
Appeal Decision

Site visit made on 2 September 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/C3430/W/25/3368213

Lower Warstone Farm, Old Warstone Lane, Warstone, Staffordshire WV11 2AS

- 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 Mr Robert Follows against the decision of South Staffordshire District Council.
 - The application Ref is 24/00801/FUL.
 - The development proposed is conversion of existing stables to 4 No. 2 bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing stables to 4 No. 2 bedroom dwellings at Lower Warstone Farm, Old Warstone Lane, Warstone, Staffordshire WV11 2AS in accordance with the terms of the application, Ref 24/00801/FUL subject to the conditions in the attached schedule.

Preliminary Matters

2. An amended site plan and a plan detailing the bin store, refuse vehicle swept path and drop kerb amendments have been submitted with the appeal. Given the relatively minor nature of the changes which do not substantially alter the proposal, no party would be prejudiced by my accepting the revised plans. I have considered the appeal on this basis.
3. The Council's second reason for refusal stated that the proposal would fail to demonstrate a safe and suitable access, owing to an increased risk to highway safety. The Local Highways Authority has confirmed that their concerns have been addressed through the submission of the amended plans. The Council has confirmed that it wishes to withdraw this reason for refusal and as such I do not address it in the reasoning below.
4. The appeal site lies within the West Midlands Green Belt. Policy GB1 of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (CS) supports the re-use of a building provided that the proposed use would not harm the openness of the Green Belt or the fulfilment of its purposes. The National Planning Policy Framework (the Framework) supports the re-use of buildings in the Green Belt provided that the buildings are of permanent and substantial construction. The parties do not consider that the proposal would be inappropriate development in the Green Belt. Based on the evidence before me, including my own observations, I find no reason to conclude otherwise.

Main Issues

5. The main issues are:

- whether the proposed development is in an appropriate location for housing, having regard to local and national policies and accessibility to services and facilities; and
- the effect of the proposal on the Cannock Chase Special Area of Conservation (SAC).

Reasons

Location

6. Core Policy 1 (CP1) of the CS sets out the spatial strategy for South Staffordshire. The Policy directs growth to the most accessible and sustainable locations in accordance with an identified settlement hierarchy. New development is directed to the main service villages and local service villages which have a wider range of services and facilities. The appeal site is outside of, and some distance from, identified service villages. Outside of the service villages, the policy indicates that development will be restricted to that which meets affordable housing needs, tourism, provides for sport and recreation and supports the local rural economy and rural diversification. The proposal does not fall into any of these categories.
7. There are no day-to-day services and facilities within easy walking distance of the proposal, with the service village of Cheslyn Hay located over 1 mile away and the nearest bus stop an approximate fifteen-minute walk from the appeal site. Walking or cycling to Cheslyn Hay would require future occupiers of the proposed dwellings to travel along unlit roads which are subject to the national speed limit. While there is a narrow footpath on the main A462 Warstone Road to the village, Old Warstone Lane which links the appeal site to the A462 has no footpaths. Consequently, future occupiers of the proposed dwellings would be likely to find walking and cycling unappealing and rely on private car transport to access local services and facilities.
8. The number of vehicle movements arising from 4 dwellings would be modest, and the appeal building's use as stables would have generated vehicular movements. Moreover, the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the site's poor connectivity to facilities and services point to it being in a location where sustainable travel modes could not be prioritised, which would be contrary to the provisions of the Framework.
9. Paragraph 84 of the Framework states that isolated homes in the countryside should be avoided. The proposed dwellings, whilst closely related to the farmhouse, would be separate from nearby settlements and from other buildings in the surrounding rural area by roads and fields. As such, they would be considered as isolated for the purposes of the Framework.
10. Paragraph 84 does allow for the development of isolated homes in the countryside to be permitted if one or more circumstances apply. One such circumstance is where the development would re-use redundant or disused buildings and enhance its immediate setting.

11. The proposal would reuse a redundant building and would be sensitively designed, with the building height, form and materials remaining. Whilst the existing building is not unattractive and fits well within its rural setting, the proposal would see the removal of some large unsightly containers from the most visible part of the site from public vantage points. The area from where the shipping containers would be removed would be free from built form and laid to grass. This would enhance the immediate setting of the proposal.
12. The rear gardens would be enclosed by surrounding buildings, which would limit the visual impact of any associated domestic paraphernalia and thus have a neutral effect. The proposal would see the replacement of hard surfacing with soft landscaping, which would further enhance the immediate setting of the proposed development.
13. The proposal would therefore meet the requirements of Paragraph 84 of the Framework, which would be a benefit of the scheme.
14. The appeal site would not, however, be in an appropriate location for the proposed development, having regard to local and national strategy and accessibility to services and facilities. It would be contrary to the spatial strategy detailed in Policy CP1 of the CS, and whilst it would accord with Paragraph 84 of the Framework, it would conflict with the Framework's requirements regarding accessibility and sustainable transport.

SAC

15. The Council's third reason for refusal stated that in the absence of a completed Unilateral Undertaking (UU), the proposal would fail to secure the necessary mitigation measures for residential development within a 15km radius of the Cannock Chase SAC. The appeal has been accompanied by a signed UU and the Council has confirmed that the UU mitigates any harm. As the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017.
16. Cannock Chase SAC is a European Designated Site primarily designated due to its heathland habitat, which along with its dependent species are of very high nature conservation importance. Increased development within the 15km Zone of Influence could result in increased pressures placed on the integrity of the SAC, from increased visitor numbers and trampling, and also potential increases in road traffic air pollution.
17. 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 detailed within the Strategic Access Management and Monitoring Measures (SAMMM) document.
18. Due to the proposal providing living accommodation which would lead to an increase in the population, it 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. In line with the Council's approach to such matters a mitigation payment per net residential dwelling is required.
19. The submitted UU would ensure the necessary financial contribution to suitably secure the required mitigation. This sum, of £1376.04, accords with the value of

contribution as identified by the Council as necessary to be proportionate and suitable for the scale of proposed development to contribute towards the SAMMM.

20. Natural England advises that subject to the mitigation measures being secured it has no objection to the scheme. That being the case, in carrying out the Appropriate Assessment I am confident that suitable mitigation would be provided, which would prevent an adverse effect on the integrity of the SAC from the development. Furthermore, and given that the UU is necessary to secure the required mitigation, it meets the 3 tests outlined at Paragraph 58 of the Framework.
21. The proposed development would therefore meet the provisions of the Habitat Regulations. It would also comply with Policy EQ2 of the CS which seeks to ensure that development will not lead directly or indirectly to an adverse effect upon the integrity of the SAC.

Other Matters

22. Concerns have been raised regarding the location of the site within the Green Belt. However, the site is not inappropriate development within the Green Belt and very special circumstances do not have to exist to justify the development.
23. While concern about precedent has been raised, I have considered this appeal on its own individual circumstances. Any future planning applications would also be subject to similar individual assessment, on their own merits, at the time of submission.

Planning Balance

24. The proposal would contribute towards housing supply, in an area where there is currently a shortfall and a need for housing. The scheme would provide for four dwellings, which given the extent of the housing shortfall attracts considerable weight. Social and economic benefits associated with the conversion and occupation of the dwellings each attract small weight given the scale of the scheme, as would the enhancements to the proposal's immediate setting. The mitigation measures with regard to the SAC is a neutral factor.
25. The proposal would conflict with Policy CP1 of the CS. Policy CP1 is in general conformity with the aims of the Framework which, in order to promote sustainable development in rural areas, states that housing should be located where it will enhance or maintain the vitality of rural communities. The harm as a result of the conflict with the spatial strategy is given moderate weight as the Policy is not currently providing sufficient housing.
26. The proposal would therefore be contrary to the development plan as a whole.
27. The Council are currently unable to demonstrate a 5-year supply of housing land, said to be 1.17 years. Paragraph 11d of the Framework is therefore engaged.
28. The proposal would align with the aim of the Framework to significantly boost the supply of housing and which recognises that small-scale developments can make an important contribution to meeting the housing requirement. Due to the degree of housing shortfall the benefit to supply would be considerable. Economic and social benefits associated with the scheme align with those elements of the Framework. Due to the small scale of the scheme, I give these each small weight.

The Proposal would comply with the Framework where it states that the development of isolated homes in the countryside should be avoided unless it would re-use a redundant building and enhance its immediate setting. Due to the small scale of the proposal, I give this benefit small weight.

29. The scheme fails to accord with the Framework where it states that the planning system should actively manage patterns of growth and that sustainable transport modes are prioritised. As the vehicular movements generated by four dwellings would be limited, and the use of the building as stables would generate vehicular movements, I give this conflict small weight.
30. As a result, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development therefore applies.

Conditions

31. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. Where necessary, I have adjusted the wording of the conditions in the interests of precision and enforceability.
32. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted drawings in the interest of certainty (conditions 1 and 2). The Council suggested a condition stipulating that the permission relates to the conversion of the building and does not grant or imply consent for the demolition or rebuilding of any part of the buildings. However, as the development must be in accordance with the submitted drawings, this condition is not necessary.
33. Condition 3 is imposed to ensure that the development prevents harm to a protected species.
34. In order to protect the character and appearance of the area, conditions 4 and 5, which relate to materials and boundary treatments, are required. I have amended the boundary condition to align its timings with that of other conditions, whilst ensuring that the works are completed prior to occupation.
35. Condition 6 relates to parking and access and is necessary in the interests of highway safety and the character and appearance of the area.
36. Condition 7 regarding glazing and ventilation systems is included in order to protect the living conditions of future occupiers of the development.
37. In order to ensure the protection of protected species and biodiversity, conditions 8 and 9 are imposed which relate to wildlife and the landscape.
38. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) is that planning permission granted for development of land in England is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which states that development may not begin unless: (a) a biodiversity gain plan (BGP) has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a BGP if one is required in respect of this permission would be South Staffordshire District Council.

39. There are statutory exemptions and transitional arrangements which mean that the BGC does not always apply. These are listed in paragraph 17 of Schedule 7A of the TCPA and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available, this permission is considered to be one which will require the approval of a BGP before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. Because the BGC has a separate statutory basis as a planning condition, it is not necessary for me to include it within the schedule of conditions on this decision.

Conclusion

40. In this instance, the proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.
41. For the reasons given above the appeal should be allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 24 02 01A; Proposed Site Plan 24 02 06G; Proposed Floor Plans and Elevations Proposals A 24 02 05B; Tree Protection Plan LWF15-24 Revision A; Access and Visibility Splay Plan 24 02 09A; Bin Store Details Refuse Vehicle Swept Path, Drop Kerb Amendment Details 24 02 10.
- 3) The development hereby permitted shall be carried out in accordance with the details contained in Section 6.6.2 of the Ecological Appraisal prepared by Barns Ecology dated 21 November 2023.
- 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development 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.
- 5) The development hereby permitted shall not be occupied until details of the positions, height, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the buildings are occupied and retained thereafter.
- 6) The development hereby permitted shall not be occupied until the vehicle access and parking facilities have been provided in accordance with the approved plans 24 02 06G; 24 02 09A and 24 02 10. The access and parking facilities shall be retained thereafter.
- 7) The development hereby permitted shall not be occupied until the glazing and ventilation specifications outlined in the submitted Noise Impact Assessment Report (101 Acoustics Limited) August 2024, for the external façades of the building identified in yellow on the noise assessment plan have been incorporated. These measures shall include:

Glazing with a weighted sound reduction index of not less than 25 dB $R_w + C_{tr}$; and ventilation systems achieving a weighted element normalised level difference of not less than 31 dB $D_{n,e,w} + C_{tr}$.

Once installed the approved glazing and ventilation measures shall be retained and maintained thereafter.
- 8) The development hereby permitted shall not be occupied until full details of a bat and bird box scheme has been submitted to and approved in writing by the Local Planning authority. The scheme must include a minimum of two bat and two bird boxes and must detail locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements. The agreed scheme will be installed in full within one month of occupation and shall thereafter be retained for the life of the development.
- 9) The development hereby permitted shall not be occupied until a combined Landscape and Ecological Management Plan (LEMP) has been submitted to

and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on the site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options to achieve aims and objectives.
- e) Detailed management prescriptions and a work schedule with annual plan for the life of the development.
- f) Responsibilities of bodies/organisations for implementation against actions
- g) Monitoring and remedial measures

The plan must set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved scheme shall be implemented in accordance with the approved details.

*****END OF SCHEDULE*****