



Appeal Decision

Site visit made on 4 March 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal Ref: APP/B3410/W/24/3351736

Land off A515 (Known as The Croft), Sudbury Road, Yoxall, Staffordshire DE13 8NA

- 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 & Mrs R & P Cox & Emery against the decision of East Staffordshire Borough Council.
- The application Ref is P/2023/00508.
- The development proposed is the erection of a self-build dwelling and double garage in outline with all matters reserved apart from access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is for outline planning permission with detailed approval sought for access. The Council determined the application on that basis. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Development strategy

4. The appeal site lies outside of, but adjacent to, the settlement boundary for Yoxall, a Tier 2 Local Service Village, as identified in the East Staffordshire Borough Council Local Plan, 2012-2031 (the LP). In that regard the appeal before me is materially different to the Duns Tew Road appeal decision¹ in which the local policy did not define the extent of villages and, therefore, whether the site formed part of the village was a matter of planning judgement, having regard to the situation on the ground. Furthermore, the appeal before me is materially different to the caselaw of *Wood v SSCLG & Gravesham BC* [2014] EWHC 683 (Admin)

¹ APP/C3105/W/21/3285306

[2015] EWCA Civ 195 which considered the issue of the definition of a village for the purposes of infill development in the Green Belt.

5. Albeit that the proposed dwelling would be close to existing built form it is, for planning purposes, considered to be within open countryside. Strategic Policy 8 (SP8) of the LP seeks to restrict development outside of defined settlement boundaries in order to safeguard the countryside. The proposal would not fall within any of the forms of development set out as exceptions to SP8. Although the policy includes an exception for development that is “otherwise appropriate in the countryside”, the general constraint is against new housing, apart from rural exception sites, and it would, therefore, be unreasonable to suggest that this exception should be allowed to permit other new housing. The location of the proposal, even though it is well-related to the settlement, would, therefore, be contrary to the development strategy for the area.
6. Although the appellants have referred to a 'Planning Statement' within their statement of case in regard to this matter, and others, there is no 'Planning Statement' in the evidence before me. Moreover, there is no evidence that the Council received such a document. I have, therefore, based my decision on the submitted evidence.
7. Strategic Policy 16 (SP16) of the LP seeks to ensure that residential development meets the mix of dwellings required in that area. For housing outside of main towns and strategic villages this need shall be based on a local housing needs survey, or the Council's evidence base. I have not been provided with any evidence that the appeal proposal is based on a local housing needs survey, and it would, therefore, not meet the requirements of SP16.
8. Strategic Policy 18 of the LP supports the provision of residential development on exception sites. This is clearly set out in the policy as affordable housing or traveller pitches, and these are subject to a number of criteria. The appeal before me is neither affordable housing nor a traveller pitch.
9. For the above reasons, the appeal site would not provide a suitable location for housing, having regard to the development strategy for the area, it would, therefore, conflict with Strategic Policy 2 (SP2) and SP8 of the LP which, taken together, provide the settlement hierarchy for the area, seek to safeguard open countryside, and strictly control development beyond development boundaries.
10. For the same reasons, the proposal would also fail to comply with Policy H2 of the Yoxall Neighbourhood Development Plan, 2015-2030 (the NDP) which only supports housing development proposals outside the settlement boundary where they would provide affordable housing for evidenced local need.

Character and appearance

11. The appeal site is a parcel of land which is laid to grass with trees and hedges. It is accessed off a driveway which also serves three other dwellings. It lies in an area beyond the settlement of Yoxall where the houses are set back, down long driveways, which are either between grassed gardens or between areas of woodland.
12. The driveways are clearly visible on the approach to Yoxall between areas of wide grass verge and trees. However, the houses are only seen in glimpsed views.

Although the first two on the approach to Yoxall are closer to the road, there are no other examples of houses in front of others in this area. The three other houses on the same driveway as the appeal site are tighter knit development but are still set back down the long driveway. The position of the houses, and the open areas between the road and them, contribute positively to the open character and appearance of the area and the approach to the settlement. This area forms a transition between the built-up part of Yoxall and the open countryside beyond.

13. The adjacent housing estate of Alexandra Drive backs onto the driveway to the appeal site and there is a well-established hedge along the boundary, between the housing estate and the driveway. A Public Right of Way (PROW) runs along the drive and then to the rear of the housing estate. The estate is read as the start of the denser built development of the settlement, along with the estate on the opposite side of Sudbury Road. The driveway to the appeal site, and hedge boundary, form a visual break between the built-up area and the housing beyond. Furthermore, as detailed in the Yoxall Village Design Statement, the mini roundabout serving Alexandra Drive and the estate opposite provides a clear entrance point to the settlement.
14. The appeal proposal is for one dwelling on a parcel of land forward of the existing three houses and in the area where the housing is set back. Although the layout, scale, appearance and landscaping of the development are all matters that are reserved for later approval, based on the indicative layout and the description of development, I am not convinced that the site could accommodate one dwelling, and associated domestic outbuildings and hard surfacing, in a form and layout which would respect the existing character and built form of the houses in this area, beyond the built-up settlement of Yoxall.
15. The trees along Sudbury Road, which are protected by tree preservation orders, would reduce the visual effect of any development. However, the house would be likely to be visible from the road, albeit in similarly glimpsed views as the existing dwellings. Nevertheless, the proposed dwelling would be highly prominent in views from the PROW and I have no evidence to show that the PROW is seldom used, as the appellants contend. The proposed dwelling would be out of keeping with the context of the built form in this transition area. Consequently, the development would not integrate with the existing built form of the area.
16. For these reasons, the appeal proposal would have an adverse effect on the character and appearance of the area. It would, therefore, be contrary to Strategic Policies 1, 8 and 24 and Detailed Policy 1 of the LP. Collectively these policies seek to ensure that development integrates with the character of the landscape and townscape, is compatible with the character of the surrounding area, contributes positively to the area in which it is proposed, respects local patterns of development, reinforces character, presents an appropriate layout that integrates with the existing environment and context, and reflects the existing density of the locality and, therefore, its character and form, resisting development that would be harmful to the character of an area.
17. For the same reasons, the proposal would fail to comply with the requirements of Policies H2, D1 and D2 of the NDP which, taken together, require development to preserve or enhance the character and appearance of the area, protect, complement or enhance the settlement and its hinterland, respond to the existing

pattern of development, be well integrated with its surroundings, and be of an appropriate density in relation to its setting.

Other Matters

18. There is no disagreement between the parties that the Council is, at the time of this decision, able to demonstrate a five-year supply of deliverable housing sites. Although this is not a minimum figure, paragraph 11(d) of the National Planning Policy Framework (the Framework) and the presumption in favour of sustainable development is not engaged.
19. As recognised by the Framework, the countryside is protected for its intrinsic character and beauty, and development should be sympathetic to the context and character of the area. Strategic Policies 1, 2, 8 and 24 and Detailed Policy 1 of the LP and Policies H2, D1 and D2 of the NDP are broadly consistent with the Framework in that regard. Consequently, I have given the conflict with the policies in the development plan significant weight and the proposed development conflicts with the development plan, as a whole.
20. The appeal site is served by an existing access and there would be connections available to electricity and other services. Furthermore, the appeal site is close to the settlement boundary of a Local Service Village and within walking distance of the village facilities. I acknowledge that the appeal site is not isolated or physically separate, or remote, from other housing in Yoxall. Nevertheless, the location of the site would not overcome the adverse harm to the character of the area or that the site is contrary to the settlement strategy.
21. The appellants have sought to argue that the settlement boundary for Yoxall is arbitrary and illogical. However, the settlement boundary is defined in the adopted development plan. It is not for me to determine the appropriateness of the settlement boundary, and any changes would need to be undertaken through a new local plan process. My attention has also been drawn to the development known as Weaverlake Drive which I acknowledge is outside of the development boundary for Yoxall. I have no evidence before me to indicate why that development was approved. Nevertheless, that development has formed a character area of its own and is materially different to the appeal before me.
22. I acknowledge that the appeal proposal is for a self-build dwelling, and I have a completed Unilateral Undertaking before me which would secure the initial construction and occupation of the dwelling as a self-build unit. The Self Build and Custom Housebuilding Act 2015 (the 2015 Act) requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period. Authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
23. The Council has provided details of the number of plots granted permission and the number of people on the register. As of 2023 there were 92 entries on the register and 105 permissions. From this evidence the Council are meeting the demand for self-build permissions.

24. The appellants contend that there is a shortfall of self-build plots in the Borough and refers to lack of evidence to suggest that previous approvals have had the benefit of an agreement under Section 106 to secure them. However, the appellants have not provided any evidence that the previous approvals are not appropriately secured as self-build. I, therefore, have no compelling evidence to counter the information submitted by the Council.
25. The Housing Choice SPD includes support for self-build dwellings either within housing developments or as stand-alone applications, providing they are in line with policies in the Local Plan. Even if I were to accept that self-build plots are rarely delivered by major housebuilders this would not mean that such plots would not be likely to be delivered within settlements by individuals.
26. Although the provision of one additional unit of this type would accord with the Framework, through providing housing for people wishing to commission or build their own homes, the evidence before me does not indicate a shortfall and I, therefore, give this benefit limited weight. This benefit would not outweigh the substantial weight given to the conflict with the development plan and the harm identified in the main issues.

Conclusion

27. For the reasons given above I have found that the proposal would be contrary to the development plan as a whole. There are no other material considerations, including the provisions of the Framework, which would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR