



Appeal Decision

Site visit made on 10 February 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/C3430/W/24/3348048

Land Off Hartwell Lane, Great Wyrley, Walsall WS6 6NJ

- 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 Andy Shaw, of The Beeches, against the decision of South Staffordshire District Council.
 - The application Ref is 23/00924/FUL.
 - The development proposed is construction of 2 storey, 2 bedroom domestic property, complete with 2No. car parking spaces and garden with existing access off Hartwell Lane, Great Wyrley.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 2 storey, 2 bedroom domestic property, complete with 2No. car parking spaces and garden with existing access off Hartwell Lane, Great Wyrley at Land Off Hartwell Lane, Great Wyrley, Walsall WS6 6NJ in accordance with the terms of the application, Ref 23/00924/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The address of the appeal site, in the banner heading above and my formal decision, is taken from the appeal form rather than the application form as it is a more accurate description of the location. I have also included a postcode.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the qualifying features and integrity of the Cannock Chase Special Area of Conservation (SAC).

Reasons

Character and appearance

4. The appeal site is an undeveloped piece of land that forms part of a residential development of five dwellings currently under construction (the approved development). The site is located to the rear of the approved development and beyond the side boundary of a neighbouring property, 1 Hartwell Lane (No 1).
5. The residential area nearby is characterised by an eclectic mix of house types, varying in age, size, form and appearance. In particular, the existing dwellings, which front Hartwell Road, comprise a bungalow, dormer bungalow and a two-storey detached dwelling, each with an individual design and set within wide plots.

In addition, properties which front Walsall Road comprise older semi-detached houses set within long narrow plots. As a result, the area does not have a uniform character.

6. The appeal plot is long and narrow. As a consequence, the proposed dwelling would have a narrow footprint, built up close to each side boundary. Nonetheless, adequate separation distances between the proposal and neighbouring properties, including the plots of the approved development and No 1, would be achieved and would be comparable to the prevailing dense pattern of development in the locality.
7. In addition, the proposed dwelling would occupy a central position within the plot, with a similar front building line to No 1. As such, it would be set back from the road with a spacious front garden, which would further ensure that the proposal would not appear cramped within the site. Consequently, the site would not be overdeveloped.
8. The design of the proposed dwelling would not be at odds with the appearance of the houses on the road and would be in keeping with the architectural style of the dwellings of the approved development. Also, the use of appropriate facing and roofing materials would further ensure that the building neatly assimilates into the surroundings. Therefore, the proposal would not be incongruous within the context of the area.
9. Reference has been made to the planning history of the site and previous planning applications for residential development on the land. Those previous schemes included a proposed dwelling on the appeal site, which was subsequently omitted due to concerns raised at the time. Nonetheless, those schemes were determined by the Council and the full circumstances of those schemes are not clear. Even so, I have determined the appeal scheme on the evidence before me, my own observations and on its own merits.
10. For the reasons outlined above, I conclude that the proposed development would not be harmful to the character and appearance of the area. Therefore, the proposed development would not conflict with the design aims of Policy EQ11 of the South Staffordshire Council's Core Strategy (Core Strategy) 2012, which amongst other things, requires high quality design that safeguards visual amenity and respects local character and distinctiveness.

Cannock Chase SAC

11. The appeal site is located within 15km Zone of Influence (ZOI) of the SAC which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The submitted evidence confirms that the adverse effects to the SAC would be as a result of increased recreational activity from visitors, which could have an adverse effect on the integrity of the SAC. The majority of visitors to the SAC are from within ZOI. Activities such as walking, cycling and horse riding are popular due to the excellent accessibility via its network of public footpaths, bridleways, and permissive trails.
12. Policy EQ2 of the Core Strategy states that development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the SAC.

13. The Council, as a member of the Cannock Chase SAC Partnership, has agreed a series of mitigation and avoidance measures with Natural England. These are the Strategic Access Management and Monitoring Measures (SAMMM), which are set out in the Council's Cannock Chase SAC – Guidance to Mitigate the Impact of New Residential Development (2022).
14. Based on the submitted evidence, I find that the proposal, individually and in combination with other development, would be likely to have an adverse effect on the integrity of the SAC. Under the Habitat Regulations, such impact would need to be avoided and in line with the Council's approach to such matters a mitigation payment per net residential dwelling is required.
15. In line with the Council's approach to such matters, a mitigation payment per net residential dwelling proposed towards the measures outlined in the SAMMM is required. Such monies would be used to contribute to the SAMMM.
16. A Unilateral Undertaking to make the necessary financial contribution has been submitted with the appeal. As such, I am satisfied that with mitigation, the proposal would not result in adverse effects on the integrity of the SAC either alone or in combination with other plans and projects.
17. The appeal proposal would therefore meet the provisions of the Habitat Regulations. It would also comply with Policy EQ2 of the Core Strategy.

Other Matters

18. I acknowledge that there were a number of representations, including those by Great Wyrley Parish Council, in respect of the proposal, which in addition to the main issues included concerns relating to the impact on neighbouring residential amenity with regards to loss of light and outlook, the increased demand on the drains and water system, the removal of Golden Cypress trees and the impact on wildlife, including bats. These factors are not in dispute between the main parties and were addressed in the Delegated Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.
19. Concerns have also been raised about increased vehicle movements along Hartwell Lane and the condition of the surface. However, the Council and the relevant highway authority identify that the lane is a private road and have raised no objection, subject to appropriate conditions which are included in the schedule. I have no reason to form a different view.
20. Comments have also been made that the proposal would result in the loss of a view. Nevertheless, the Courts have held that the loss of a view is not a material planning consideration.

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 National Planning Policy Framework and 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.

Also, to ensure that the appearance of the development is satisfactory, a condition is imposed to require details or samples of the external materials to be approved.

22. To ensure the provision of suitable access and parking arrangements, including permeable surfacing, I have included conditions that secure these details prior to the occupation of the building to avoid unnecessary highway safety and parking issues arising. In the interests of sustainable travel, I have also included a condition which secures on-site cycle storage provision.
23. Conditions to secure appropriate mitigation measures to address land instability arising from coal mining legacy, are necessary to ensure the site is made safe and stable for the development proposed and to protect the living conditions of future occupants of the development.
24. I have also attached the two conditions suggested by the Council relating to lighting and the installation of a bat box. I consider that the suggested conditions to be reasonable and necessary in the interest of safeguarding wildlife and the natural environment. However, for clarity and precision purposes, I have made changes, where necessary, to ensure that suitable details are submitted for approval before they are installed on site.
25. A condition for the submission and approval of foul water and surface water drainage plans for the site is necessary to ensure that satisfactory means of drainage are provided, as well as to prevent or avoid any flooding issues. The condition relates to pre-commencement activities, and I am satisfied that it is necessary to make the development acceptable in planning terms and that it would have otherwise been necessary to refuse planning permission. The appellant has provided written agreement to the terms of the condition.

Conclusion

26. For the reasons given above the appeal should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Unless otherwise agreed under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans, numbered: L01; L02; SK01; SK02; SK03; J8246 / D01 Rev D; and J8246/ D02 Rev A.
- 3) Notwithstanding the drainage plans listed in condition 2, prior to the commencement of the development hereby permitted, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme prior to the occupation of the development.
- 4) No development above ground level shall take place until the location, model number and aspect of one bat box to be integrated into the fabric of the dwelling hereby approved, including any ongoing maintenance requirements, have been submitted to and approved in writing by the Local Planning Authority. The approved bat box scheme shall be installed in full prior to the first occupation of the dwelling and shall thereafter be retained and maintained for the life of the development.
- 5) No development above ground level shall take place until details or samples of the materials to be used in the construction of external walls and roofs of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details or samples.
- 6) The mitigation measures to address land instability arising from coal mining legacy, as may be necessary shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
- 7) Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the installation of the mitigation measures, and any further remediation works / or mitigation necessary to address the risks posed by past coal mining activity.
- 8) The development hereby permitted shall not be brought into use until the access drive has been provided in a permeable material in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained in perpetuity.
- 9) The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved plans which shall thereafter be retained for the life of the development.
- 10) The development hereby permitted shall not be occupied until a secure, covered and safe bicycle parking facility has been provided in accordance with details to be first submitted to and approved in writing by the Local

Planning Authority. The approved bicycle parking facility shall be retained and made available for the lifetime of the development.

- 11) Prior to the installation of external lighting the full details, including height, design, location and intensity, shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

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