



# Appeal Decision

Hearing held on 22 July & 20 October 2009

Site visit made on 22 July 2009

by **A J A Ritchie** MA(Oxon) LARTPI  
Solicitor

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
28 October 2009

**Appeal Ref: APP/C3430/A/09/2101292**

**Bednall Farmhouse, Vicarage Lane, Bednall, Stafford ST17 0SE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Craig Watts against the decision of South Staffordshire Council.
- The application Ref 08/01067/FUL, dated 24 October 2008, was refused by notice dated 9 January 2009.
- The development proposed is 2 no. two storey houses and garages.

## Application for costs

1. At the hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

## Decision

2. I dismiss the appeal.

## Procedural matter

3. The hearing which I conducted and closed on 22 July was re-opened on 20 October to enable contributions to be made by interested persons who had not received notification of the original hearing.

## Main issues

4. I consider that the main issues are:
  - Whether the proposed dwellings and garages would constitute inappropriate development in the Green Belt
  - The effect of the proposed dwellings and garages on the openness of the Green Belt and on the character and appearance of the area
  - The implications of the proposal for development plan and other planning policy relating to sustainable development in rural areas
  - If the proposal constitutes inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether inappropriate development*

5. The 2 proposed dwellings and garages would be built on the site of the former Bednall Farmhouse which was demolished in the late 1990s. The site is within the Green Belt where Planning Policy Guidance 2: *Green Belts* (PPG2), Policy D5B of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy GB1 of the South Staffordshire Local Plan confirm that the construction of new buildings is inappropriate unless for one of the purposes specified. One such purpose is the replacement of existing dwellings, but the parties agreed that the 2 houses comprised within the proposal do not constitute the replacement of an existing dwelling. Since the proposal does not fall within any of the other specified purposes, the proposal therefore constitutes inappropriate development and this was agreed by the parties.

### *Effect on openness of Green Belt and character and appearance of area*

6. The development would be built on a site which currently contains no buildings. There would accordingly be an impact on the openness of the Green Belt and, in view of the size of the proposed houses and their detached garages, this impact would be substantial. However, in assessing the extent of this impact it is necessary for me to take into account the fallback position provided by an existing planning permission granted in 1999 for a single dwelling and an outbuilding to replace the demolished farmhouse. I was informed that the permitted dwelling would be of a similar size and design to the demolished farmhouse. The permission was renewed in 2004 and the Council accept that it has been kept alive by the carrying out of material operations to commence development on site and by the appellant having discharged pre-commencement conditions.
7. Figures produced by the appellant indicated that the appeal proposal would involve 10% less footprint area, 19.8% less total floor area and 10% less volume than the dwelling that has been permitted. This is surprising in view of the substantial nature of the 2 dwellings proposed and their detached double garages, but the room sizes of the approved farmhouse would be very large. The figures were not challenged by the Council, although one interested person cast doubt on their accuracy. For the purpose of my consideration of the appeal I have accepted the figures, but with the aid of a comparison sketch produced by the Council I have looked beyond them to assess the actual impact of the 2 dwellings.
8. The proposed house which is the furthest to the south of the 2 would extend substantially beyond the furthest extent of the approved dwelling. At the northern end, virtually all of a double garage would be outwith the footprint of the outbuilding of the approved scheme. The roofs of the proposed dwellings would have a similar height to that of the approved dwelling but there would be 2 of them instead of one and although the approved farmhouse scheme includes a large outbuilding, this would be substantially lower than the main farmhouse and the 2 dwellings of the appeal scheme. Therefore, despite the comparative footprint sizes, floor areas and volumes, the 2 dwellings and their garages would extend over a greater width of the site than the approved scheme. The buildings of the appeal scheme would have a significantly wider

spread than a scheme for apartments on the site which was rejected on appeal in 2005<sup>1</sup> where the Inspector considered that the proposal would have less effect on the openness of the Green Belt than the dwelling that has been permitted. The wider spread of development with the appeal scheme as compared with the permitted scheme together with its greater mass at roof level would in my view result in a greater impact on the openness of the Green Belt.

9. The extant planning permission has no restriction on permitted development rights for the extension or alteration of the dwelling or for curtilage development such as the swimming pool and sun house which appear on the plans of the permitted scheme. It would however be possible to restrict such rights in any permission granted for the appeal scheme. The appellant argued that this further strengthens the fallback position in that with the exercise of permitted development rights, the approved dwelling could have more impact than that actually approved by the permission. However, I note that the permission for the replacement farmhouse is now some 10 years old and even if such a large house were to be built, I am in some doubt as to whether the exercise of such rights to provide any significant augmentation of what would be a very substantial dwelling and outbuilding would take place. Also, despite the withdrawal of permitted development rights, there could still be a substantial amount of domestic paraphernalia, for example the parking of vehicles and outdoor storage associated with the 2 proposed dwellings.
10. I therefore find that, overall, the appeal scheme would erode the openness of the Green Belt which PPG2 advises is its most important attribute. The proposal would also involve an encroachment into the countryside, the prevention of which PPG2 states as one of the 5 purposes of including land in Green Belts. For the reasons stated above I consider that in both respects the impact on the Green Belt would be greater than with the approved scheme, although not by a substantial margin.
11. The 2 houses would not be conspicuous on the approach to the appeal site from the north along Vicarage Lane since the site is well screened from this direction and from some other directions by tall trees, many of which are protected. However, there is little or no screening along a substantial part of the western boundary of the site and, despite the backdrop of trees, the 2 dwellings would be conspicuous when seen from the fields to the west, standing as they would on a site which is elevated above the surrounding countryside. I acknowledge, however, that there are no public viewpoints from this direction since there are no public rights of way in the fields and countryside for some distance to the west. The dwellings and detached garages would nevertheless be seen by those having access to a wide area to the west of the appeal site and would in my view appear as a suburban intrusion into this strongly rural area.
12. Whilst still recognising the fallback position presented by the existing consent, I consider that the dwellings would be harmful to the character and appearance of the area and would not comply with Policy BE26 of the Local Plan which amongst other things requires development to be sympathetic with the character and appearance of the surrounding area and with paragraph g) of

<sup>1</sup> Appeal Ref: APP/C3430/A/05/1184565

Policy BE25 which requires new buildings to avoid or keep to the minimum any unnecessary exposure on the skyline so as to materially change the character of the area.

*Planning policy & sustainability*

13. The appeal site is situated in open countryside with only 2 other dwellings in the vicinity. Otherwise the nearest dwellings are some distance away in Vicarage Lane on the outskirts of the village of Bednall. This village is specified in the Council's Core Strategy DPD Preferred Spatial Strategy Consultation Document as a small service village where very limited development may be acceptable. A 2009 Settlement Study carried out by the Council also confirms Bednall as a small service village. The Council considered that only rural exception sites for affordable housing would be permissible in Bednall but in any event since the Core Strategy DPD has not yet been before an Inspector, I give it little weight. Therefore, the proposal, being in breach of Policy C4 of the adopted Local Plan which does not normally permit the building of a new dwelling in the Green Belt or open countryside, would be harmful to the Council's aim of restricting development in such rural areas.
14. The site is approximately 0.6 km from the village of Bednall where there is a church, primary school and a shop selling only confectionery and some other goods. Public transport from the village consists of one return bus journey to Stafford on weekdays only. The more frequent Stafford-Cannock bus service can however be reached on the A34 but this would involve a walk into the village and then a further walk of some 1km along a lane which has no pavements or street lighting.
15. The range of facilities and services in the immediate area is therefore very limited. Occupiers of the dwellings could cycle to reach within a radius of 5km Penkridge, the southern part of Stafford and the northern edge of Cannock, but it would be necessary to go further afield to reach a wide range of employment, services and facilities and for most people cycling such distances on a regular basis partly along narrow lanes would not be an option. Although some leisure opportunities exist in the surrounding countryside, in my view the occupiers of these dwellings would use cars for most journeys to reach places of work, shops, services and secondary schools.
16. Again, the existence of the planning permission for a large dwelling on the appeal site must be taken into consideration. However, the appeal proposal would result in 2 large 5-bedroom houses on the site instead of one admittedly very large one. There would not be as many residential units as the scheme for apartments which was dismissed on appeal and where the Inspector considered that reliance on car journeys would be increased; that said, each of the 2 households can be expected to have at least 2 cars, quite possibly more and the appeal proposal would in my view result in a materially increased number of car journeys over and above the approved scheme.
17. The dwellings would in my opinion be in an unsustainable location which would be contrary to Policies D1, T1A and T1B of the Structure Plan which seek amongst other things to concentrate as much new built development as possible within the fabric of existing urban areas and to reduce the growth in the length and number of motorised journeys and reliance on the private motor

vehicle generally. It would also go against national planning policy as set out in Planning Policy Statement 7: *Sustainable Development in Rural Areas* which advises that new house building in the countryside away from established settlements should be strictly controlled. Such national policy, which has also long recognised the need to restrict travel by car, also includes Planning Policy Guidance Note 13: *Transport* which sets out in its opening paragraph that the continued growth in road traffic is harming our countryside and contributing to global warming.

*Other matters raised*

18. Amongst the other matters raised by interested persons was the perceived inadequacy of local roads to take the traffic generated by the 2 substantial dwellings. I agree that Vicarage Lane is narrow in parts and that in some places problems may occur when vehicles meet. I was informed that many local lanes, including those through the village, are subject to increasing traffic, including large commercial and agricultural vehicles. However, bearing in mind again that permission exists for a single dwelling on the site, I do not consider that the additional traffic that would arise from the proposal would in itself amount to a significant issue in highway safety terms, and I see no reason to question the view of the highway authority which raised no objection.
19. Concern was expressed at the hearing about the intended use of the area of land within the appeal site that would not be developed as part of the scheme and which, according to the Design and Access Statement, would be "managed and maintained as a communal amenity facility". Any future development of this land would, insofar as it is not permitted development, need to be the subject of a further application and, in the meantime, a satisfactory appearance for this part of the site could be achieved by a landscaping condition.
20. Biodiversity issues, in particular the possible effect of the scheme on bats and badgers, were resolved by protected species surveys submitted by the appellant as a result of which Natural England have withdrawn their objection to the scheme.

*Other considerations and conclusion*

21. PPG2 records at paragraphs 3.1 & 3.2 that inappropriate development should not be approved except in very special circumstances. The advice confirms that such development is, by definition, harmful to the Green Belt and that very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
22. The one single consideration advanced by the appellant is the fallback position provided by the existence of the planning permission for a large farmhouse with an outbuilding. I have discussed this above as it is a material factor in my consideration of the issues of openness, character and appearance, development policy and sustainability.
23. The consideration carries significant weight, but against it weigh the harm by reason of the inappropriateness of the proposed development in the Green Belt and the additional harm that the proposal would cause to the openness of the Green Belt and to the character and appearance of the area and by

undermining planning policies restrictive of development in the countryside and promoting sustainable modes of travel.

24. I am aware that the Council's officer recommended approval of the scheme mainly on the basis that the proposal would have less of an impact on the Green Belt than the extant permission and that very special circumstances had accordingly been demonstrated. However, in view of my findings as set out above, my conclusion is that the existence of the planning permission falls short of clearly outweighing the totality of harm that the 2-dwelling scheme would cause. Therefore, very special circumstances sufficient to justify the development are not present and the appeal must fail.

*A J A Ritchie*

**INSPECTOR**