024/00096.
 - The development proposed is removal of existing stable and storage building and erection of a self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline and includes matters related to access and layout as part of the appeal proposal, with matters related to appearance, landscaping and scale reserved for future approval. I have considered the appeal on this basis.
3. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published and so I have had regard to this in reaching my decision. The main parties were given opportunity to comment on the updated Framework and I have had regard to the comments made on such.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed dwelling would be in a suitable location with regard to the local and national development strategy; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site is located on the edge of Burton-on-Trent, outside the settlement boundary, within the open countryside. Strategic Policy 2 (SP2) of the East Staffordshire Local Plan (LP) (October 2015) sets out that development will be directed towards the most sustainable locations in accordance with the Council's settlement hierarchy. This includes that new development should be concentrated within the settlement boundary of the Main Towns, Strategic Villages, Local Service Villages and Rural Industrial Estates.

6. Anslow is identified in Policy SP2 of the LP as a Tier 3 small village and other settlement, where development will be permitted only in exceptional circumstances, as set out in NP1 and Strategic Policies 8, 14, 15, 18, 20 and 21.
7. Strategic Policy 8 (SP8) of the LP sets out that development outside settlement boundaries will not be permitted unless it meets one of the stated categories of development *and* also, meets certain criteria if it falls within one of such categories of development. While Policy SP8 does not specifically refer to housing, it is directly of relevance to the appeal proposal, as it relates to development outside settlement boundaries, as per the proposed development.
8. Policy H1 of the made Anslow Neighbourhood Plan (August 2014) (NP) sets out that new residential development will be permitted outside settlement boundaries in the Plan area through the re-use of rural buildings and in other exceptional circumstances permitted under policies of the ESBC Local Plan. It also states that, additionally in Anslow village new residential development will be permitted on small-scale infill sites. However, the proposal does not comprise the re-use of existing buildings and as the site is outside the village, within a designated Strategic Green Gap, the appeal site cannot be considered as being small-scale infill development within Anslow village. Therefore, I find the appeal site is not a suitable site in the village for small scale development and so, the proposal would not be appropriate infill development.
9. To accord with Policy SP8 of the LP, the proposal must first be for a stated category of development set out in Policy SP8 to accord with the development strategy for the Borough. Self-build dwellings are not one of the stated categories of development, although Policy SP8 also refers to development 'otherwise appropriate in the countryside', which I consider below.
10. Strategic Policy 16 (SP16) of the LP relates to meeting housing needs and sets out that the inclusion of self-build plots within developments will be welcomed. Although, it does not identify self-build dwellings as an exception to development in the countryside. Also, the Council's adopted Housing Choices Supplementary Planning Document (SPD) (March 2023) provides additional guidance on key development plan policies and how they operate, including in relation to self-build dwellings.
11. Furthermore, the Council can demonstrate in excess of 5 years housing land supply. The policies within the LP are broadly consistent with the revised Framework in terms of overall development strategy, for example, in maintaining the supply of housing and, including policy that supports opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. Also, the exceptions in footnote 7 of the Framework do not apply in this instance.
12. Therefore, notwithstanding that the development plan is more than five years old and that the appellant has provided a copy of a more detailed self-build policy from another Council, I find that there are relevant development plan policies within the adopted LP and this, together with the guidance in the SPD on self-build housing, means that the policies which are most important for determining the application are not out of date. In such circumstances, the presumption in favour of sustainable development in paragraph 11d) of the Framework is not engaged and full weight should be attributed to the development plan policies.

13. In appeal decisions refs APP/G2435/W/18/3214451 & APP/G2435/Q/18/3214498, the Inspector commented on the need for plots to have mechanisms in place to be delivered as self-build or custom build plots. Also, while there is dispute on how self-build plots have been counted, as acknowledged by the guidance contained in the Planning Practice Guidance (PPG), the Self-Build and Custom Housebuilding Act 2015 (as amended), does not specify how suitable self-build permissions should be recorded.
14. However, in respect of the appeal proposal, while I acknowledge the appellants' personal statement in terms of their intentions to deliver a self-build plot to meet their needs, there is no proposed specific condition, nor has a planning obligation been secured to restrict the new dwelling to a self-build plot. Therefore, even if, I agreed with the appellants' view on the Council's self-build plot delivery, there is no mechanism in place to ensure the proposed dwelling would be, or remain, an appropriate self-build dwelling in any case.
15. Despite that the appeal site lies within the open countryside, the proposal would accord with some of the criteria listed in Strategic Policy 1 (SP1) of the LP. The appeal site would be accessible to services and facilities, due to good highway network links, bus stops nearby and proximity to a recently permitted large housing development, where various facilities and services are to be provided. However, it would not be secured as self-build and so, I cannot be certain it would contribute towards the supply of self-build housing in the Borough. Therefore, the proposal would not meet the other exceptional circumstances permitted under policies of the LP or be development otherwise appropriate in the countryside.
16. In view of the above, the proposed dwelling would not be in a suitable location with regard to the local and national development strategy and so, it would be in conflict with Policy SP8 of the LP. Additionally, the proposal would not align with the Councils' strategy for the distribution of housing, set out in Policy SP2 of the LP and, the proposal would conflict with Policy H1 of the NP.
17. Due to conflict with the aforementioned policies, while it has been demonstrated that the proposal would adhere to some of the principles of sustainable development in Policy SP1 of the LP, I find the proposal is not sustainable development which would, overall, comply with the guidance contained in the Framework.

Character and appearance

18. The site is within an area designated as a Strategic Green Gap, where Policy SP31 of the LP states that development will only be permitted if it would not have a negative impact on the openness of the landscape.
19. The proposed dwelling would replace two existing buildings, including a single storey stable block and barn. The proposed access and layout of the new dwelling demonstrates that the amount of building footprint and areas of hardstanding within the appeal site would be reduced. While the scale, mass and external appearance of the proposed dwelling is not known at this outline stage, a suitably designed dwelling could be provided that would not increase the prominence of the proposed dwelling compared to the existing buildings it would replace. Also, notwithstanding that the new dwelling may have a different character compared to the existing rural/equestrian buildings. It could be

designed so as not to have a greater impact on the openness of the landscape than the existing buildings, and so, not cause any undue urbanisation of the appeal site and its surroundings.

20. In addition, the proposed dwelling would be seen in the context of other nearby existing dwellings, including Dovecote Barn, The Cherry Tree and Windwood, rather than appear as a remote form of development. The proposed single dwelling in such context and location, would not cause the coalescence of settlements. Also, there is an existing substantial mature hedge along the roadside boundary of the appeal site, which would filter some views of the proposed new dwelling and the amenity areas around it. Conditions could appropriately ensure the retention of the hedge and, the scale and form of the new dwelling and external materials used could be appropriately controlled at the reserved matters stage of the development.
21. The appellants have set out that they intend to continue to keep horses once the new dwelling is built and the proposal would involve the demolition and removal of the existing stables. However, as the proposal does not include replacement new stables, the impact of such potential future development is not a consideration for this appeal. Any replacement stabling of the existing horses would be a matter for the appellant and so, could not justify refusal of the appeal proposal.
22. In view of the above and subject to aforementioned conditions, the proposal would not have a harmful effect on the character and appearance of the area. Therefore, there would be no conflict with Policy SP31 of the LP, as no negative impact on the openness of the landscape would be caused. Also, there would be no conflict with Policies SP24 and DP1 of the LP, which, amongst other matters, require development proposals to be of high quality design, which respond positively to the context of the surrounding area or reflect its character and form.

Other Matters

23. The appeal proposal is not directly comparable to the examples for custom build houses in Gloucestershire (ref APP/C1625/W/23/3329704), the decisions made in respect of self-build proposals by other Council's in the East Midlands¹ and the appeal decision ref APP/H1840/W/19/3241879 for up to 9 self-build dwellings in Worcestershire. This is because based on the evidence provided, they are in other local authority areas, in a different district and/or parts of the country with different applicable development plan policies. Furthermore, I have found the relevant plan policies are not out of date in relation to the appeal proposal.
24. It has been demonstrated by the evidence provided that the proposal would not cause undue harms caused to highway safety, ecology, trees. Also, due to the proposed position of the new dwelling and subject to its final design and appropriate boundary treatments, the living conditions of the occupiers of neighbouring dwellings could be preserved. Although, the lack of harm in relation to matters which are not main issues in this appeal, are neutral factors. The proposal would contribute to housing supply and provide some benefits to the local economy from the construction and occupation of the new dwelling. Although, as such benefits would be small given the scale of the proposed

¹ In North West Leicestershire and Harborough District Council areas, including reference 22/00029/FUL.

development, they would not outweigh the harm I have identified in relation to the first main issue.

Conclusion

25. While I have not found harm in relation to character and appearance, the harm I have found in relation to the location of the development is sufficient to justify dismissing the appeal. For such reasons, as given above, the proposal would conflict with the development plan as a whole and material considerations do not indicate a decision should be made other than in accordance with it.
26. Accordingly, I conclude the appeal should be dismissed.

C Billings

INSPECTOR