



Appeal Decision

Site visit made on 11 March 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/Y3425/W/24/3354385

Land off Stafford Road, Woodseaves, Stafford ST20 0NR

- 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 Stockings against the decision of Stafford Borough Council.
 - The application Ref is 24/39326/OUT.
 - The development proposed is erection of two dwellings and associated works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of two dwellings and associated works at Land off Stafford Road, Woodseaves, Stafford ST20 0NR in accordance with the terms of the application, Ref 24/39326/OUT, and the plans submitted with it, subject to the standard biodiversity gain plan condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990, and the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with all matters reserved for future consideration. A plan, 78819/RJC/003, has been submitted as part of the appeal which indicates one way that two dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.
3. The revised National Planning Policy Framework ('the Framework') was published on 12 December 2024. The parties were invited to comment on the Framework in relation to its implications for the proposed development, including in relation to housing land supply. The comments received have been taken into account in the determination of this appeal

Main Issue

4. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to local policy and if harm arises, whether this is outweighed by other material considerations.

Reasons

5. The appeal site comprises former agricultural land. It is currently being used as an access to, and for storage of building materials for, the housing development being undertaken at land adjacent to 'The Paddocks'. It is located on the corner of the B4505 Stafford Road and Riley Lane. Adjacent to and opposite the site is existing residential development. To the rear of the site is agricultural land. The settlement boundary sits adjacent to the site currently under construction. Woodseaves is a

residential village surrounded by open countryside. A primary school is located opposite the site on Dicky's Lane and a bus stop is a short walk away on Stafford Road.

6. The Plan for Stafford Borough 2011-2031 (TPSB) establishes, in Policy Spatial Principle (SP) 3, the Council's approach to the distribution of housing across the borough. The TPSB seeks to focus housing within the settlement hierarchy of Stafford, Stone, and then Key Service Villages, which include Woodseaves. The accompanying text identifies that Woodseaves has a primary school but limited retail and community facilities as well as a lack of employment provision. It also acknowledges that the village has good transport links to Eccleshall and Stafford.
7. The site is outside of the designated settlement and is therefore within the 'open countryside' for planning purposes.
8. A range of policies are relevant when considering new housing development in the countryside. TPSB policies SP7 and C5A contain criteria that relate to such development. Policy SP7 on the location of new housing development recognises that outside of the identified settlement boundaries, development will be supported where it is consistent with the objectives of the Council's spatial principles in supporting rural sustainability. Also, it will be supported where it would not conflict with environmental protection and nature conservation policies.
9. Policy C5A, where development sits outside of the identified settlements, finds that proposals for new residential development will be required to meet the criteria in policy SP7 alongside three other criteria. These require demonstration that provision cannot be accommodated within the identified boundaries of settlements in the hierarchy; supported by a parish based local housing needs assessment and appraisal showing that it meets the defined needs, and that the development is of high quality reflecting local character.
10. Although the appellant suggests that the proposal is adjacent to the settlement and only in 'technical' breach of the policy, the site is clearly outside the village and in the open countryside for policy purposes. The submitted evidence before me does not provide information on whether the development can be provided within the settlement boundary and is not supported by a parish based local housing needs assessment and appraisal showing that it meets the defined needs. Accordingly, the proposed development would conflict with Policy SP3, Policy C5A and Policy SP7, whose objectives have already been outlined above.
11. Therefore, when considered against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined. As such, there would be a conflict with the relevant development plan policies.

Other Considerations

12. As identified above, the appeal site is well located in relation to the Woodseaves settlement and is acknowledged within the TPSB as having good transport links to the larger settlements. Its location on the edge of the village, adjacent to other new housing development, bordered by roads and developing the remaining site along this stretch of Stafford Road, characterises the end of the village before entering open countryside. As such, the appeal site would not lead to isolated homes in the countryside. Whilst the proposal would only deliver two dwellings, this would

nonetheless be valuable in boosting the housing stock and supporting the village functions. Benefits would also ensue for the local economy.

Planning Balance

13. The Local Plan dates from 2014 but the weight to be attached does not rest on its age. Paragraph 232 of the National Planning Policy Framework (the Framework) identifies that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal is not in accordance with the aforementioned policies of the TPSB, with the associated conflict resulting in the undermining of the Council's housing distribution strategy. As there are no policies within the TPSB which positively support development of this nature in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
14. The Council accepts that they can no longer demonstrate a deliverable five-year supply of housing land as required by paragraph 78 of the Framework. It is agreed between parties that the Council can demonstrate a housing land supply position of 3.65 years. This is significantly below Government expectations and is therefore evident that there is a pressing need for housing when considering this shortfall. The Council also acknowledge that elements of Policy SP7 relating to development outside of settlement boundaries are no longer up to date as a result (in accordance with footnote 8 of the Framework). Consequently, paragraph 11d) of the Framework, which is a material consideration of significant weight, is engaged. In these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. As described above, the proposal would deliver an additional two housing units in a Borough that is falling significantly below the level of housing supply required by national policy. Socially, the two units would make a minor but useful contribution to the Council's housing land supply. This would be a moderate benefit to the scheme. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. Moderate weight should be afforded to this benefit. The site is within a short distance of a range of day-to-day services in Woodseaves, which is identified as a key service village. Future occupants would be able to reach these on foot and by public transport, providing them with transport choice rather than reliance on a private car. Furthermore, more than 10% increase in biodiversity net gain from the proposed landscaping can be achieved. I give these environmental benefits moderate weight.
16. Weighed against these benefits is the fact that the appeal scheme would conflict with the development plan, as far as it does not meet with the criteria of TPSB policies C5A and SP7. However, the weight to be given to this conflict is reduced by the Council's inability to demonstrate a five-year supply of deliverable housing sites. The Framework is clear that where this situation arises, relevant policies for the supply of housing should not be considered up to date. Policies setting development limits must be regarded as 'relevant policies' in this context. In addition, the appeal scheme would broadly conform to the TPSB's overall strategy and its identification of the Key Service Villages as suitable locations for development.

17. Consequently, there are significant material considerations that indicate that planning permission should be granted, warranting a decision other than in accordance with the development plan. The limited adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies and the proposal would represent sustainable development for which permission should be granted.

Conditions

18. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
19. To ensure certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters, the commencement of development and approved plans. I have not included the proposed block plan as part of the approved plans as the plan is for illustrative purposes only.
20. In the interests of highway safety and impact on neighbouring occupiers, a condition requiring details of construction management including site compound, deliveries, storage of plant and materials, parking and dust control measures is required along with a condition detailing the necessary highway requirements and visibility splays. It is also necessary to impose conditions relating to delivery times and construction hours to ensure that the neighbouring occupiers are not subject to undue noise and disturbance. In the interests of biodiversity enhancement within the landscaping, it is necessary to impose a condition requiring details of tree planting including root depths and to ensure that they are replaced should any die within five years. To ensure that the development is undertaken in accordance with the recommendations of the ecological appraisal, a condition is also considered necessary. Whilst the Council has not requested a drainage condition, I consider it necessary to ensure that both the surface and foul water are addressed correctly on site.
21. As the proposal is for outline permission with all matters reserved, I do not consider it necessary to impose a condition relating to finished floor levels as these details are covered through reserved matters. The Council also requested a biodiversity gain plan condition. However, since February 2024, planning permissions, unless exempt, are deemed to have been granted subject to a pre-commencement condition requiring a biodiversity gain plan to be submitted and approved by the Council prior to commencement of the development. On this basis, it is not necessary to attach a condition.

Conclusion

22. For the reasons outlined above, I conclude that the appeal should be allowed, and planning permission is granted with the attached conditions.

P Brennan

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale ("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) 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 not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing no Drawing No 78819 / RJC / 001 - Location Plan.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) measures to control the emission of dust and dirt during construction; and
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) Development shall not take place until drainage works for surface and foul water have been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall then be fully installed and operational prior to the occupation of the dwellings and maintained thereafter.
- 7) Details to be submitted upon submission of reserved matters relating to access, shall include the following:
 - i) Full details of parking, turning, and servicing areas;
 - ii) Full details of surfacing materials;
 - iii) Full details of the width of the proposed site access, connection to the existing road network, and gradient of the proposed site access.
 - iv) Details of a footway connection from the proposed site access towards the neighbouring properties to the west.
 - v) Visibility splays being taken from 2.4m rear of the edge of carriageway and showing 43m taken to the near side kerb edge/verge in both directions from the centre of the new driveway. All visibility splays shall be kept clear to visibility over a height of 600 mm above the adjacent carriageway level.

- 8) Details to be submitted upon submission of reserved matters relating to landscaping scheme submitted, shall include the following details:
- i) details and location of proposed planting including a maintenance schedule to ensure the trees establish;
 - ii) details demonstrating how the planted trees shall have enough ground suitable for unrestricted root growth for the planted trees to their approximate maximum perceived crown spread and to a depth of 600mm - 1000mm, unless agreed otherwise in writing with the local planning authority.

Any plants, trees or shrubs in the landscaping scheme that are removed, die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the Local Planning Authority has given written consent to any variation.

- 9) Demolition or construction works shall take place only between 0800 and 1800 hours Monday to Friday, 0800 and 1400 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) Deliveries shall be taken at or despatched from the site only between 0800 and 1800 hours Monday to Friday, 0800 to 1400 hours on Saturdays and not at any time on Sundays or on Bank or Public Holidays.
- 11) The recommendations set out in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by Arbor Vitae shall be carried out as stated.