



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: 24 January 2025

Appeal Ref: APP/C3430/W/24/3345991

Windy Croft, Fox Road, Shipley, Pattingham, Wolverhampton WV6 7EL

- 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 Barnbrook against the decision of South Staffordshire District Council.
 - The application Ref is 24/00130/FUL.
 - The development is proposed conversion of barn to form one dwelling. Formation of parking and garden areas
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Decision

1. The appeal is allowed and planning permission is granted for proposed conversion of barn to form one dwelling and the formation of parking and garden areas at Windy Croft, Fox Road, Shipley, Pattingham, Wolverhampton, WV6 7EL in accordance with the terms of the application, Ref 24/00130/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The appellant's agent (the agent) has confirmed that the applicant name on the original planning application form was incorrect. A similar name was also provided on the appeal form. However, the agent has confirmed the appellant's name, which is now included in the banner heading above.

Main Issue

3. The main issue is whether the proposed development accords with the development plan strategy for housing and would be in a sustainable location.

Reasons

4. The appeal site is occupied by a portal-framed building set amongst a small cluster of buildings located within the open countryside. The building is accessed by a private driveway that serves residential dwellings, equine land and other rural buildings off Fox Road. A Public Right of Way (PRoW) runs through the site.
5. The wider surrounding area, with open fields, agricultural and equine buildings, has a prevailing rural character. Dwellings of varying design are apparent within the wider landscape, but they are generally sporadic.
6. Outside service villages, as is the case here, Core Policy 1 of the South Staffordshire Council's Core Strategy Development Plan Document, December 2012 (CS), identifies that new development will be restricted to particular types of

development to meet affordable housing, support tourism, provide for sport and recreation, and support the local rural economy and rural diversification. The proposed development would not fall within these particular development types and thus conflicts with Core Policy 1 of the CS and the Council's development plan strategy for housing.

7. The nearest village or Hamlet to the appeal site is Seisdon, which is not identified for growth in the CS. Furthermore, Seisdon is approximately 0.9 miles away from the site and access to it is along Fox Road, a busy rural road, subject to the national speed limit. The road also has no segregated footway or streetlighting and has limited forward visibility in places. Likewise, even though there are a range of services and rural amenities within a relatively short distance from the appeal site, including a public house and garden centre, the route is along a large stretch of Fox Road which would not be a desirable prospect for many people, including those on bicycles. This would particularly be the case for families with young children, older people or those with mobility issues. Therefore, future occupiers would be discouraged from walking and cycling to access these services and amenities, especially during hours of darkness and in poor weather conditions.
8. For similar reasons, future occupants would be discouraged from walking to the nearest bus stops. As such, while the bus stops provide a service to Wolverhampton city centre and other towns, future occupants are likely to be deterred from using the bus service. Therefore, it is not clear to what extent the proposal could support the day to day needs of the future occupiers and how it would enhance or maintain the vitality of the nearby community.
9. Consequently, on the evidence before me, I conclude that the proposed development does not accord with the development plan strategy for housing, and it would not be in a sustainable location. It would thereby conflict with Core Policy 1 of the CS.

Other Considerations

10. The parties have highlighted that the appeal site is located on Green Belt land. However, they agree that the appeal scheme would not constitute inappropriate development in the Green Belt, as the proposal would re-use a building that is of a permanent and substantial construction that would preserve its openness and does not conflict with the purposes of including land within the Green Belt. I see no reason to disagree.
11. The Council cannot demonstrate a five-year supply of housing. Consequently, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, Paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. Paragraph 84 of the Framework seeks to avoid new isolated homes in the countryside unless one or more circumstances apply, including where the development would re-use redundant or disused buildings and enhance its immediate setting.
13. While the Framework provides no definition of 'isolated', it connotes a dwelling that is physically separate or remote from a settlement. In this context it will be a matter

of fact and planning judgement for the decision-maker in the particular circumstances. The site is a reasonable distance from a settlement and notwithstanding that the building is sited within a small cluster of buildings, which includes two existing dwellings, it does not have the characteristics of a rural community. As a result, the appeal scheme would constitute the development of an isolated home.

14. The utilitarian appearance of the existing building is characteristic for a rural setting and assimilates with the other existing buildings nearby and the landscape. The building is set back significantly from Fox Road and views of it from the road are largely screened by two adjacent buildings.
15. Land immediately adjacent to the building includes paddocks and an outdoor riding arena and the appeal building suitably integrates into its existing setting. As such, the site and building have a neutral visual impact in the landscape, including from the adjacent PRoW.
16. Likewise, the proposed works seek to retain a traditional external appearance. However, while the amount of glazing and the use of modern facing materials would upgrade the façade of the building, it would emphasise its domestic appearance. In addition, the domestication of the site with a garden and the associated boundary treatments, hardstandings and soft landscaping, would change the appearance of the site. Overall, the proposals would have a neutral visual effect on the setting of the building and the wider landscape. As a result, the proposed conversion of the building to residential would not enhance its immediate setting and the proposal would be contrary to paragraph 84c of the Framework.
17. Following the publication of the revised Framework on 12 December 2024, the Council can now only demonstrate a 1.17 year supply of housing. This represents a significant shortfall of housing delivery within the borough and while there is harm caused by the conflict with the development plan, the development strategy is clearly failing to deliver a five-year supply of housing. Additionally, even though the proposed conversion does not amount to an enhancement of its immediate setting, it would have a neutral visual effect and there would be no additional harm to the character and appearance of the landscape. Accordingly, the weight to be afforded to the conflict with the development strategy and Core Policy 1 of the CS, as well as paragraph 84c of the Framework, in light of the land supply shortfall, is reduced. I attach moderate weight to the conflict in these circumstances.
18. Paragraph 61 of the Framework refers to significantly boosting the supply of housing provision and the redevelopment of a windfall site could deliver the proposed additional dwelling relatively quickly. Given the level of housing land supply shortfall, even one new dwelling would make a small numerical contribution to reducing the significant housing supply deficit, which would attract significant weight in the balance. The proposal would re-use an existing building and due to the proximity of the building to other buildings it would not introduce a new standalone dwelling into the countryside. There would also be social and economic benefits to local services during the construction and occupancy phases. In combination, these benefits attract considerable positive weight in favour of the development.

19. I have considered the other appeal decisions¹ put forward by the Council. However, not all of the cases are comparable to the appeal scheme for the conversion of an existing building. The Council's housing land supply position, at the time of those decisions, is also not clear. Therefore, as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits, including other material considerations.
20. In the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Consequently, while the proposal would conflict with the development plan as a whole, material considerations, including the Framework, outweigh that conflict and indicate that planning permission should be granted for development which is not in accordance with it.

Conditions

21. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and national Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.
22. To ensure that the appearance of the development is satisfactory, a condition is imposed to require samples of the external materials to be approved. Likewise, conditions to secure the details of all boundary treatments within and around the site is justified to protect the character and appearance of the area.
23. So that suitable parking provision is provided, I have included a condition that secures these details prior to the occupation of the building to avoid unnecessary parking issues arising.
24. I have attached the conditions suggested by the Council relating to the development being carried out in accordance with the Ecological Impact Assessment, as well as the prior approval of a bat box and bird box and a lighting strategy for the site. I consider the suggested conditions to be reasonable and necessary in the interest of safeguarding wildlife and the natural environment. These conditions largely reflect those suggested by the Council, but I have made minor changes, where necessary, to ensure that suitable details are submitted for approval before they are installed on site.

Conclusion

25. For the reasons set out above, the appeal should therefore be allowed.

N Bromley

INSPECTOR

¹ Appeal Ref: APP/C3430/W/24/3338018; APP/C3430/W/23/3329613; APP/C3430/W/23/3331947; APP/C3430/W/23/3324378; APP/C3430/W/22/3306088 and APP/C3430/W/22/3296160

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, reference: CA-466-02 Revision A; Site Layout Plan; and Location Plan.
- 3) Samples of all facing and roofing materials shall be submitted to and approved in writing by the local planning authority before works commence on the facing walls or roof of the development hereby permitted. The development shall thereafter be constructed in accordance with the approved details.
- 4) Prior to the first occupation of the development hereby permitted, details of all boundary treatments around and within the site shall be submitted to the local planning authority for approval. The approved boundary treatments shall be built / erected concurrently with the occupation of the development and shall thereafter be retained in the approved form and position throughout the life of the development.
- 5) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with the approved Site Layout Plan. Thereafter those spaces shall be retained for the parking of vehicles only.
- 6) All works shall be carried out in accordance with the details contained in Section 5 of the Ecological Impact Assessment by Churton Ecology dated January 2024.
- 7) Prior to the occupation of the development hereby permitted, full specification details of a bat box and bird box, including locations within the site, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details and shall thereafter be retained for the life of the development.
- 8) Prior to the installation of external lighting, full details including height, design, location and intensity of the lighting, shall be submitted to and approved in writing by the local planning authority. The external lighting shall thereafter be installed in accordance with the approved details.

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