



Appeal Decision

Site visit made on 5 February 2025 by T Morris BA (Hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/K3415/W/24/3353740

46 The Beck, Elford, Tamworth, Staffordshire B79 9BP

- 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 Tim Gilbert against the decision of Lichfield District Council.
 - The application Ref is 24/00547/OUT.
 - The development proposed is an outline application to erect a 2 bedroom detached dwelling with all matters reserved (self build).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The planning application was submitted in outline form with all matters reserved for future consideration. Included within the application submission is a layout plan which shows how the site could be developed. However, I have only treated this plan as being indicative and as such does not provide for a definitive way on how the site may be developed.
4. The appeal proposal was described on the application form as the erection of a '1 no. 2 bedroom bungalow'. However, I note that the Council, and the appellant on their appeal form, have described the proposal as an 'outline application to erect a 2 bedroom detached dwelling with all matters reserved (self-build)'. Given the proposal before me, and for consistency, I have utilised the latter description.

Main Issues

5. The main issues are:
 - i) whether the proposal would be in an appropriate location in respect of flood risk,
 - ii) the effect of the proposal on the character and appearance of the area,
 - iii) the effect of the proposal on highway safety, and
 - iv) the effect of the proposal on trees.

Reasons for the Recommendation

Flood risk

6. The appeal site is located in the village of Elford and lies within Flood Zone 2. The National Planning Policy Framework (the Framework) sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Furthermore, the Framework sets out that in Flood Zone 2, planning applications should be supported by a site-specific flood-risk assessment¹.
7. However, no site-specific flood risk assessment has been provided. In the absence of such an assessment, I cannot be certain that any future occupiers of the property would be safe from flooding. Consequently, the appellant has failed to demonstrate that the proposal would be protected from flooding, that occupiers of the proposed dwelling would not be subject to unacceptable flood risk, and that the proposal would not lead to unacceptable flood-risk elsewhere.
8. Whilst I note that the appellant considers that this is a matter which could typically be the subject of a planning condition, it would not be appropriate to defer this matter to that stage of the planning process, given that the Framework is very clear on the requirement for a flood risk assessment at this stage of the assessment of the merits of the proposal.
9. In summary, it has not been demonstrated that the proposal would be safe from flooding or that it would not lead to flooding elsewhere. It would therefore conflict with Policy CP3 of the Lichfield District Local Plan Strategy (2015) (LP), as well as MD4 of the Elford Parish Neighbourhood Plan (2019) (NP), which seek to guide development away from known areas of flood risk and that developments should demonstrate that they would not increase flood risk within and adjacent to the Parish. It would also be contrary to the Framework in this respect.

Character and appearance

10. The appeal site, 46 The Beck (No 46), comprises of a semi-detached dwelling situated towards the edge of the village. This part of the Beck generally features two-storey dwellings of a traditional appearance which sit within a pleasant semi-rural setting. The front elevation of No 46 together with the nearby dwellings face the street within a consistent frontage. Although they feature somewhat shallow front gardens and driveways, the rear of the dwellings benefit from longer gardens which tend to be open and largely free of development. This consistent street pattern, combined with the quality of the buildings amongst their congenial surroundings, makes a positive contribution to the character and appearance of the area.
11. Whilst indicative, the submitted plans show that the intention is for the proposed bungalow to be located towards the rear of the garden of No 46. This would unacceptably contrast with the street pattern and frontage on this part of The Beck, and the wider area, and would erode the open nature of the garden area of No 46. Consequently, the proposed dwelling would be an incongruous form of backland

¹ Paragraph 181 and footnote 63

development which would be out of character with this particular context. In this case, the submission of further design details including materials would not be sufficient to tie the proposed dwelling into the overarching pattern of development in the area given its proposed siting to the rear of the plot and without a direct presence to the street frontage.

12. The appellant has provided examples of other developments in the area in support of the proposal. However, from the limited information before me, none of these are directly comparable to the proposal before me. Moreover, each proposal must be considered on its individual merits.
13. In summary, the proposed development would have a harmful effect on the character and appearance of the area and would conflict with Policies CP3 and BE1 of the LP, as well as DH1 of the NP, which amongst other matters, require that developments protect and enhance the character and distinctiveness of Lichfield District and respond positively to the surrounding built character. It would also conflict with the overarching aims of the Framework.

Highway safety

14. The Beck is a predominantly residential street with a 30mph speed limit. Given its village location, it is generally subject to lower volumes of traffic in comparison to the busier A513 nearby, which connects with other settlements in the area. Most of the dwellings along the Beck, including the appeal site, have footway crossings off the highway which provide access to driveways and parking areas. Due to the small size of the village and its somewhat limited local services, pedestrian movements along the footway are generally of a lower volume. I observed this on my site visit where pedestrians using the footway along the Beck were few and far between.
15. Whilst the access point is known, the exact details are reserved for future consideration. Given the scope of the application (as defined by the red line of the application) there are no works proposed within the highway itself.
16. Notwithstanding that, the proposal would only have a modest intensification of the use of the access. Despite what is shown on the indicative plans, it is clear that a sufficiently wide access to accommodate both dwellings (and parking provision) could be achieved considering the overall width of the plot frontage of No 46. Moreover, although the visibility splays on the indicative plans interfere with neighbouring properties, the 2.4m set back distance is incorrectly drawn from the edge of the appeal site boundary rather than the carriageway of the road. From the submitted details and what I observed on site, the required visibility splays are unlikely to interfere with neighbouring properties. As a result of these factors, together with the speed limit of the road and the modest level of vehicle and pedestrian movements, I am satisfied that a safe and suitable access could be achieved for both the existing and proposed properties.
17. In summary, a safe and suitable access for the development could be achieved and the proposal would not have an adverse effect on highway safety. It would therefore comply with Policies ST1, CP3 and CP5 of the LP and MD5 of the NP, which amongst other matters, set out that development proposals demonstrate a safe and convenient access to and from the proposed development taking into account highway safety and make appropriate provisions for improving road safety. It would also accord with the Framework in this respect.

Trees

18. Whilst the appeal site is largely devoid of trees, at my site visit I saw substantial trees in the street, in the rear gardens of other properties along The Beck and the hedgerows and fields in the surrounding area. All of which make a positive contribution to the semi-rural character and appearance of the village.
19. The main concern of the Council is in respect of the large mature tree within the curtilage of 48 The Beck, close to the boundary and the indicative location of the new dwelling. Whilst I share the concern of the Council in respect of the potential impact to this tree, I am also mindful of the indicative nature of the location of the dwelling from the plan.
20. Given the overall size of the plot, and the location of the tree, I am of the view that it would be possible to develop out the site without having an adverse impact on the tree, albeit that this may not be as per the indicative layout. Therefore, I am satisfied that this could be resolved at the reserved matters stage should I be minded to allow the appeal.
21. In summary, subject to a suitable siting of the proposed dwelling, the proposal would not have an unacceptable effect on trees. It would therefore comply with Policies CP3 and NR4 of the LP, as well as E4 of the NP, which require that developments maximise opportunities to protect and enhance green infrastructure and they consider their impacts on biodiversity and that trees will be protected from damage and retained, unless it can be demonstrated that removal is necessary, and appropriate mitigation can be achieved. It would also accord with the Framework in this respect.

Other Matters

22. The appellant has indicated that the proposal would be a self-build dwelling and lived in by the appellant. However, no mechanism has been put forward to secure the development as a self-build and as such I can give this very limited weight in my recommendation.
23. I have also considered the various policy documents which are said to be in favour of the application and the benefits of providing a new bungalow at Elford. However, none of these factors outweigh the harm I have identified or lead me to a different conclusion on the merits of the proposal.
24. Finally, I have also had regard to the concerns in relation to the way in which the Council worked with the appellant, including whether they took a proactive approach. However, this is away from the planning merits of the proposal.

Conclusion and Recommendation

25. The proposal would conflict with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR