



Appeal Decision

Site visit made on 25 February 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/Y3425/W/24/3356392

Land At Cocknage Farm Barns, Cocknage, Stoke-on-Trent ST3 4AE

- 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 Richard Smith against the decision of Stafford Borough Council.
 - The application Ref is 24/39525/FUL.
 - The development proposed is change of use of land (agricultural) for use as residential garden (retrospective) and associated fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my visit I saw the appeal site being used as gardens and fencing in accordance with the submitted plans. Therefore, the appeal development has commenced.
3. A revised version of the National Planning Policy Framework (the Framework) was issued on 12 December 2024. I have had regard to comments from the main parties on the Framework.

Main Issues

4. The main issues are (i) whether the scheme represents inappropriate development in the Green Belt, (ii) its effect on the character and appearance of the area, (iii) whether it supports rural sustainability, and (iv) if the scheme constitutes inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other factors so as to amount to the very special circumstances necessary to justify it.

Reasons

5. The appeal site is an area of land around former farm buildings that have been converted into dwellings. The planning permission for the conversion also permits the change of use of a small area around the rear of the buildings to be used as gardens. In effect, the appeal seeks planning permission to extend these garden areas outwards from the rear of the dwellings as well as the erection of fencing on the boundaries between the gardens and next to adjoining fields.

Whether inappropriate development – the change of use.

6. The site lies in designated Green Belt. Spatial Principle 7 of the Plan for Stafford Borough adopted 2014 (the Plan) only supports development in the Green Belt

where it is consistent with national policies. The Framework states inappropriate development in the Green Belt should not be approved except in very special circumstances. Under sub-paragraph 154(h)(v) of the Framework, material changes in the use of land are defined as not inappropriate development. However, this is provided the change in use preserves the Green Belt's openness and does not conflict with the purposes of Green Belt policy.

7. Aerial photographs show the appeal site was managed separately from the adjoining fields before it was used as gardens. Even so, there is no evidence of any buildings or other features that would have affected its openness. Also, the description of the development indicates the land was in agricultural use and so it would have appeared as part of the countryside, albeit near to buildings.
8. It is likely residents would wish to erect or place structures and features within their gardens. Indeed, on my visit I saw sheds, decking, play equipment and outdoor furniture already on the site. The appeal development does not include for the erection of any buildings or structures apart from the fencing. Also, it would be possible, if allowing the appeal, to impose a planning condition that removes permitted development rights in relation to buildings within the curtilage of a dwellinghouse. However, such a condition would only apply to acts of development. It would not prevent other domestic paraphernalia that falls outside of planning controls being placed on the land. I have considered the suggestion of a planning condition that would specifically restrict paraphernalia in the gardens. However, I am uncertain how this condition could be worded so as to be precise on what is restricted. Also, such a condition would unreasonably curtail the residents' enjoyment of their properties.
9. As such, the change of use element of the appeal scheme would have an adverse effect on openness through the placing of domestic paraphernalia within the gardens. Such items are likely to be modest in scale and moveable but they may be in place on a fairly permanent basis. Also, the appeal site is large and it could accommodate a significant amount of paraphernalia. Features within the gardens would not be easily seen from any public vantage points but they may be visible from each of the dwellings within the complex as well as from the surrounding fields. Having regard to the spatial and visual effects, I find the change of use has caused a modest harmful effect on Green Belt openness and it would continue to do so if the appeal is allowed.
10. The purposes of Green Belt policy are set out at paragraph 143 of the Framework. To my mind, the significant extension of the gardens further away from the dwellings onto land that was previously in agricultural use clearly conflicts with the purpose of Green Belt policy to safeguard the countryside from encroachment.
11. As such, the change of use element of the scheme fails to preserve the openness of Green Belt and it is at odds with one of the purposes of Green Belt policy. It does not comply with sub-paragraph 154(h)(v) of the Framework and no case is made that any of the other exceptions under paragraphs 154 and 155 apply. As such, the change of use represents inappropriate development in the Green Belt.

Whether inappropriate development – the fence.

12. The erection of fencing is not referred to as an exception under paragraphs 154 and 155 of the Framework. Also, there is no contention before me that the erection

of the fencing falls within the exception categories. Therefore, I find the erection of the fence represents inappropriate development in the Green Belt.

13. Parts of the fencing are constructed of posts and rails with wire mesh fencing, while others are made of vertical timber boarding. The fencing has a fairly minor effect on spatial openness. However, it has a pronounced impact on visual openness as it prevents or partially obstructs views out of and into the appeal site. Overall, the fencing causes a moderate level of harm to Green Belt openness.

Effect on character and appearance.

14. The appeal site lies in an area characterised by fields, hedgerows and woods. The converted barns and the adjoining residence at Cocknage Farm are seen from the public footpath along the access drive leading to the appeal site. Nonetheless, the locality has an obvious countryside feel.
15. It is evident the extended garden areas have resulted in the appeal site having a more residential character compared to the previous agricultural use. Domestic paraphernalia on the land would emphasise this change. The gardens are not widely apparent due to the screening effect of the fencing and so they are only visible from private land. Also, the gardens are seen in the context of the associated dwellings. Nonetheless, the change in character in the appeal site undermines the rural nature of the area.
16. The post and rail fencing is of a type that is often seen within the countryside. However, the vertical timber boarding fences are more typical of residential areas and they are unsympathetic to the rural style of the converted buildings and to the countryside context. Also, the fence on the western boundary is of a significant length and it is seen from the public footpath through gaps in the hedgerow.
17. For these reasons, I conclude the development is harmful to the character and appearance of the area. In these respects, it is contrary to The Plan's policies N1 and N8 as well as policy D1 of the Barlaston Neighbourhood Development Plan 2019 to 2031. Amongst other things, these look for development to have regard to local context and to reinforce and respect the character of the landscape setting.

Whether sustainable rural development.

18. Spatial Principle 7 of the Plan states development within the countryside will only be supported where it is consistent with objectives of Spatial Principle 6 in supporting rural sustainability. This is to be achieved by protecting and enhancing environmental assets and character whilst sustaining the social and economic fabric of communities.
19. I have already found the development would cause harm to the character and appearance of the area. As such, it does not conserve or improve the rural environment and it is inconsistent with the objectives of Spatial Principle 6.
20. The appellant queries the relevance of Spatial Principle 7 to the appeal scheme as its overriding aim is to ensure new development is of a scale and nature that is appropriate to its location. However, there is no part of the policy that restricts its application to any specific types of development or that indicates it should be disregarded in the assessment of this appeal. Accordingly, I conclude the development does not support rural sustainability and in these regards it does not is contrary to Spatial Principle 7 of the Plan.

Other considerations.

21. The appellant states that the appeal site is not large enough to return to agricultural use. However, if this is the case, it is unclear why it could not be used as part of the adjoining and wider field area. As such, this factor attracts limited weight in my assessment.
22. The development means the dwellings have larger back gardens. Even so, the conversion scheme includes gardens to all of the properties, albeit smaller in size. The benefit in these regards is afforded limited weight.
23. As pointed out by the appellant, the erection of fences can constitute permitted development. It is not in my remit in deciding this appeal to come to a firm view on whether the erection of the fencing subject of this appeal is lawful. However, it is noteworthy that the Council has not sought to dispute the appellant's claims in these regards. Therefore, even if the appeal is dismissed, there is more than a theoretical possibility the fencing elements of the scheme would be deemed authorised and that they will remain in place. This fallback position is a factor of significant weight.

Green Belt Balance.

24. The appeal scheme represents inappropriate development. As such, under the provisions of paragraph 153 of the Framework, it is by definition harmful to the Green Belt and it should not be approved except in very special circumstances. Such circumstances only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this balancing exercise, the Framework dictates that substantial weight is to be given to any harm caused to the Green Belt.
25. The development impacts on openness and conflicts with a purpose of Green Belt policy. Also, I have found it to be harmful to the character and appearance of the area and so it fails to support rural sustainability. These additional factors attract modest weight given the scale and overall visual effects of the development.
26. In light of the aforementioned fallback position, I am minded to disregard the ill-effects of the fences in my overall balance of the issues. However, the development also includes the change of agricultural land to garden. The subsequent loss of openness and encroachment into the countryside would continue if the appeal were allowed. The factors in support of the scheme are insufficient to clearly outweigh the total harm caused by the development. Very special circumstances necessary to justify the scheme do not exist and so it conflicts with the Framework. Therefore, I conclude the development does not accord with the Green Belt provisions included in The Plan's Spatial Principle 7.

Conclusion

27. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR