



Appeal Decision

Site visit made on 25 February 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/C3430/W/24/3350272

Nurton Ridge, Hollies Lane, Pattingham, Staffordshire WV6 7HJ

- 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 S Walker against the decision of South Staffordshire District Council.
 - The application Ref is 23/01063/OUT.
 - The development proposed is outline application with all matters reserved other than scale and access for 1no. detached dwelling accessed via existing track from Hollies Lane.
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Decision

1. The appeal is allowed and planning permission is granted for outline application with all matters reserved other than scale and access for 1no. detached dwelling accessed via existing track from Hollies Lane at Nurton Ridge, Hollies Lane, Pattingham, Staffordshire WV6 7HJ in accordance with the terms of the application, Ref 23/01063/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Mr S Walker. This is subject to a separate decision.

Preliminary Matters

3. The application is submitted in outline with details of scale and access provided for consideration. However, in my assessment of scale, no indicative plans have been provided to indicate the scale of the proposed building. As such, I have been cognisant of this reserved matter during my assessment of the appeal. I have treated all plans, other than those relating to access as illustrative.
4. A revised National Planning Policy Framework (the Framework) was published during the assessment of this appeal. Comments were requested from both parties on the changes from the previous Framework, insofar as it relates to this appeal. I have considered these comments in addition to the evidence initially provided in the appeal.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for the development proposed, having regard to local and national policy relating to accessibility to services and reliance on private motor vehicles; and,

- whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies.

Reasons

Suitable location

6. Core Policy 1 (CP1) of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (CS) sets out a Spatial Strategy which aims to deliver the rural regeneration of South Staffordshire. It notes that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Therefore, the principal aim of CP1 is to meet local needs with growth located at the most accessible and sustainable locations in accordance with an identified Settlement Hierarchy. Paragraph 83 of the Framework also notes that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
7. The appeal site is outside of, and is a considerable distance from, the Main Service Village of Perton and the Local Service Village of Pattingham. Pattingham is the closest of the two villages to the appeal site. The appeal site is located off Hollies Lane. Hollies Lane can be accessed from its junction to Wolverhampton Road, or through the use of Warstone Hill Road which would provide access further up Hollies Lane closer to the appeal site.
8. To access Pattingham, the future occupiers of the dwelling would be required to travel along the unlit rural roads of Hollies Lane or Warstone Hill Road. These are tight and narrow access roads which do not host footpaths, or in some places, a comprehensive tarmac road surface. These lanes also contain tight bends with limited visibility beyond the entry point of the bend. Passing places along these routes are small in number and owing to the close relationship of hedgerows with the highway, there are limited opportunities to move out of the highway to make way for oncoming vehicles. The speed limits of Hollies Lane and Warstone Hill Road vary from 40 to 60 miles per hour.
9. A future occupant would reach Wolverhampton Road once they have travelled along Hollies Lane or Warstone Hill Road. Although Wolverhampton Road is wider than the access lanes close to the appeal site, future occupants of the proposed dwelling would be required to walk along the grass verge to access Pattingham for a significant distance. Collectively, the characteristics identified of the surrounding highway network would most likely result in the use of private motor vehicles as the predominant means of transport for residents of the appeal site for most journeys.
10. The appellant has provided evidence of a stop on request bus route which operates along Pattingham Road, leading to Wolverhampton Road from Hollies Lane. This bus route does provide a service to Pattingham. Nevertheless, future occupiers of the proposal would still be required to travel along Hollies Lane or Warstone Hill Road for a substantial distance before reaching this bus service. The distance to reach this service, along with the unlit and tight characteristics of Hollies Lane and Warstone Hill Road would be off putting to future residents from accessing this bus service. As such, this service would not provide a realistic alternative mode of transport to that of the private motor vehicle.

11. An alternative route has been identified which would involve future occupiers travelling along Westbeech Road towards Pattingham. Westbeech Road is wider than the Hollies Lane or Warstone Hill Road. Nevertheless, pedestrians would still be required to walk along an unlit road with no footpath, albeit for a short distance. Further along, the future occupiers would be able to utilise a series of public footpaths which are located beyond the hedgerows which line Westbeech Road. Whilst these footpaths would reduce the risk of future occupants walking within the highway, these routes would be unlit and would still require an individual to walk a large distance from the appeal site to Pattingham. Therefore, the private motor vehicle would most likely be the predominant means of transport for residents of the appeal site for most journeys.
12. Several examples of decisions made by the Council have been provided by the appellant. A number of these examples require their occupiers to travel along rural lanes with similar characteristics as noted in this appeal proposal. These examples include information such as an officer report and set of approved plans. Of note is an application for another development on Hollies Lane. The matter of whether the site in this example was suitable was not discussed in the officer report. Nevertheless, from the evidence before me, it appears that the CS had been adopted and the proposal was under consideration against the same local plan policies as the appeal proposal. The proximity of decisions where the same locational circumstances apply is noted.
13. In response, the Council has provided a series of appeal decisions where Inspectors have attached significant weight to Policy CP1 of the CS. The sites in these decisions do not appear to be as close to the appeal site as some of the examples provided by the appellant and they may have different locational characteristics. However, they show the importance attached to the sustainable location of development when assessing proposal against CS Policy CP1. I have found that the appeal site performs poorly in this regard.
14. I therefore conclude that the appeal site is not in a suitable location for the development proposed in respect of its accessibility to services. There would be a heavy reliance on the use of private vehicles and therefore, I do not consider that the proposal represents accessible development in a rural area. The proposal would be contrary to Policy CP1 of the CS and the Framework.

Whether it is inappropriate development in the Green Belt

15. The appeal site is located within the Green Belt. The Framework sets out that the provision of new buildings in the Green Belt should be regarded as inappropriate other than for certain exceptions. These include where there would be a partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
16. Policy GB1 of the CS states that planning permission will normally be permitted for development in the Green Belt, where the proposal would involve certain purposes or development. However, whilst this policy is largely consistent with the Framework, a further list of exceptions can be found within the Framework, notably the redevelopment of previously developed land, as found in Paragraph 154 (g). I therefore have assessed the proposal in line with the Framework's Green Belt requirements.

17. The appeal site is located to the rear of the host dwelling, Nurton Ridge. In its existing configuration, two outbuildings (buildings A and B) and an area of hardstanding which are all of a significant size are located on the appeal site. These outbuildings benefit from planning permission to allow them to be used for domestic storage. Despite their use for domestic storage, these buildings have an agricultural appearance due to their simple form and the materials utilised. The indicative plans show that these buildings would be removed as a result of the proposal, with the hardstanding area removed to form the rear garden space of the proposed dwelling.
18. The proposed dwelling would be set back slightly further into the site behind the location of the existing buildings. The detached garage building would be located further forward of buildings A and B and closer to the footpath to the north of the site. Nevertheless, the position of the proposal would broadly follow the overall general location of the existing buildings and hardstanding within the site. As such, this is previously developed land.
19. Paragraph 154 (g) of the Framework notes that the redevelopment of previously developed land is an exception to the construction of new buildings within the Green Belt, where it would not have a greater impact on the openness of the Green Belt than the existing development. I now turn to the effect of the development on openness.
20. In consideration of the effect on openness as required under Paragraph 154 (g) of the Framework, this is an essential characteristic of the Green Belt which can have spatial as well as visual aspects. The proposal would create a new dwelling and a detached garage building which would replace two existing buildings. The assessment of whether the proposal is or is not materially larger than those which it replaces involves an assessment of the differences in size.
21. The evidence before me indicates that building A has a footprint of 73m² and that building B has a significant footprint of 227m². Their removal would thereby remove 300m² of footprint from the appeal site. When viewed from the wider area, these buildings are easily visible. This is due to their size and location adjacent to open fields. The indicative site plan and the evidence before me indicates that the proposed dwelling and detached garage building would have a combined footprint of 215m². While the proposal would create two buildings which are smaller in aggregate than the existing buildings within the appeal site, the effect of the scheme on the openness of the Green Belt should not just be limited to a numerical calculation.
22. In visual terms, due to the absence of the elevation details of the proposed building, I cannot ascertain the specific visual implications of the appeal proposal. Based on the indicative drawing and supporting information, it would be reasonable to expect that the proposed dwelling, meeting the minimum space standards, could be developed at a scale which would not lead to a material loss of openness compared with the existing position. I have therefore assumed such a hypothetical dwelling as the minimum basis on which to assess the visual implications on openness. Therefore, despite the height of the existing buildings within the site, it is theoretically possible to construct a building which would not be materially larger than these buildings.
23. The creation of an access track would not be easily visible from the wider locality and therefore would have limited implications on openness. The Council suggest that provision of domestic paraphernalia towards the rear of the site would reduce the openness of the Green Belt. However, this is a small area of land, where a backdrop

of the host property, Nurton Ridge, would be apparent. I therefore find that this proposal would not reduce the openness of the Green Belt to an extent that would be harmful due to the existing domestic nature of the immediate surrounding locality.

24. Therefore, in following Paragraph 154 (g) of the Framework, I conclude that the proposed development would not be inappropriate development in the Green Belt. It would constitute as previously developed land and would not have a greater impact on the openness of the Green Belt than the existing buildings.

Planning Balance

25. During the appeal, both parties were invited to provide comments in light of the revised Framework. In their response, the Council noted that its current housing land supply position is 1.17 years. As such, paragraph 11 of the Framework states that development plan policies which are most important for determining the application should be considered out of date. As there are no relevant policies protecting areas or assets of particular importance in this case, and as I have not found harm to the Green Belt, the requirements of paragraph 11d)ii of the Framework therefore apply.
26. I have found conflict with Policy CP1 of the CS as I have found that the appeal site would not be in a suitable location in respect of its accessibility to services. On the basis that other development plan policies do not support the proposal, I conclude that there is conflict with the development plan as a whole. With regard to the Framework, Policy CP1 is in general conformity with the aims of the Framework which seeks to actively manage patterns of growth to locations which allow a choice of sustainable transport modes. As such this policy can be attributed significant weight due to its consistency with the Framework.
27. The Framework refers to significantly boosting the supply of housing. Although one additional unit would make a small contribution, given the current low supply in South Staffordshire, it would nevertheless be a welcomed increase to the supply of housing. The need for housing is a factor of considerable weight in my decision. The proposal would also provide economic benefits during the construction period. The future occupiers would also provide economic benefits to the nearby area once the development would be complete through their use of nearby shops and services. These matters attract limited yet additional weight.
28. The proposal would not be in a suitable location. However, the material circumstances of another scheme located in Hollies Lane, where there is a similarity in locational characteristics to the appeal scheme, which have not been adequately rebutted by the Council, weigh in favour of the appeal proposal. Therefore, the harm of the unsuitability of the appeal site location, would not significantly and demonstrably outweigh the benefits of the scheme. The proposal would provide one dwelling to what is a notably low supply in South Staffordshire.
29. Therefore, in this instance, the presumption in favour of sustainable development is a consideration of such materiality that it indicates that permission should be granted other than in strict accordance with the development plan.

Conditions

30. The Council did indicate which conditions it wanted to be considered in the event that the appeal was allowed. In my assessment of these conditions, I have undertaken

minor changes to meet the six tests against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.

31. In the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters [1], the timescale for the submission of the reserved matters [2], the commencement of development [3] as well as the approved plans [4].
32. In the interests of highway safety, I have included a condition [5] which requires the provision of the access from Hollies Lane be provided before development takes place. This condition also requires the approved visibility splays to be maintained throughout the development's lifetime. This condition has combined conditions 6 and 7 as requested in the list of conditions specified by the Council.
33. A condition which requires the works to be carried out in accordance with the details within the Ecological Appraisal [6] is necessary to safeguard ecology on the appeal site. This condition has been significantly altered from the suggested condition by the Council. The suggested condition specified the sections of the report which were deemed relevant to this matter. However, to ensure that the condition covers all relevant matters of the Ecological Appraisal, I have conditioned it in full.
34. A condition is imposed which requires the submission of a Species Enhancement Scheme [7]. This is necessary to deliver biodiversity enhancements as part of the development. A condition requiring that a detailed service and foul and surface water drainage layout shall be submitted to and approved in writing by the Council [8] is included. This condition is necessary and required to ensure the site is not harmed post from foul and surface water drainage.
35. The Council have suggested a condition which requires all external lighting to fully comply with a list of detailed specifications. In my assessment of these specifications, these are notably restrictive. An alternative provision of external lighting may not be harmful despite not complying with these specifications. As such, I have included a condition which requires the submission of any external lighting and their details [9].

Conclusion

36. In view of the above and taking all other matters into account, the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and layout, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The application hereby permitted shall be carried out in accordance with drawing numbers:
 - 22 142 01A (Location and Block Plan)
 - 22 142 06D (Location and Block Plan PROPOSED LAYOUT)
- 5) No development shall take place until the proposed access from Hollies Lane, including the visibility splays, as shown on Drawing Number 22 142 06D, have been provided. The approved access shall be provided in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained with the visibility splays kept free of obstructions exceeding 0.6m above the level of the maintained highway.
- 6) All works shall be carried out in accordance with the details contained in the Ecological Appraisal by Greenscape Environmental (dated 15th August 2023).
- 7) No development shall take place above ground level until a Species Enhancement Scheme has been submitted to and approved in writing by the local planning authority. The Species Enhancement Scheme shall include the details of integrated bat and bird boxes, the provision of hedgehog highways and shelters. The scheme must detail the locations, model numbers, species specific measures and ongoing maintenance requirements.
- 8) No development shall take place above ground level until a detailed service and foul and surface water drainage layout has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved service / drainage layout.
- 9) Before the proposed development is occupied, details of any external lighting shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the approved details.

End of Schedule