



Appeal Decision

Site visit made on 21 October 2009

by **P G Lloyd BA(Hons) MRTPI**

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

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Decision date:
3 March 2010

Appeal Ref: APP/C3430/A/09/2109234

**Land adjacent to Meadow View, Stretton Road, Lapley, Stafford,
Staffordshire ST19 9JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs M Woolhead against the decision of the South Staffordshire Council.
- The application Ref 09/00143/OUT, dated 19 February 2008, was refused by notice dated 24 April 2009.
- The development proposed is the erection of a bungalow and detached garage.

Procedural Matter

1. The application was submitted in outline with all matters reserved for later determination. The application form is dated 19 February 2008, whilst the appeal form states the application date as 19 February 2009. An earlier application was refused (in 2008) on the same site. I consider this appeal on the basis that it relates to the second application.

Decision

2. I dismiss the appeal.

Main issues

3. I consider the main issues to be:
 - Whether the proposal is inappropriate development within the Green Belt.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the locality.
 - The effect on the safety and convenience of highway users.
 - If it is inappropriate development, 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

Inappropriate development and effect on openness

4. The appeal site comprises both Meadow View – a detached bungalow - and a large grassed open area to the south of it set behind a field hedgerow bounding

Stretton Road. Whilst I noted some domestic paraphernalia on the large grassed part of the site, there appeared to me to be a much clearer relationship between Meadow View and its immediate curtilage (which is formed principally by hardstandings around the bungalow), whereas the large grassed area, has an open character akin to a paddock lying beyond the main part of the dwelling.

5. The majority of the appeal site and notably, the grassed area upon which the dwelling would be sited lies outside the development boundary of the village of Lapley and also within the Staffordshire Green Belt. Saved Policy GB1 of the South Staffordshire Local Plan (LP) sets out a presumption against inappropriate development within the Green Belt, broadly reflecting paragraph 3.4 of Planning Policy Guidance 2: *Green Belts* (PPG2). Criterion d) of the policy permits limited infill and affordable housing for community needs under other development plan policies. None of these other development plan policies have been drawn to my attention.
6. Infilling normally comprises filling a gap between existing buildings in a built up area. The proposed development is not infilling of this type. The term affordable housing is well recognised and defined in Planning Policy Statement 3: *Housing (PPS3)*. The appeal dwelling – for a member of the appellants' family – does not provide the type of rural affordable housing as may be permitted under Saved LP Policy GB1 or defined in PPS3. The development is therefore "inappropriate" and I attach considerable weight to the presumption against inappropriate development in the Green Belt which, as stated in paragraph 3.2 of PPG2, is by definition harmful.
7. The grassed part of the appeal site is, other than very limited domestic paraphernalia, devoid of buildings or other structures and open in character. Even a bungalow form of development would, in my assessment, project above roadside hedgerows along Stretton Road and be visible behind them. I also noted that the proposed development would be visible across surrounding open fields, including from a public footpath to the east. The introduction of the new dwelling would extend built development in a ribbon form and thus would significantly reduce the openness of the Green Belt and be contrary to Saved LP Policy GB1.

Character and Appearance

8. Saved Policy NC1 of the Staffordshire and Stoke-on-Trent Structure Plan (SP) protects the countryside by strictly controlling new buildings away from settlements or from areas allocated for development in Development Plans, reflecting the advice in paragraph 1(iv) of Planning Policy Statement 7: *Sustainable Development in Rural Areas (PPS7)*. I recognise the appellants' point that existing hedgerows would provide some screening of a new building. Nonetheless, the appeal site lies slightly above road level and the proposed dwelling would lie well beyond the existing village development boundary. As such it would be visually obtrusive and result in significant harm to the setting of the village.
9. Again, I note the appellants' recognition that a new access would necessitate either replacement of or substantial alteration to the roadside hedgerow. Nonetheless it would take some time to be re-instated, whilst setting a new

hedge behind a visibility splay would significantly change the appearance and relationship of the new hedgerow within the rural lane, to the detriment of its character and appearance.

10. The development would be contrary to the objectives of Saved LP Policy BE26, particularly criteria a) and e) which seek to ensure, amongst other things that development is sympathetic to the character of the surrounding area and to retain important open areas and landscape features and would be contrary to Saved SP Policy NC1.

Highway Safety

11. Details of the access are reserved for later determination. There is no existing access in the position shown on the indicative drawing, although there is a field access close to the south western corner of the site. A new access would be formed to Stretton Road, where the national speed limit applies. The Vehicle Access Statement (VAS) submitted in response to the Highway Authority Statement includes a limited speed survey, recording a maximum speed adjacent to the site as 31mph and the 85th percentile speed as 25mph, although it lacks certain details including prevailing weather conditions or the positions at which the surveys were taken. However, at the speeds measured, the survey concludes that visibility, based on the standard stopping distance of 33m in each direction as set out in the *Manual for Streets* (MfS) could be achieved on land within the appellants' ownership.
12. The County Council's evidence indicated that its initial recommendation (based on the indicative details) would not prejudice an alternative scheme which provided adequate visibility but it fails to indicate its requirements in this respect. Therefore, based on my own observations of the highway conditions locally, I consider that visibility of 33m in each direction to be sufficient. Furthermore it would be possible to achieve visibility of 2.4m by 33m in each direction. I conclude that satisfactory visibility meeting the requirements of MfS could be achieved and therefore the access would not conflict with saved LP Policy TR3. However forming such an access would harm the character and appearance of the locality for reasons I have already identified.

Other Considerations

13. The planning history of the site includes a planning permission dating from 2003 to use part of it as domestic curtilage to Meadow View. No Lawful Development Certificate confirms the status of the land and the Council points out that the 2003 permission has since expired and, in any event, would have had no permitted rights had it been implemented.
14. It is also suggested that the appeal site has been used as domestic garden for more than 20 years, thus now benefitting from unrestricted permitted development rights for curtilage buildings. Therefore, it is argued, permitted development rights may be used to construct buildings which would have a materially greater effect on the openness of the Green Belt than the appeal proposal. Such rights have not, however, been exercised, and given the evident failure to implement the historic curtilage permission or the stated desire to erect a dwelling on the land, I doubt this would, in all likelihood, be a realistic occurrence. I therefore attach very little weight to such a hypothetical fallback position.

15. I note references to national objectives for securing sustainable development, social inclusion and opportunity in rural areas. Securing affordable housing is also an issue in rural areas and I note that open market house prices in Lapley could be beyond the reach of many. However it appears to me that the overriding objective of the proposal is to provide a dwelling for the appellants' daughter who, understandably, aspires to return to her community.
16. The appeal is accompanied by no evidence that current planning policies are failing to deliver the community need for housing, nor of any local housing need or whether the proposal would meet such need. Furthermore I am not satisfied that any controls would be in place to secure affordability and tenure initially or that the dwelling would provide affordable housing meeting local need in perpetuity. The appellants have indicated their willingness to sign an appropriate planning obligation. However no such document is before me. I therefore attach very little weight to the suggested benefits of the proposal to deliver affordable housing.
17. Statements of national guidance are complimentary to each other and those referred in support of the appeal must also be considered alongside PPG2 and others. PPS3 states the goal of ensuring everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. However it is not the case that goal should be met regardless of location. Furthermore *The Planning System: General Principles* advises that personal circumstances rarely outweigh planning considerations, and I consider this to be the case here.
18. Notwithstanding my findings on achieving satisfactory visibility splays, I conclude that the proposed development would be inappropriate development, would be harmful to Green Belt openness and to the character and appearance of the locality. I also conclude that the other considerations I have referred to do not amount to very special circumstances sufficient to outweigh that harm. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

P G Lloyd

INSPECTOR