

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/C3430/C/22/3306177

Appeal By

MRS CAROLINE ANNING

Site Address

Willow Farm
Hollies Lane
Pattingham
Wolverhampton
WV6 7HJ

PART 1

1.a. Do you agree to the written representation procedure? Yes ☒ No ☐

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☒ No ☐

To examine the unlawful development

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes ☐ No ☒

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes ☐ No ☒

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes ☐ No ☒

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes ☒ No ☐

5.a. Is the appeal site within a conservation area? Yes ☐ No ☒

5.b. Is the appeal site adjacent to a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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PART 3

6.a. Does the notice relate to building, engineering, mining or other operations?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
6.b. Is the area of the alleged breach different from the above?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
6.c. Does the alleged breach create any floor space?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Does the enforcement notice relate to a change of use of land to use for:			
7.a. the disposal of refuse or waste materials?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
7.b. the deposit of materials remaining after mineral extraction?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
7.c. the storage of minerals in the open?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
11. Has any planning permission been granted previously in respect of the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
If YES, please provide			
12.a. the date of the relevant application	<input type="text" value="05/06/2021"/>		
12.b. the date of the LPA's decision (if any)	<input type="text" value="07/02/2020"/>		
12.c. a copy of the decision (if any)	<input checked="" type="checkbox"/> see 'Questionnaire Documents' section		
12.d. the reference number	<input type="text" value="19/00462/FUL, 21/00531/FUL and 21/00887/FUL"/>		
13. Has a planning contravention notice been served?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.a. the appeal site is within 67 METRES OF A TRUNK ROAD?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.e. any protected species are likely to be affected by the alleged development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.f. the appeal site is in a Green Belt or AONB?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
If YES, please state which one (name).			
West Midlands Green Belt			
14.g. any part of the site is subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.h. the appeal site is within 400m of an area of underground or surface mineral interest?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.i. the appeal site is within 250m of a waste landfill site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.j. does the development affect the setting of a listed building or ancient monument?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.k. has importation of waste materials been involved in the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 5			
16.a. Is the appeal site subject to an ARTICLE 4 Direction?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have any development rights been restricted by means of a planning condition?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Schedule 1			
20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Schedule 2			
20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Environmental Statement (ES)			
20.e. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 6	
21.a. a copy of the letter with which you notified people about the appeal.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> see 'Questionnaire Documents' section	
21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.	<input checked="" type="checkbox"/>

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the deadline you gave for their comments to be sent to us.

04/11/2022

21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.



☒ see 'Questionnaire Documents' section

21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.



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Policies/Planning Guidance

22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.



List of policies

Core policies 1,2, EQ4,11, EV8 and GB1

☒ see 'Questionnaire Documents' section

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.



22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.



22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.



22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;



22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;



22.g. your Authority's CIL charging schedule is being/has been examined;



22.h. your Authority's CIL charging schedule has been/is likely to be adopted.



22.i. any other relevant information or correspondence you consider we should know about.



PART 7

23. A true copy of the Enforcement Notice

☒ see 'Questionnaire Documents' section

24. The Enforcement Notice Plan (if applicable)

☒ see 'Questionnaire Documents' section

25. A list of those served with the Notice

☒ see 'Questionnaire Documents' section

26. Do you wish to attach your statement of case?

Yes

☒ No

☐

☒ see 'Questionnaire Documents' section

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.



LPA's reference

18/00676/UNCOU

Completed by

Mark Bray

On behalf of

South Staffordshire District Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Salindra Shakespeare

Phone no (including dialling code)

01902696274

Email

Appeals@sstaffs.gov.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

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Appeal By MRS CAROLINE ANNING

Site Address
Willow Farm
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The documents listed below were uploaded with this form:

Relates to Section: PART 4

Document Description: 12. A copy of the decision.

File name: 11 Decision notice 19-00462FUL.pdf

File name: 10 Decline to determine 21-00887-FUL.pdf

File name: 9 Decline to determine 21-00531-FUL.pdf

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Relates to Section: PART 6

Document Description: 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

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Relates to Section: PART 6

Document Description: 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.

File name: 3a Policies.pdf

Relates to Section: PART 7

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File name: 5 Enforcement notice plan.pdf

Relates to Section: PART 7

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File name: 6 List of those served with notice.pdf

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Relates to Section: PART 6

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Relates to Section: PART 7

Document Description: 26. Statement of case.

Completed by Not Set

Date 07/10/2022 09:51:02

LPA South Staffordshire District Council

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

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Appeal By

MR GARY ANNING

Site Address

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PART 1

1.a. Do you agree to the written representation procedure?

Yes ☒ No ☐

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

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To examine the unlawful development

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection?

Yes ☐ No ☒

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?

Yes ☐ No ☒

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s)

Yes ☐ No ☒

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered?

Yes ☒ No ☐

5.a. Is the appeal site within a conservation area?

Yes ☐ No ☒

5.b. Is the appeal site adjacent to a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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PART 3

6.a. Does the notice relate to building, engineering, mining or other operations?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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PART 4

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PART 6	
21.a. a copy of the letter with which you notified people about the appeal.	<input checked="" type="checkbox"/>
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04/11/2022

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21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.



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24. The Enforcement Notice Plan (if applicable)

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25. A list of those served with the Notice

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26. Do you wish to attach your statement of case?

Yes

☐ No



LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.



LPA's reference

18/00676/UNCOU

Completed by

Mark Bray

On behalf of

South Staffordshire District Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Salindra Shakespeare

Phone no (including dialling code)

01902696274

Email

Appeals@sstaffs.gov.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

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Appeal By MR GARY ANNING

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Relates to Section: PART 6

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File name: 3 Core strategy front page.pdf

File name: 3a Policies.pdf

Relates to Section: PART 7

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Completed by	Not Set
Date	07/10/2022 10:08:51
LPA	South Staffordshire District Council

**AUTHORISATION FOR PLANNING ENFORCEMENT ACTION IN RESPECT OF LAND AT
WILLOW FARM HOLLIES LANE, PATTINGHAM, WOLVERHAMPTON WV6 7HJ**

Enforcement Reference 18/00676/UNCOU

1. PURPOSE OF REPORT

To seek authorisation to take Enforcement Action in respect of an unauthorised change of use of Land, ("the Land") on Land at Willow Farm Hollies Lane, Pattingham, Wolverhampton WV6 7HJ outlined in red for identification purposes on the site plan attached to this report.

2. BREACH OF PLANNING CONTROL

- i) Without planning permission, the making of a material change of use of the Land, to a mixed use for residential and agricultural use together with the siting of a caravan with a wooden extension to facilitate that material change of use.
- ii) Without planning permission, unauthorised operational development consisting of an earth bund.

3. RECOMMENDATION

That in respect of the breach of planning control described above, the Delegated Officer authorises the issue of an Enforcement Notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended), requiring the steps to be taken within the specified time period and for the reasons which are set out below:

3.1 Steps to be Taken

- i) Cease the use of the Land for domestic residential purposes.
- ii) Remove the caravan and wooden extension from the Land, (shaded blue in the approximate position shown on the red line plan).
- iii) Remove from the Land all materials and waste arising from compliance with requirements ii) above.
- iv) Remove the unauthorised operational development consisting of the earth bund from the Land, (shaded green in the approximate position shown on the red line plan).

3.1 Time for Compliance

Within six months from the date the notice takes effect.

4. INFORMATION

4.1 Site Description and Reasons for Issuing this Notice

- 4.2 Located within the Green Belt, the Land lies within what is a rural area, approximately 1 mile to the north-east of Pattingham and 1.5 miles to the south-west of Perton.
- 4.3 The area of Land where the unauthorised development has taken place comprises of approximately 6.7 hectares (16.5 acres) of land area of land which is located at a sharp bend in the road on Hollies Lane, adjacent to Grange Farm (Grange Farmhouse itself is a Grade II Listed Building). Vehicular access is via a shared driveway with Grange Farm. The caravan and wooden extension is located to the upper northern area the site.
- 4.4 The material change of use of the Land together with the siting of a caravan with a wooden extension to facilitate that material change use took place less than ten years ago and is not immune from enforcement action.
- 4.5 The unauthorised operational development consisting of the earth bund located on the Land took place less than four years ago and is not immune from enforcement action.
- 4.6 The Land is situated in an area of open countryside located in the South Staffordshire section of the West Midlands Green Belt.
- 4.7 On 7th February 2020, a retrospective planning application was refused by the Council for the stationing of the static caravan as a temporary agricultural workers dwelling under application reference 19/00462/FUL. The refusal to grant planning permission was the subject of an appeal.
- 4.8 On 15th March 2021, the Planning Inspectorate dismissed the appeal against the decision of the Council to refuse an application for the proposed stationing of a static caravan as a temporary agricultural workers dwelling reference APP/C3430/W/20/3253786). ("the Appeal").
- 4.9 The National Planning Policy Framework states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.10 Paragraph 130 of the National Planning Performance Framework, (NPPF), states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- 4.11 Para 137 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.
- 4.12 Paragraph 138 c) of the NPPF states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
- 4.13 Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances.
- 4.14 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.15 Policy GB1 of the Core Strategy Development Plan states that the making of a material change of use of land will normally be permitted where the proposed use would have no material effect on the openness of the Green Belt.
- 4.16 Policy EQ4 states that the intrinsic rural character and local distinctiveness of the south Staffordshire landscape should be maintained and where possible enhanced and that throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views.
- 4.17 Policy EQ11 states that the design of all developments must be of the highest quality and that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4.

- 4.18 The static caravan with wooden extension and earth bund are incongruous to their surroundings and have a detrimental impact upon the openness of the Green Belt and the character and appearance of the local landscape that conflicts with the purposes of the Green Belt and are therefore contrary to policies GB1, EQ4 and EQ11 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.
- 4.19 Policy EV8 of the Core Strategy Development Plan states that the Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:
- a) encouraging farm diversification, which is complementary to, and helps to sustain the existing agricultural enterprise;
 - c) guiding development, including the design and siting of new agricultural buildings, including agricultural workers dwellings to the least environmentally sensitive locations.
- 4.20 The dismissed Appeal found that the needs of the business do not outweigh the harm to the Green Belt with no other considerations that would amount to the 'very special circumstances' necessary to justify the unauthorised development. As such the development is by definition harmful to the Green Belt and does not accord with policy EV8 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.
- 4.21 The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development outlined in the dismissed Appeal.

4.22 Core Strategy

Core Policy 1 – The Spatial Strategy

GB1 – Development in the Green Belt

Core Policy 2 – Protecting and Enhancing the Natural and Historic Environment

EQ4 - Protecting the Character and Appearance of the Landscape

Core Policy 4 – Promoting High Quality Design

EQ11 – Wider Design Consideration

Core Policy 9 – Rural Diversification

EV8 – Agriculture

4.23 National Planning Policy Framework

12 - Achieving Well Designed Places

13 – Protecting The Green Belt

5.0 RELEVANT PLANNING HISTORY

19/00405/FUL – 16/5/19 – Planning application for Erection of an agricultural building and associated hardstanding. Application refused.

19/00462/FUL – 5/6/19 – Planning application for the stationing of a static caravan as a temporary agricultural workers dwelling. Application refused.

20/00223/AGR – 2/4/20 – Application for prior approval for an agricultural building for the storage of hay, straw, machinery and equipment. Prior approval letter issued.

21/00531/FUL – 13/5/21 – Application for temporary agricultural workers dwelling. Decline to determine under s70A.

21/00887/FUL – 23/8/21 – Application for temporary agricultural workers dwelling. Decline to determine under s70A.

6.0 CASE SUMMARY

6.1 On 5th November 2018, the Council received a complaint to the effect that a static caravan was being used for residential accommodation on Land at Willow Farm Hollies Lane, Pattingham, Wolverhampton WV6 7HJ.

6.2 On 7th January 2019, a Council Planning Enforcement Officer visited the site. It was noted that the static caravan was in situ to the northern end of the Land and that a large wooden extension had been attached to it.

6.3 On 17th January 2019, a letter was sent to the Land owner requesting the unauthorised use of the Land be regularised through the submission of a retrospective planning application that should be submitted no later than 15th February 2019. The owners agent responded to the letter requesting an extension of time for the submission of the retrospective application.

6.4 On 24th April 2019, the owners agent contacted the Council and requested a further extension of time which was agreed for the submission of a retrospective planning application for the unauthorised material change of use of the Land and unauthorised operational development.

6.5 In June 2019, retrospective planning applications were received for an agricultural building with hardstanding and the stationing of the static caravan as a temporary agricultural workers dwelling, application references 19/00405/FUL and 19/00462/FUL respectively. Both applications were subsequently refused permission.

- 6.6 On 6th March 2020, the Council contacted the Land owners agent and advised of the time limitations in relation to an appeal to be submitted in respect of the refused application, allowing a further 28 x days within which to remove the unauthorised static caravan and unauthorised development from the site.
- 6.7 On 6th June 2020, a response was received from the owner advising that he client intended to appeal the decision of the Council to refuse the application for the stationing of the static caravan as a temporary agricultural workers dwelling. An appeal was subsequently submitted.
- 6.8 On 15th March 2021, the appeal, (appeal reference 3253786) was dismissed.
- 6.9 On 23rd April 2021, a letter was sent to the Land owner, advising that in order to remedy the planning breaches, the unauthorised residential use of the land must cease, and the caravan and unauthorised development must be removed from the Land by 23 July 2021. The Land owner was requested to confirm his intention to comply with the request no later than 5th May 2021. He was also advised that if no confirmation was received by 5th May 2021 the Council would proceed with the service of an Enforcement Notice. No response was received.
- 6.10 On 7th May 2021, an e-mail was sent to the Land owners agent advising her that as no confirmation had been received that her client would cease the unauthorised residential use of the Land and remove the unauthorised development by 23 July 2021, the Council would proceed with the service of an Enforcement Notice. Again, no response was received.
- 6.11 On 13th May 2021 a new retrospective application was received by the Council, (application reference 21/00531/FUL) for a temporary agricultural workers dwelling. However as the application was not materially different from that already submitted, on 20th May 2021 the application was declined to be determined under s70A of the Act.
- 6.12 On 24th May 2021, a Council Planning Enforcement Officer again visited the site where it was noted that the static caravan with wooden extension remained in situ.
- 6.13 On 23rd August 2021 a further retrospective application was received by the Council, (application reference 21/00887/FUL) for a temporary agricultural workers dwelling. However, again as the application was not materially different from that already submitted, on 20th May 2021 the application was again declined to be determined under s70A of the Act.
- 6.14 On 8th November 2021, the Council issued an enforcement notice in respect of a material change of use of the Land, to Land used for the siting of a caravan

with a wooden extension attached to the said caravan and the siting of a container unit. The notice was appealed.

6.15 On 28th July 2022, the appeal Inspector found that the enforcement notice did not specify with sufficient clarity the alleged breach of planning control, the steps required for compliance and the land where the breach of planning control is alleged to have taken place. As a result, the Inspector found that the notice was not capable of amendment without causing injustice to the Appellant and the notice was quashed.

6.16 On 29th July confirmation from the complainant in this case confirmed that the earth bund remained in situ.

7. EXPEDIENCY OF ENFORCEMENT ACTION

7.1 A breach in planning control has taken place within the Green Belt that is wholly contrary to both local and national planning policy.

7.2 Retrospective planning applications in respect of the hardstanding and stationing of the static caravan as a temporary agricultural workers dwelling have been submitted and refused by the Council. In respect of the latter an appeal was submitted to the Planning Inspectorate and dismissed.

7.3 An enforcement notice issued on 8th November 2021 has subsequently been quashed at appeal. The development subject of this report remains in situ.

7.4 Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest. In this case it is considered expedient to take enforcement action for the protection of the Green Belt and inappropriate material change of use of the Land for residential use, (and operational development consisting of the earth bund), to safeguard amenity, character and appearance of the surrounding area.

7. NOTICES TO BE SERVED UPON

1. CAROLINE ANNE ANNING
Leaton Lodge,
Crab Lane,
Bobbington,
Stourbridge
DY7 5DZ

2. CAROLINE ANNE ANNING
Willow Farm
Hollies Lane,
Pattingham
Staffordshire
WV6 7HJ

3. GARY ANNING
Willow Farm
Hollies Lane,
Pattingham
Staffordshire
WV6 7HJ

REPORTING OFFICER

Report prepared by:



Mark Bray
Senior Planning Enforcement Officer

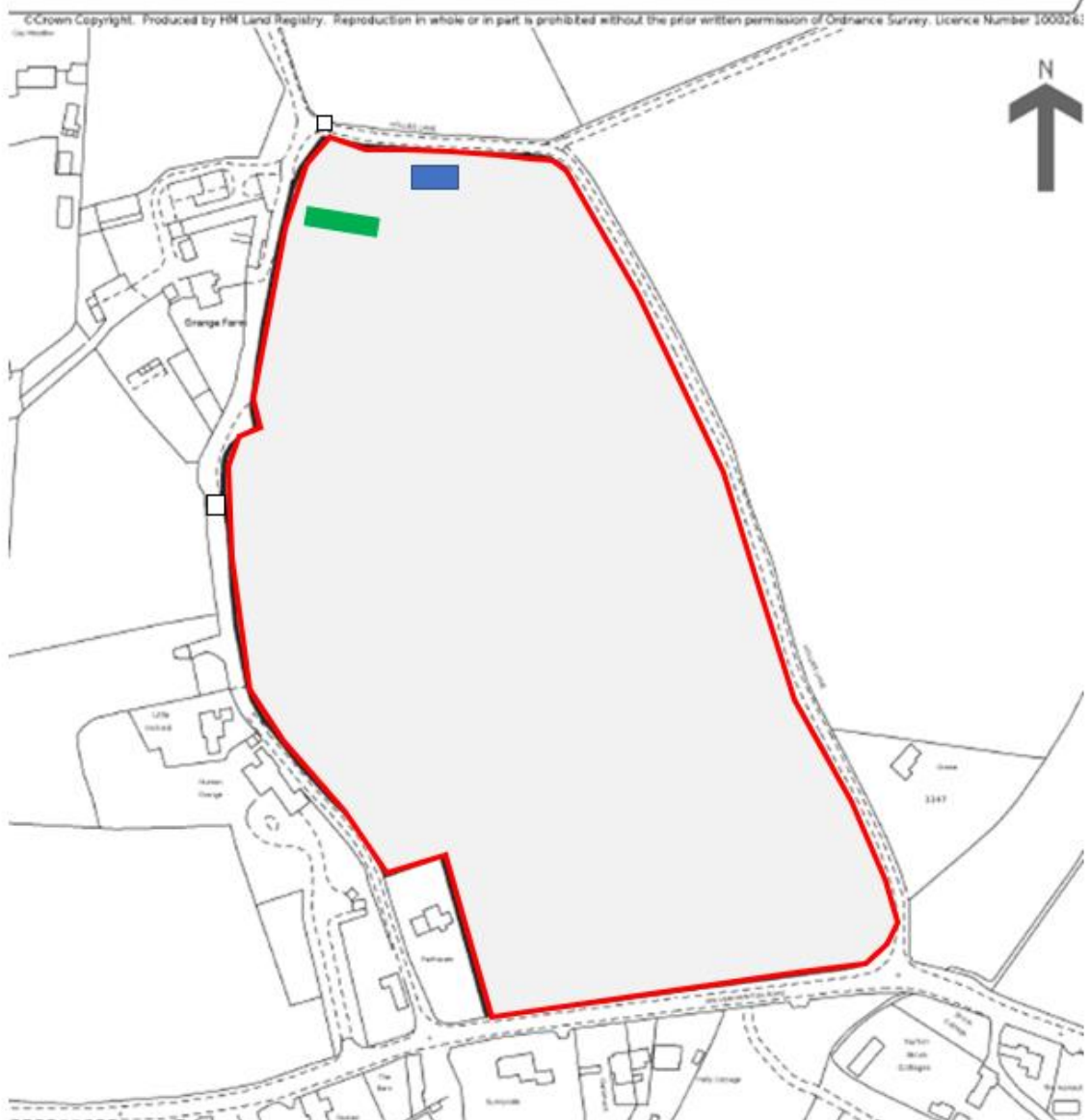
Date: 29th July 2022

LAND AT WILLOW FARM HOLLIES LANE, PATTINGHAM, WOLVERHAMPTON WV6 7HJ

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

HM Land Registry
Official copy of
title plan

Title number **SF509545**
Ordnance Survey map reference **SO8399NE**
Scale **1:2500**
Administrative area **Staffordshire : South**
Staffordshire





South Staffordshire Council

Core Strategy

December 2012



Further information can be found at
www.sstaffs.gov.uk



A Local Plan for
South Staffordshire

Core Strategy Development Plan Document

Adopted 11th December 2012

South Staffordshire Council

Core Policy 1 – The Spatial Strategy for South Staffordshire

The rural regeneration of South Staffordshire will be delivered through the implementation of the following Spatial Strategy. The principal aim will be to meet local needs, whilst recognising the constraints that impact upon the District, and support and improve infrastructure and service delivery in the District.

Throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy set out below and the Council will work with partners to deliver the infrastructure, facilities and services required to support this growth. An integral part of the Strategy will be to protect, maintain and enhance the natural and historic environment and the local distinctiveness of the District and retain and reinforce the current settlement pattern.

In relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing, will be supported.

Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas.

Main Service Villages

Bilbrook, Brewood, Cheslyn Hay, Codsall, Great Wyrley, Kinver, Penkridge, Perton and Wombourne are defined as **Main Service Villages** and will be the main focus for housing growth, employment development and service provision. Village centres will be the focus for new shopping and small scale office development to maintain their vitality and viability.

Local Service Villages

Coven, Essington, Featherstone, Huntington, Pattingham, Swindon and Wheaton Aston are defined as **Local Service Villages** where limited development will be supported where it meets local needs, whilst recognising the constraints that impact upon the District. Employment development will be limited to that which meets local business and community needs and maintains the vitality and viability of these communities. Shopping and office development will be located in the village centres.

Small Service Villages

Bednall, Bobbington, Bishops Wood, Dunston, Shareshill, and Trysull are defined as **Small Service Villages** where very limited development may be acceptable for the provision of rural affordable housing where it clearly supports a local need and contributes to the sustainability of those local communities. Employment development will be limited to rural employment and diversification which meets local business and community needs.

Other Villages and Hamlets

The villages defined as **Other Villages and Hamlets** are not identified for growth, and development will only be permitted in exceptional circumstances for the provision of rural affordable housing to meet identified local needs. New development in these locations will therefore be limited to rural affordable housing schemes provided through rural exception sites and the conversion and re-use of redundant rural buildings to appropriate uses.

Outside the Service Villages

Outside the service villages, the objective of the Spatial Strategy is to protect the attractive rural character of the countryside where new development will be restricted to particular types of development to meet affordable housing needs, support tourism, provide for sport and recreation and support the local rural economy and rural diversification.

As part of the strategy for employment and economic development, support will continue to be given to the four existing freestanding strategic employment sites (i54, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes).

The Green Belt and Open Countryside

The South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, will be protected from inappropriate development and proposals will be considered in the light of other local planning policies and the policy restrictions relating to Green Belt in the NPPF, however the Council will consider favourably sustainable development which accords with this Spatial Strategy.

The general extent of the Green Belt and the area defined as Open Countryside will be protected and maintained for the Plan period but some land will need to be released from the Green Belt and Open Countryside in some locations at the Main and Local Service Villages to deliver the proposed development strategy and enable the sustainable growth of these villages. A partial review of Green Belt boundaries and a review of Major Developed Sites in the Green Belt will be carried out through the Site Allocations DPD.

Delivering the Strategy

The Spatial Strategy will be delivered through the Core Policies and Development Policies. In all cases development should not conflict with the local planning policies, particularly the environmental policies. Development should be designed to be sustainable, seek to enhance the environment, and should provide any necessary mitigating or compensatory measures to address harmful implications.

Explanation

- 6.4 South Staffordshire lies on the edge of the West Midlands Conurbation close to the Major Urban Areas of the Black Country and has its own distinctive character. A key aspect of South Staffordshire's local distinctiveness is based around its ethos and philosophy of being a 'community of communities'. The settlement pattern of South Staffordshire is that of a rural area with many villages of different sizes situated within 27 parishes. There is no single dominant settlement and many of our residents rely on the services provided within towns and cities outside the District to meet some of their 'higher order' needs including hospitals, certain types of retail needs, and certain types of leisure and employment opportunities. This is in part because they are not able to meet their needs locally. Similarly, many of the people who work in and use the facilities of the District, actually live outside it.
- 6.5 The Spatial Strategy for South Staffordshire is to spread development geographically around the District based on a Settlement Hierarchy. The principal aim of the Strategy is to meet local needs whilst recognising the constraints that impact upon the District, and support the retention of existing facilities and services in villages in a sustainable way and where possible improve them. The Settlement Hierarchy classifies villages as Main Service Villages, Local Service Villages and Small Service Villages and the very small villages in the District are classified as Other Villages and Hamlets. The Settlement Hierarchy is shown on the following map.

- 7.3 South Staffordshire is comprised of a variety of landscapes, with historic landscapes, extensive areas of forest, areas of heathland, commons, rivers and water courses. Some landscape character types have suffered losses or degradation, and the District's landscape is affected by change arising from development, mineral working and agriculture. There are a number of initiatives covering part of the District that aim to achieve enhancements to the existing landscape and create valuable new habitats that can play a part in increasing biodiversity value within the District and these include the Forest of Mercia.
- 7.4 There are currently 11 sites of Special Scientific Interest (SSSI) in the District including Motte Meadows, Kinver Edge and Highgate Common. Motte Meadows is also a National Nature Reserve and a Special Area of Conservation (SAC) designated under the Habitats Directive. There are also many other Sites of Biological Importance (SBI) across the District of various habitat types that require on-going protection and management including important areas of lowland heathland and ancient woodland. In addition, there are 5 Local Nature Reserves (LNR) in the District including Shoal Hill Common and Wom Brook Walk. The western edge of the Cannock Chase Area of Outstanding Natural Beauty (AONB) lies within the District.
- 7.5 South Staffordshire has a total of 19 conservation areas, most of them based upon historic village centres, which include canal conservation areas covering the Staffordshire and Worcestershire Canal, Shropshire Union Canal, and the Stourbridge Canal. There are over 850 listed buildings and structures in the District and a range of other buildings and structures of local importance. In addition, there are 23 Scheduled Ancient Monuments (SAMs).

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

The Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets including ecological networks internationally, nationally and locally important designations. Particular support will be given to initiatives to improve the natural environment where it is poor and increase the overall biodiversity of the District including the development of green infrastructure links and to improve the historic environment where it is identified as at risk.

Development or initiatives will generally be supported which:

- a) will not have a detrimental impact upon the interests and significance of a natural or heritage asset;
- b) are not contrary to the control of development within internationally, nationally or locally designated areas including the Green Belt and Open Countryside, Cannock Chase Area of Outstanding Natural Beauty and Motte Meadows Special Area of Conservation, and contribute to the conservation and enhancement of the character of the landscape and local distinctiveness;

- c) are consistent with the sustainable management of the asset including the repair and reuse of historic buildings;
- d) protect and improve water and air quality;
- e) provide mitigation or compensatory measures to address any potential harmful implications and supporting enhancement measures.

Development proposals should be consistent with the NPPF, the Supplementary Planning Documents on the Historic Environment and Biodiversity and other local planning policies.

Development proposals should have regard to and support the actions and objectives of the Severn and Humber River Basin Management Plans (RBMPs) and also have regard to the River Severn and River Trent Catchment Flood Management Plans (CFMPs).

Explanation

- 7.6 The Policy should be regarded as a positive policy that will support the protection and enhancement of South Staffordshire's natural and historic environment and reflects the importance attached to the assets in Strategic Objectives 3, 4 and 5. The natural and heritage assets in South Staffordshire can be identified as follows:

- The South Staffordshire portion of the West Midlands Green Belt
- The Open Countryside – its landscape character and appearance;
- The best and most versatile agricultural land;
- The character and setting of villages;
- Cannock Chase Area of Outstanding Natural Beauty (AONB);
- The Forest of Mercia;
- Statutory and local areas of wildlife and biological importance, including a National Nature Reserve, Sites of Scientific Interest;
- Motte Meadows Special Areas of Conservation (SAC);
- Protected species and their habitats;
- Regionally Important Geological/Geomorphological Sites;
- Ancient and semi-natural woodlands and veteran trees;
- Trees, woodlands and hedgerows;
- Areas of lowland heath;
- Rivers, watercourses and their floodplains, canals and ponds;
- Buildings, structures and areas of townscape, historic and architectural value and their setting – listed buildings, conservation areas, buildings of special local interest;
- Registered parks and gardens of historic interest including historic landscape areas;
- Sites or structures of archaeological importance – Scheduled Ancient Monuments, sites shown on the Sites and Monuments Record (SMR);
- Land of open space, recreational and amenity value;
- The public rights of way network.

- 7.7 Supporting, enhancing and protecting these assets will require the maintenance of strong partnerships with key partners, such as English Heritage, Natural England and the Environment Agency. The policies in the Core Strategy will contribute to the protection and management of the Cannock Chase AONB and contribute towards the aims and objectives of the Forest of Mercia. The Core Strategy will also make a major contribution towards achieving the objectives of the Staffordshire Biodiversity Action Plan (SBAP).
- 7.8 The approach to the management and protection of the Cannock Chase AONB will be covered in a Supplementary Planning Document (SPD). Further Supplementary Planning Documents will be prepared in relation to biodiversity and landscape character and linked to the relevant Core Strategy policies.

Key Evidence

Sustainable Community Strategy 2008 – 2020
South Staffordshire Council Plan –2012 - 2016
Habitats Regulation Assessment Review of the Core Strategy 2010
Staffordshire Biodiversity Action Plan 2001
Staffordshire Geodiversity Action Plan 2004
Staffordshire Ecological Records
Tree and Woodland Strategy 2010
Open Space Strategy 2009
Conservation Area Appraisals and Management Plans 2010
Village Design Guide SPD 2009
Buildings of Special Local Interest
Historic Environment Assessment 2011
Cannock Chase AONB Management Plan 2009 - 2014
Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies 2010
Cannock Chase Visitor Impact Mitigation Strategy 2010
Assessment of Physical and Environmental Constraints 2009
Planning for Landscape Change – Staffordshire County Council SPD 1996-2011
Humber River Basin Management Plan 2009
Severn River Basin Management Plan 2009
River Severn Catchment Flood Management Plan 2009
River Trent Catchment Flood Management Plan 2010
Air Quality Updating and Screening Assessment 2009

Delivery and Monitoring

Through Development Policies EQ1, EQ2 ,EQ3 and EQ4

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

- 7.19 This comprehensive evidence base will emerge as a Supplementary Planning Document which encompasses the Historic Environment, identifying the main issues, and will also be used to inform and refresh the Village Design Guide.
- 7.20 In order to ensure that buildings at risk are saved or not degraded further, sometimes 'enabling development' is the only viable option. In this case paragraph (b) of this policy will be used in conjunction with guidance 'Enabling Development and the Conservation of Significant Places' issued by English Heritage in 2008 or subsequent guidance for enabling development.

Key Evidence

Sustainable Community Strategy 2008 - 2020
Conservation Area Appraisals and Management Plans 2010
Village Design Guide SPD 2009
Buildings of Special Local Interest (on going)
Historic Environment Character Assessment 2011
Assessment of Physical and Environmental Constraints 2009
West Midlands Farmsteads and Landscapes Project 2010

Delivery and Monitoring

Through the Development Management process in consultation with English Heritage, the County Council and other partners
Conservation and Design advice
Conservation Area Management Plans
Village Design Guide SPD (or subsequent revisions)
Historic Environment SPD
LSP Environmental Quality Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement planting should be of locally native species.

The Council will encourage and support the creation of new woodlands

and the management of existing woodlands particularly where they contribute to community forestry. Reference should be made to the Council's Tree and Woodland Strategy.

Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.

The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.

Proposals should retain and strengthen the components of landscape character and local distinctiveness, with particular attention to the detailing of any proposal and its relationship with existing buildings, features and vegetation. Proposals within the Historic Landscape Areas (HLA) defined on the Policies Map should have special regard to the desirability of conserving and enhancing the historic landscape character, important landscape features and the setting of the HLA. The County Council's Landscape Character Assessment and Historic Landscape Characterisation will provide an informed framework for the decision making process.

Where possible, opportunities should be taken to add character and distinctiveness through the contribution of new landscape features, particularly to landscapes which have been degraded.

Development within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and its setting as shown on the Policies Map will be subject to special scrutiny, in accordance with national policy and any additional guidance, in order to conserve and enhance the landscape, nature conservation and recreation interests of the area.

Proposals that contribute to the objectives of the Cannock Chase AONB Management Plan, the Forest of Mercia and other local initiatives that will contribute to enhancing landscape character will be supported.

Development proposals should be consistent with the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), the Supplementary Planning Documents on Landscape Character and Biodiversity and other local planning policies.

Explanation

- 7.21 The landscape of South Staffordshire is rich and varied and includes part of the Cannock Chase Area of Outstanding Natural Beauty (AONB). It is an important objective of the Core Strategy to protect the character and appearance of the landscape and conserve this heritage for the future. The

NPPF states that the highest status of protection in relation to landscape and scenic beauty should be given to AONBs, and the extent of the Cannock Chase AONB, to which the national policy applies, is shown on the Policies Map.

- 7.22 There are 13 historic parklands and gardens in South Staffordshire, at Chillington, Enville, Four Ashes, Hatherton, Hilton, Himley/Wodehouse, Somerford, Stretton, Teddesley, Patshull, Prestwood, Wergs and Weston. The parklands at Chillington Hall, Enville, and Weston Park are of particularly high quality and have been identified as Grade ii* in the National Register of Historic Parks and Gardens by English Heritage. Patshull Hall and Himley Hall have been identified as Grade ii.
- 7.23 Historic parklands are valuable heritage assets and important to the distinctive rural character of South Staffordshire. They may contain avenues of trees, woodlands, individual veteran trees, areas of wood pasture, lakes and other water features, historic earthworks, moats, hedges, banks and green lanes which are all valuable habitats for wildlife. They also have potential for environmental education and tourism, as well as contributing to the attractiveness of the landscape.
- 7.24 The historic parklands and gardens in South Staffordshire, including those designated as Registered Parks and Gardens have been designated as 'Historic Landscape Areas' (HLAs) to protect them from inappropriate development and management. The principle of the HLAs was first established in the 1996 Local Plan and has been carried forward into the new local planning strategy to ensure that these areas are retained for the future.
- 7.25 The Council will encourage and support the conservation, enhancement and sustainable management of these heritage assets through the preparation of conservation management plans. The Council will work with landowners, English Heritage, the Staffordshire Gardens and Parks Trust, the Garden History Society, Natural England, Staffordshire Wildlife Trust and Staffordshire County Council on matters relating to historic parklands and gardens.
- 7.26 The Policy is consistent with the NPPF. Any development which will have an impact on the landscape should address the intrinsic character of its surroundings, and seek where possible to retain and strengthen the intrinsic character of areas. Landscape character analysis will be an important technique in many circumstances, utilising detailed work already undertaken by Staffordshire County Council in the Supplementary Planning Document 'Planning for Landscape Change' and work on historic landscape characterisation. More detailed guidance on landscape character will be included in a Supplementary Planning Document.

Key Evidence

Sustainable Community Strategy 2008 - 2020
Planning for Landscape Change – Staffordshire County Council SPG 1996-2011

Village Design Guide SPD 2009
Conservation Area Appraisals and Management Plans 2010
Open Space Strategy 2009

Delivery and Monitoring

Through Development Policy EQ13
LSP Environmental Quality Delivery Plan
Conservation Area Management Plans
Village Design Guide SPD (or subsequent revisions)

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Development Policies

7.58 The following Development Policies support Core Policy 4.

Policy EQ11: Wider Design Considerations

The design of all developments must be of the highest quality and the submission of design statements supporting and explaining the design components of proposals will be required. Proposals should be consistent with the design guidance set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and be informed by any other local design statements.

Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out below. The Council will encourage innovative design solutions.

A. Use

- a) mixed use developments will be encouraged where the uses are compatible with and complementary to each other and to other uses in the existing community, and where the development will help support a range of services and public transport (existing or new);
- b) proposals should where possible promote a density and mix of uses which create vitality and interest where appropriate to their setting;

B. Movement

- c) opportunities should be taken to create and preserve layouts giving a choice of easy and alternative interconnecting routes, including access to facilities and public transport and offer a safe, attractive environment for all users;

- d) provision should be made, especially within the proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure in accordance with Policies EV11 and HWB2;

C. Form

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;
- h) development within or adjacent to a waterway corridor should take advantage of the waterside setting with an appropriate green corridor taking account of the aims and objectives of Policy HWB2;
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;
- j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;
- k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements;
- l) development must ensure a high standard of access for all and that safe and easy access is available to all potential users, regardless of ability, age or gender;
- m) sustainable forms of development should be designed, incorporating renewable energy use, minimising waste production and providing opportunities for recycling, and minimising pollution. Development should seek to minimise water use including the incorporation of water recycling and harvesting, and ensure the use of Sustainable Drainage Systems (SUDS). Use or re-use of sustainable materials will be encouraged. Orientation and layout of development should maximise the potential for passive solar heating, taking account of the implications of solar heat gain;

D. Space

- n) proposals should create pedestrian-friendly places that allow for necessary vehicular access;
- o) places should be safe and secure, with effective natural surveillance;
- p) well designed private and semi-private open space should be incorporated for all buildings, appropriate to the character of the area;
- q) opportunities should be taken to support the development of a varied network of attractive, and usable publicly accessible spaces;
- r) provision for parking should where possible be made in discreet but planned locations within the development;
- s) design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1.

The Council's Space About Dwelling standards are set out in Appendix 6.

Development proposals should be consistent with other local planning policies.

Explanation

- 7.59 The Council attaches significant importance to securing a high level of design quality in the District and this is reflected in the adopted Village Design Guide SPD (or subsequent revisions). The NPPF also refers to the importance of achieving high quality and inclusive design and the CABI publication "Making Design Policy Work" highlights a number of important issues to take into account in developing a policy approach to design.
- 7.60 The design guidance set out in the above Policy identifies the importance of local character and distinctiveness, and gives guidance on achieving sustainable development, use, movement, form and space. Achieving safe designs will be important and issues relating to community safety are addressed in Core Policy 13 and Policy CS1.

Key Evidence

Sustainable Community Strategy 2008 – 2020
 Southern Staffordshire Surface Water Management Plan Phase 1 2010
 Planning for Landscape Change – Staffordshire County Council SPG 1996-

land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location whilst maintaining environmental quality and the openness of the Green Belt and appearance or character of the Open Countryside.

Key Evidence

Sustainable Community Strategy 2008-2010
Tourism Strategy 2010
Understanding the Economy of Rural Staffordshire 2009
Staffordshire Rural Forum Strategic Action Plan 2006-2009
Staffordshire Destination Management Partnership Delivery Plan 2008 - 2011
West Midlands Visitor Economy Strategy 2009/2010
WMRSS Evidence Base
Rural Evidence Base 2010

Delivery and Monitoring

Through the Development Management process

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy EV8: Agriculture

The Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:

- a) encouraging farm diversification which is complementary to, and helps to sustain the existing agricultural enterprise;
- b) supporting small scale farm shops selling local produce;
- c) encouraging the re-use or adaptation of existing farm buildings including redundant buildings, provided it would not result in a need for further agricultural buildings and is consistent with Supplementary Planning Guidance on barn conversions;
- d) encouraging sustainable forms of agriculture which include environmentally sensitive, organic and locally distinctive produce, together with its processing, marketing and retailing;
- e) encouraging the management of land for biodiversity;

f) guiding development, including the design and siting of new agricultural buildings, including agricultural workers dwellings to the least environmentally sensitive locations.

g) supporting proposals for temporary and permanent agricultural and occupational workers dwellings provided that they satisfy the following criteria:

Temporary Dwellings:

- there is clear evidence of a firm intention and ability to develop the enterprise concerned;
- there is a clear functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- clear evidence that the proposed enterprise has been planned on a sound financial basis; and
- the proposal satisfies all other normal planning requirements.

Permanent Dwellings:

- there is a clearly established existing functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- the need relates to a full-time worker;
- the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and
- the proposal satisfies all other normal planning requirements.

Development proposals should be consistent with other local planning policies.

Explanation

- 9.38 Agriculture will continue to be an important part of the local economy of South Staffordshire and one of the most significant land uses. The NPPF provides guidance on the ways of supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. The Council will also support the changing nature of agriculture in order to make it more competitive, sustainable and environmentally friendly. This may involve adaptation to new markets and ways of operation, and diversification of activities including opportunities to grow crops for biomass.

- 9.39 The operational needs of agriculture, as well as the environmental and economic aspects and the need to protect the countryside and amenity of local residents will be taken into account in considering proposals for agricultural development. Should any applications for large scale pig or poultry units come forward, these will have to be subject to the Habitats Regulations Assessment (HRA) process to ensure that there are no significant effects on internationally important wildlife sites. The Policy expands on the guidance contained in the NPPF and provides specific local guidance relevant to South Staffordshire, to help achieve more sustainable development. Proposals for dwellings for workers associated with agriculture or forestry are an established feature in South Staffordshire, and such development will be supported as far as possible because of their contribution to the local economy. However, the impact of such development on the character and appearance of the countryside and other environmental implications will require careful consideration in accordance with other local planning policies.

Key Evidence

WMRSS Evidence Base
Rural Evidence Base 2008

Delivery and Monitoring

Through the Development Management process
Working with Economic Development partners

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Sustainable Community Facilities and Services

Introduction

- 9.40 Ensuring that local communities in the District thrive and develop in a sustainable way is an important aspect of achieving a sustainable future for South Staffordshire and this is reflected in Strategic Objective 12.
- 9.41 Access to the services and facilities people need is one of the important determinants of quality of life particularly in rural areas. Basic facilities such as local shops/convenience stores, village/community halls, schools, places of worship, public houses, doctor's surgeries, post offices, and banks are important to local communities and have a social and cultural role with other services which are essential to people such as the elderly. Such facilities can add vibrancy to communities and provide a focus for activities and foster community spirit and cohesion.

Core Policy 10: Sustainable Community Facilities and Services

Core Strategy DPD
Adopted December 2012

Policy GB1: Development in the Green Belt

Within the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either:

A. A new or extended building, provided it is for:

- a) purposes directly related to agriculture or forestry; or
- b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
- c) affordable housing where there is a proven local need in accordance with Policy H2; or
- d) limited infilling* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

B. The re-use of a building provided that:

- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.

C. Changes of Use of Land:

- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.

D. Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

**Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.*

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED

BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: SOUTH STAFFORDSHIRE DISTRICT COUNCIL

(1) THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. It considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important information.

(2) THE LAND AFFECTED

Land at Willow Farm Hollies Lane, Pattingham, Wolverhampton WV6 7HJ (“the Land”) outlined in red for identification purposes on the plan attached to this Notice.

(3) THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

- i) Without planning permission, the making of a material change of use of the Land, to a mixed use for residential and agricultural use together with the siting of a caravan with a wooden extension to facilitate that material change of use.
- ii) Without planning permission, unauthorised operational development consisting of an earth bund.

(4) REASONS FOR ISSUING THIS NOTICE

Located within the Green Belt, the Land lies within what is a rural area, approximately 1 mile to the north-east of Pattingham and 1.5 miles to the south-west of Perton.

The area of Land where the unauthorised development has taken place comprises of approximately 6.7 hectares (16.5 acres) of land area of land which is located at a sharp bend in the road on Hollies Lane, adjacent to Grange Farm (Grange Farmhouse itself is a Grade II Listed Building). Vehicular access is via a shared driveway with Grange Farm. The caravan and wooden extension is located to the upper northern area the site.

The material change of use of the Land together with the siting of a caravan with a wooden extension to facilitate that material change use took place less than ten years ago and is not immune from enforcement action.

The unauthorised operational development consisting of the earth bund located on the Land took place less than four years ago and is not immune from enforcement action.

The Land is situated in an area of open countryside located in the South Staffordshire section of the West Midlands Green Belt.

On 7th February 2020, a retrospective planning application was refused by the Council for the stationing of the static caravan as a temporary agricultural workers dwelling under application reference 19/00462/FUL. The refusal to grant planning permission was the subject of an appeal.

On 15th March 2021, the Planning Inspectorate dismissed the appeal against the decision of the Council to refuse an application for the proposed stationing of a static caravan as a temporary agricultural workers dwelling reference APP/C3430/W/20/3253786). ("the Appeal").

The National Planning Policy Framework states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 130 of the National Planning Performance Framework, (NPPF), states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Para 137 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 138 c) of the NPPF states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the Core Strategy Development Plan states that the making of a material change of use of land will normally be permitted where the proposed use would have no material effect on the openness of the Green Belt.

Policy EQ4 states that the intrinsic rural character and local distinctiveness of the south Staffordshire landscape should be maintained and where possible enhanced and that throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views.

Policy EQ11 states that the design of all developments must be of the highest quality and that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4.

The static caravan with wooden extension and earth bund are incongruous to their surroundings and have a detrimental impact upon the openness of the Green Belt and the character and appearance of the local landscape that conflicts with the purposes of the Green Belt and are therefore contrary to policies GB1, EQ4 and EQ11 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.

Policy EV8 of the Core Strategy Development Plan states that the Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:

- a) encouraging farm diversification, which is complementary to, and helps to sustain the existing agricultural enterprise;
- c) guiding development, including the design and siting of new agricultural buildings, including agricultural workers dwellings to the least environmentally sensitive locations.

The dismissed Appeal found that the needs of the business do not outweigh the harm to the Green Belt with no other considerations that would amount to the 'very special circumstances' necessary to justify the unauthorised development. As such the development is by definition harmful to the Green Belt and does not accord with policy EV8 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development outlined in the dismissed Appeal.

(5) WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Land for domestic residential purposes.
- ii) Remove the caravan and wooden extension from the Land, (shaded blue in the approximate position shown on the red line plan).

- iii) Remove from the Land all materials and waste arising from compliance with requirement ii) above.
- iv) Remove the unauthorised operational development consisting of the earth bund from the Land, (shaded green in the approximate position shown on the red line plan).

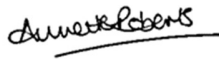
The periods for compliance

Within six months from the date the notice takes effect.

(6) WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3rd September 2022 unless an appeal is made against it beforehand.

Dated: 2nd August 2022



Signed :

On behalf of Corporate Director Planning & Infrastructure

On behalf of South Staffordshire District Council
Council Offices
Wolverhampton Road,
Codsall, Staffordshire
WV8 1PX

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises on Land at Willow Farm Hollies Lane, Pattingham, Wolverhampton WV6 7HJ.

This local planning authority, South Staffordshire Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the other parties listed on the Notice who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 3rd September 2022 and you must ensure that the required steps, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 3rd September 2022.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds: -

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by Section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00. This amount is double the usual Planning Application fee. You should pay this fee to South Staffordshire Council (made payable to South Staffordshire Council). Joint appellants need only pay one set of fees. If you do not wish to proceed under Ground (a) then no fee is payable.

If you decide to appeal, when you submit your appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

One appeal form and a copy of the Enforcement Notice together with a cheque for £924.00 made payable to South Staffordshire Council should be sent to the Council addressed to:-

Corporate Director Planning & Infrastructure
South Staffordshire District Council
Planning Department
Council Offices
Wolverhampton Road,
Codsall,
WV8 1PX

If you do not appeal against this enforcement notice, it will take effect on the 3rd September 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 5 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Planning Enforcement Contact Officer:

Mark Bray
Planning Enforcement Consultant

South Staffordshire District Council
Planning Department
Council Offices
Wolverhampton Road
Codsall,
South Staffordshire,
WV8 1PX

Tel: 01902 696900

E-mail: m.bray@sstaffs.gov.uk

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. CAROLINE ANNE ANNING
Leaton Lodge,
Crab Lane,
Bobbington,
Stourbridge
DY7 5DZ
2. CAROLINE ANNE ANNING
Willow Farm
Hollies Lane,
Pattingham
Staffordshire
WV6 7HJ
3. GARY ANNING
Willow Farm
Hollies Lane,
Pattingham
Staffordshire
WV6 7HJ

LAND AT WILLOW FARM HOLLIES LANE, PATTINGHAM, WOLVERHAMPTON WV6 7HJ

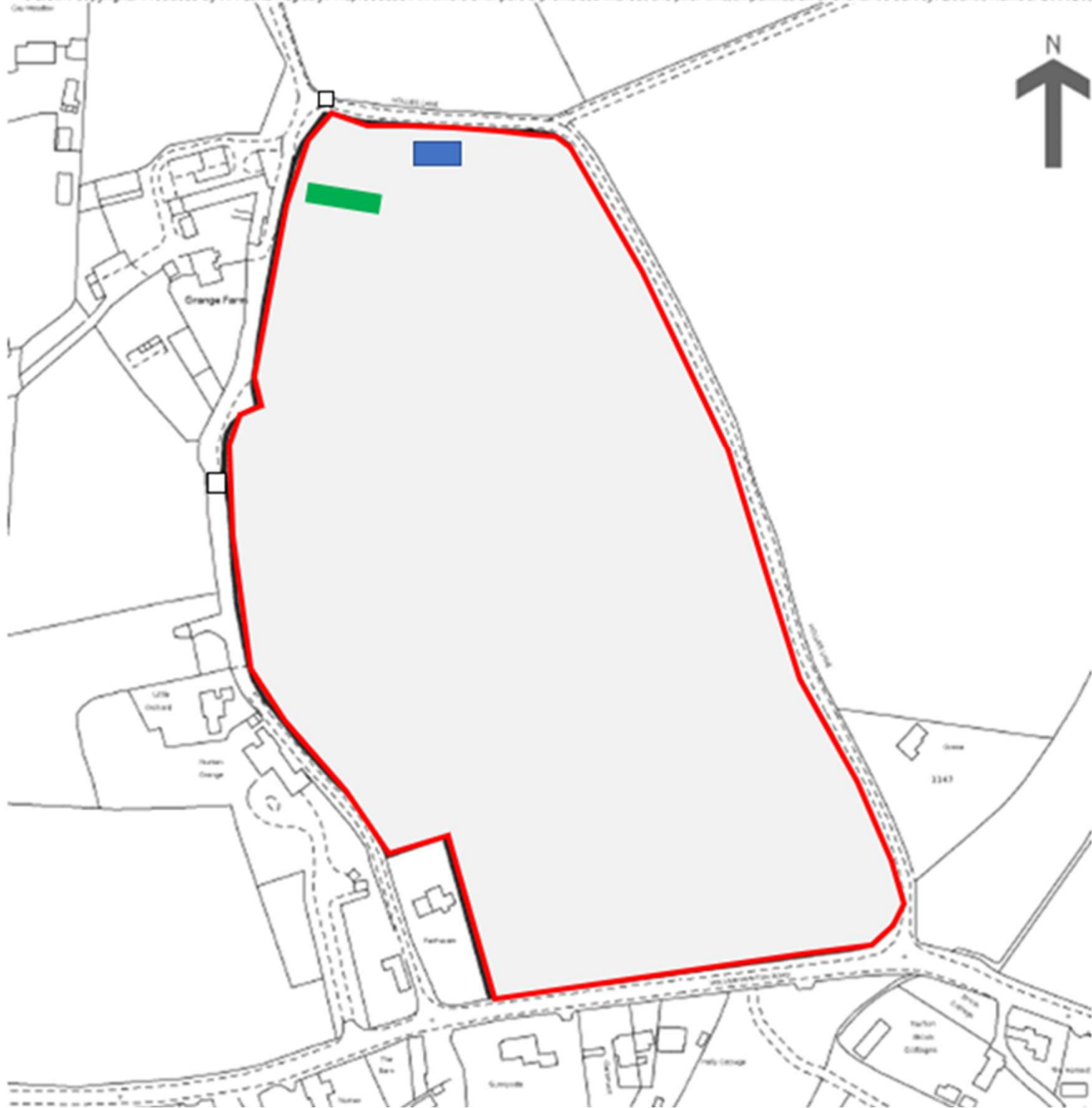
RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

HM Land Registry
Official copy of
title plan

Title number **SF509545**
Ordnance Survey map reference **SO8399NE**
Scale **1:2500**
Administrative area **Staffordshire : South**
Staffordshire



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List of Persons and Interested Parties**Appeal Ref: APP/C3430/C/22/3306177 and APP/C3430/C/22/3306178****Enforcement Ref: 18/00676/UNCOU****Appeal by: Mrs Caroline Anning and Mr Gary Anning****Site at: Willow Farm, Hollies Lane, Pattingham, Wolverhampton, WV6 7HJ**

1 copy to the Occupier(s)

Little Orchard Wolverhampton Road Nurton Staffordshire WV6 7AE
Nurton Grange Wolverhampton Road Nurton Staffordshire WV6 7AD
The Cottage Wolverhampton Road Nurton Staffordshire WV6 7AE
Fairhaven Wolverhampton Road Nurton Staffordshire WV6 7AE
The Barn Wolverhampton Road Nurton Staffordshire WV6 7AD
The Aintree Wolverhampton Road Pattingham Staffordshire WV6 7AD
Claremont Wolverhampton Road Nurton Staffordshire WV6 7AD
Bradshaw Cottage Wolverhampton Road Nurton Staffordshire WV6 7AD
Holly Cottage Wolverhampton Road Nurton Staffordshire WV6 7AD
Nurton Brook Nurton Bank Pattingham Staffordshire WV6 7AB
Hollies Lodge Hollies Lane Pattingham Staffordshire WV6 7HJ
Hollies Farm Hollies Lane Pattingham Staffordshire WV6 7HJ
Nurton Croft Hollies Lane Pattingham Staffordshire WV6 7HJ
Annexe Grange Farm Hollies Lane Pattingham Staffordshire WV6 7HJ
Grange Farm Hollies Lane Pattingham Staffordshire WV6 7HJ
Nurton Farm Barn Hollies Lane Pattingham Staffordshire WV6 7HJ

1 copy to the Clerk to Pattingham and Patshull Parish Council

Jenny Spaul, Clerk To Pattingham & Patshull Parish Council, 31 Wolverhampton Road
Stourton, South Staffordshire, DY7 5AF
Email: pattinghamparishcouncil@gmail.com

1 copy to the Chairman/Vice-Chairman of the Council

Councillor Matt Ewart, Damson Rest, Church Lane, Codsall, Wolverhampton, WV8 1EF
Email: M.Ewart@sstaffs.gov.uk

Councillor Meg Barrow, Ivy Cottage, Strawmoor Lane, Oaken, Codsall, WV8 2HY
Email: M.Barrow@sstaffs.gov.uk

1 copy to the Chairman/Vice-Chairman of the Planning Committee

Councillor M Lawrence, 11 The Leas, Featherstone, South Staffordshire, WV10 7AJ
Email: M.Lawrence@sstaffs.gov.uk

Councillor Bob Cope, 1 Spires Croft, Shareshill, Wolverhampton, WV10 7JH
Email: R.Cope@sstaffs.gov.uk

1 copy to the following local member(s)

Councillor Terry Mason, Alba, Marlbrook Lane, Pattingham, Wolverhampton, South
Staffordshire, WV6 7BS
Email: T.Mason@sstaffs.gov.uk



The Occupier/Others

Phone: (01902) 696274

Email: appeals@sstaffs.gov.uk

Date: 4 October 2022

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name:	Mrs Caroline Anning and Gary Anning
Site Address:	Willow Farm Hollies Lane Pattingham Staffordshire WV6 7HJ
Alleged breach:	i) Without planning permission, the making of a material change of use of the Land, to a mixed use for residential and agricultural use together with the siting of a caravan with a wooden extension to facilitate that material change of use. ii) Without planning permission, unauthorised operational development consisting of an earth bund.
Enforcement reference:	18/00676/UNCOU
Appeal reference:	APP/C3430/C/22/3306177 and APP/C3430/C/22/3306178
Appeal start date:	23.09.2022

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by South Staffordshire District Council on 2 August 2022.

The enforcement notice was issued for the following reasons:

Located within the Green Belt, the Land lies within what is a rural area, approximately 1 mile to the north-east of Pattingham and 1.5 miles to the south-west of Perton.

The area of Land where the unauthorised development has taken place comprises of approximately 6.7 hectares (16.5 acres) of land area of land which is located at a sharp bend in the road on Hollies Lane, adjacent to Grange Farm (Grange Farmhouse itself is a Grade II Listed Building). Vehicular access is via a shared driveway with Grange Farm. The caravan and wooden extension is located to the upper northern area the site.

The material change of use of the Land together with the siting of a caravan with a wooden extension to facilitate that material change use took place less than ten years ago and is not immune from enforcement action.

The unauthorised operational development consisting of the earth bund located on the Land took place less than four years ago and is not immune from enforcement action.

The Land is situated in an area of open countryside located in the South Staffordshire section of the West Midlands Green Belt.

On 7th February 2020, a retrospective planning application was refused by the Council for the stationing of the static caravan as a temporary agricultural workers dwelling under application reference 19/00462/FUL. The refusal to grant planning permission was the subject of an appeal.

On 15th March 2021, the Planning Inspectorate dismissed the appeal against the decision of the Council to refuse an application for the proposed stationing of a static caravan as a temporary agricultural workers dwelling reference APP/C3430/W/20/3253786). ("the Appeal").

The National Planning Policy Framework states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 130 of the National Planning Performance Framework, (NPPF), states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Para 137 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 138 c) of the NPPF states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the Core Strategy Development Plan states that the making of a material change of use of land will normally be permitted where the proposed use would have no material effect on the openness of the Green Belt.

Policy EQ4 states that the intrinsic rural character and local distinctiveness of the south Staffordshire landscape should be maintained and where possible enhanced and that throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views.

Policy EQ11 states that the design of all developments must be of the highest quality and that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4.

The static caravan with wooden extension and earth bund are incongruous to their surroundings and have a detrimental impact upon the openness of the Green Belt and the character and appearance of the local landscape that conflicts with the purposes of the Green Belt and are therefore contrary to policies GB1, EQ4 and EQ11 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.

Policy EV8 of the Core Strategy Development Plan states that the Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:

- a) encouraging farm diversification, which is complementary to, and helps to sustain the existing agricultural enterprise;
- c) guiding development, including the design and siting of new agricultural buildings, including agricultural workers dwellings to the least environmentally sensitive locations.

The dismissed Appeal found that the needs of the business do not outweigh the harm to the Green Belt with no other considerations that would amount to the 'very special circumstances' necessary to justify the unauthorised development. As such the development is by definition harmful to the Green Belt and does not accord with policy EV8 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development outlined in the dismissed Appeal.

The enforcement notice requires the following steps to be taken:

- i) Cease the use of the Land for domestic residential purposes.
- ii) Remove the caravan and wooden extension from the Land, (shaded blue in the approximate position shown on the red line plan).

iii) Remove from the Land all materials and waste arising from compliance with requirement ii) above.

iv) Remove the unauthorised operational development consisting of the earth bund from the Land, (shaded green in the approximate position shown on the red line plan).

The appellant has appealed against the notice on the following grounds:

Ground (a) – that planning permission should be granted for what is alleged in the notice.

Ground (f) - the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

Ground (g) - that the time given to comply with the notice is too short.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so at

<https://www.gov.uk/government/organisations/planning-inspectorate> or by emailing teame1@planninginspectorate.gov.uk If you do not have access to the internet, you can send **three** copies to:

Rebecca Gray
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 4 November 2022. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents (including the decision when made) are available for inspection at [Enforcement Appeal Cases South Staffordshire Council \(sstaffs.gov.uk\)](https://www.sstaffs.gov.uk/enforcement-appeal-cases) by searching under the Enforcement reference number.

You can get a copy of one of the Planning Inspectorate's (Guide to taking part in enforcement appeal) booklets free of charge from the Planning Portal at: www.planningportal.gov.uk/pcs or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk> and the Council website. Paper copies of the appeal decision can be obtained from the Council. Please be aware that there may be a copying fee.

Helen Benbow
Development Management Manager
South Staffordshire Council
Codsall
Wolverhampton
WV8 1PX

Telephone Enquiries: (01902) 696274 (Salindra Shakespeare)



20 May 2021

Our Ref: 21/00531/FUL

Post No:

Your Ref:

Please ask for: Lucy Duffy

Switchboard: 01902 696000

Email: l.duffy@sstaffs.gov.uk

Mrs C Anning
C/o Mrs Angela Cantrill
The Rural Planning Co
The Farm Office
Millridge Farm
Parsons Lane
Hartlebury
DY11 7YQ

Dear Sirs,

Planning permission reference: 21/00531/FUL

Address of development: Land forming part of Willow Farm, Hollies Lane, Pattingham

Please note the Council is implementing it's right under Section 70A of the Town and Country Planning Act to decline to determine this application.

It is the opinion of the authority that this submission is within 2 years of the appeal decision and there has been no significant change since that refusal and subsequent dismissal at appeal.

I will instruct our accounts team to issue a refund.

Yours sincerely,

Lucy Duffy
Assistant Team Manager (Localities 4 & 5)



Application Ref: 21/00887/FUL
PATTINGHAM & PATSHULL

Applicant: Mrs C Anning

Address: Willow Farm, Hollies Lane, Pattingham, Staffordshire, WV6 7HJ

Proposed Development: Temporary agricultural workers' dwelling

1. BACKGROUND

1.1 Retrospective planning permission has previously been sought, under planning application 19/00462/FUL, for the stationing of a static caravan as a temporary agricultural workers' dwelling at Willow Farm, Hollies Lane, Pattingham. That application was refused by the Council on 07/02/20 for the following reasons:

1. The proposed development amounts to inappropriate development within the Green Belt, which is harmful by definition and should not be approved except in very special circumstances. Having assessed the case advanced by the applicant, including confidential financial details and three year business plan, the Council does not consider that there is an essential need for an occupational workers' dwelling (i.e. the static caravan) to be present on site in connection with the Lambing Enterprise and Procurement Enterprise as described within the application submission, either taken individually or combined. Consequently, very special circumstances have not been demonstrated in this case. As such, the development is contrary to Policies GB1 and EV8 of the adopted Core Strategy and the National Planning Policy Framework.

2. The static caravan introduces an alien feature into the landscape which has a detrimental impact upon the openness of the Green Belt and the character and appearance of the local landscape, contrary to policies GB1, EQ4 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.

1.2 The Council's decision to refuse was subsequently appealed to the Planning Inspectorate (PINs ref: APP/C3430/W/20/3253786) and was the subject of an Appeal Hearing which took place on 21/10/20, with the Inspector's Decision Letter issued on 15/03/21. The Appeal was dismissed.

2. THE CURRENT APPLICATION

Site Description

2.1 Located within the Green Belt, the application site lies within what is a rural area, approximately 1 mile to the north-east of Pattingham and 1.5 miles to the south-west of Perton. The site lies in Flood Zone 1 and is therefore not at risk from fluvial flooding. The application forms submitted indicate that the size of the site is approx' 0.14 hectares in area. It consists of land adjacent the associated arable land, located at a sharp bend in the road on Hollies Lane, adjacent to





Grange Farm (Grange Farmhouse itself is a Grade II Listed Building). Vehicular access is via a shared driveway with Grange Farm. The site forms a small part of the wider total 6.7 hectares (16.5 acres) of land owned by the applicant.

2.2 With the exception of an additional area of land to the east (approx'. 0.4 hectares), the site appears to be extremely similar to the application site which was the subject of the previous refusal, and dismissal at Appeal (as summarised above).

Application Details

2.3 The application as submitted seeks permission for a temporary agricultural workers dwelling. An almost identical proposal to the earlier application (19/00462/FUL), but with no indication within the description that the proposal relates to any existing on-site accommodation (temporary or otherwise). However, the application forms (at Section 5) clearly indicate that work/change of use occurred on 04/10/17 and it is assumed that this reference relates to the same unauthorised static caravan which was the subject of the previous refusal, and dismissal at appeal.

2.4 The application forms have been accompanied by the following plans and documents:

- Location Plan
- Block Plan
- Proposed Plans and Elevations
- Planning Statement

2.5 The plans and elevations indicate the proposed siting of a timber cabin style of accommodation, located to the east of the previously proposed, and presumably still in-situ, unauthorised static caravan. However, the Planning Statement indicates, at Paragraph 3.5, that a static caravan style mobile home is likely to be used in the first instance (presumably the existing unauthorised caravan) to be replaced by a timber cabin in due course. No time frame is given for this. Paragraph 3.6 goes on to make repeated references to a "mobile home", with Paragraph 3.8 again indicating that the proposed timber cabin would be brought to site as soon as practicable.

2.6 The Planning Statement, at Paragraph 3.1, describes the proposal as:

"Temporary dwelling for an agricultural worker"; and goes on to state: "The applicant operates an agricultural business consisting of breeding and rearing commercial sheep, which is to be complemented by the introduction of a calf rearing enterprise" (Author's emphasis)

2.7 The suggestion appears to be that calf rearing does not currently take place, but is proposed, and that appears to be confirmed by the content of Paragraph 3.2 of the Planning Statement, which refers to the Applicants intention to rear calves. There appears to be nothing to suggest that this has commenced already.





3. COMPARISON WITH PREVIOUSLY REFUSED APPLICATION AND DISMISSED APPEAL

3.1 The previously refused application sought retrospective permission for the stationing of a static caravan to be occupied on a temporary (3 year) basis as an agricultural workers' dwelling, in association with the Applicant's agricultural business which was stated as consisting of a Lambing Enterprises and a Procurement Enterprise. At the Appeal stage, the Applicant introduced the intention to introduce a calf rearing enterprise (in Year 3 of the then business plan). All such matters were considered by the Appeal Inspector.

3.2 No mention is made within the current application regarding the previous Procurement Enterprise, merely the existing lambing (sheep breeding) enterprise and the proposed calf rearing (beer finishing) enterprise. In terms of the lambing (sheep rearing) enterprise, the existing and future flock numbers appear to be identical to the earlier application (i.e. existing flock 270 ewes, proposed flock 350 ewes). Setting aside the previous Procurement enterprise, the similarities between the current proposal and the previously refused, and dismissed proposals, are evident.

4. ARE THERE GROUNDS FOR THE COUNCIL TO DECLINE TO DETERMINE THE LATEST APPLICATION?

4.1 Section 70A of the Town and Country Planning Act 1990 (hereafter referred to as the T&CP Act) confirms that local planning authorities have the power to decline an application for planning permission which is similar to an application that, within the last 2 years, has been dismissed by the Secretary of State on appeal (Author's emphasis).

4.2 In declining to determine a local planning authority must be of the view that there has been no significant change in the development plan (so far as relevant to the application) and any other material considerations since the similar application was refused or dismissed on appeal (National Planning Practice Guidance (NPPG) Paragraph: 056 Reference ID: 14-056-20140306).

4.3 Section 70A(8) of the T&CP Act defines applications for planning permission as 'similar': "*if (and only if) the local planning authority thinks that the development and the land to which the applications relate are the same or substantially the same*". (Author's emphasis).

4.4 Paragraph: 058 Reference ID: 14-058-20140306 indicates that: "*Where an authority considers that an application is similar, it is not automatically obliged to decline to determine the application. The purpose of these powers is to inhibit the use of 'repeat' applications that the local planning authority believes are submitted with the intention of, over time, wearing down opposition to proposed developments. They are, however, designed to be flexible and to give local planning authorities the discretion to entertain 'repeat' planning applications where they are satisfied that a genuine attempt has been made to overcome the planning objections which led to rejection of the previous proposal or there has been a material change in circumstances*".

4.5 The current application as submitted has been compared with the previously submitted, refused and appealed application (ref: 19/00462/FUL). That application sought permission for an agricultural worker's dwelling in association with the rearing of sheep. The stated flock number at the time of that earlier application was 270 breeding ewes – the exact same number as in the case of the current application. At the subsequent appeal, the Appellants indicated the intention to





introduce calf rearing (a Beef finishing enterprise), albeit that the appeal Inspector established that had not yet occurred. The latest application again indicates an aspiration to introduce a Beef finishing enterprise, but again, on the basis of the application as submitted, this does not appear to have instigated to date.

4.6 The previously submitted justification for the need for an Agricultural/Rural Workers dwelling in this Green Belt location, by way of Very Special Circumstances, was predicated upon a need for someone to live 24/7 on the land in association with the agricultural enterprises carried out therein, which related to the rearing of sheep and calves as described above. This case was dismissed by the Appeal Inspector who found no basis or need for someone to reside on the land in relation to either of the enterprises.

4.7 It very much appears, therefore, that the Applicant has submitted an application for an agricultural worker's dwelling on the same or similar plot of land with the justification being that it is required to support the very same type and amount of agricultural enterprise (lamb and calf rearing) as has already been found to be unjustified by the Appeal Inspector on the earlier Appeal.

4.8 There has been no significant change in circumstances, and it is the case that there has been no significant change in the development plan, nor have there been any significant changes in national planning policy and guidance. It very much appears that no genuine attempt has been made to overcome the previous planning objections, rather this appears to be a repeat application for the same development as was previously found to be unacceptable by both the Council and the Appeal Inspector.

4.9 Notwithstanding the above initial comparisons, the structure and order of the Appeal Inspector's Decision Letter is a useful template for considering further whether there have been any changes and/or whether the current application is the same or substantially the same as it's predecessor.

4.10 It was agreed by all parties that the proposed development was (and still would) amount to inappropriate development in the Green Belt, and on the Inspector commented that: "*.... the openness of the Green Belt is not preserved and the scheme results in encroachment into the countryside*" (Para 4).

4.11 Thereafter, the Inspector listed the main issues to be considered as being:

- i) The effect of the proposal on the character and appearance of the area;
- ii) Whether there is an essential need for a rural worker to live permanently at the site; and
- iii) Whether the harm by reason of appropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

4.12 Taking each of these in turn:





- i) The proposed temporary accommodation will be sited in a similar position, albeit further to the east, than the previously proposed (and still present) static caravan. The Planning Statement supporting the current planning application clearly indicates that it would be proposed to site a static caravan (it is not clear whether this would be the current unauthorised caravan or a separate one) with the suggestion that a timber cabin would replace it at some point in the future.

Whether caravan or cabin, the proposed accommodation would be visible from the more distant locations described by the Planning Inspector (Para 7 of the Appeal Decision Letter) and would fail to satisfactorily address the policies cited by the Inspector (Para 9).

- ii) The Inspector considered in great detail the arguments regarding “essential functional need”, and clearly stated that “... there simply cannot be an essential functional need for a rural worker to live permanently at Willow Farm to manage the flock” (Para 16). This decision was based upon identical existing and proposed flock numbers to those proposed within the latest application and the exact same situation with regard to grazing land on site and elsewhere. In that regard the latest application appears to be not only similar but actually identical to the earlier unsuccessful application and Appeal.

With regard the proposed introduction of calf rearing, that too was considered by the Inspector under the earlier submission (Paras 26 to 28 of the Appeal decision), and she commented that there was: “no detailed plan for a future commercial BFE” (Beef finishing enterprise) (Para 27) and that: “there is little compelling evidence of a functional need for a permanent worker to live on site”. (Para 28).

The current application clearly indicates that the calf rearing (beef finishing) enterprise remains a future proposal, and that being the case the situation again appears completely unchanged in that regard from the case previously considered by the Appeal Inspector.

Whilst the Inspector acknowledged that there was a clear intention to develop the enterprise, she expressed concerns regarding the long-term sustainability of the business (Para 32), and also called into question the financial viability of the business (Paras 33 to 37 of the Appeal Decision). She drew the conclusion that an essential need for a rural worker to live permanently at Willow Farm had not been demonstrated (Para 39).

In light of the above, the proposed development and level of evidence appears to be, if not identical then, most certainly (very) similar to the previous proposals as considered by the Appeal Inspector. That being the case, there do appear to be grounds to consider the latest submission with reference to Section 70A(8) of the T&CP Act.

- iii) There was no dispute that the previous proposal (and thereby presumably the current proposal) constitutes inappropriate development in the Green Belt and is thereby harmful by definition.





4.13 The Appeal Inspector concluded that there was no functional need for a worker to live at Willow Farm; that it had not been demonstrated that the business was financially sound or planned on a sound financial basis, and that the needs of the business did not outweigh the harm found and that no very special circumstances were at play to justify the development in the Green Belt (Paras 46 and 47 of the Appeal Decision).

4.14 In light of the similar, almost identical, nature of the current application, and in the absence of any changes in planning policy; additional supporting evidence; or material change in circumstances, it would be reasonable to conclude that the same outcome would be reached if the latest application were to be considered by the Council.

5. CONCLUSIONS

5.1 For the reasons set out above, the proposed development and the land to which the application relates appears to be substantially the same as that previously considered by the Inspector and dismissed under Appeal Ref: APP/C3430/W/20/3253786.

5.2 There appears to have been no material change in circumstances. No new detailed evidence has been provided with regard the financial viability of the business and no business plan has been submitted. Rather, the Applicant has submitted a very similar application to that which was previously found wanting, and it appears that no genuine attempt has been made to overcome the previous planning objections which led to rejection of the previous proposal both by the Council and the Appeal Inspector. On the contrary, the application relies upon the very same livestock numbers and associated claims that there is a need for an agricultural worker to live on site as were previously considered unfounded by the Appeal Inspector.

5.3 Section 70A of the T&CP Act stipulates, under sub-paragraph (b) that a local planning authority may decline to determine an application for planning permission which satisfies the criteria under sub-paragraph (a) if: *"in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in (sub) paragraph (a)*".

5.4 No new substantive evidence has been submitted to accompany the current application, and in many respects, that which has been submitted does appear to fall short of the level of supporting information that accompanied the previously refused and dismissed submission and which was found wanting. Furthermore, there appears to have been no material change in circumstances since the consideration of the previous application and subsequent Appeal. There has been no relevant change in national or local planning policy since the consideration of the earlier application.

5.5 In light of the above, and in the absence of any additional or new supporting evidence or any material change in circumstances, it does rather appear that there no genuine attempt has been made to address those matters which resulted in the previous dismissal on Appeal, and which are set out above and on this basis the Council will exercising it's right under Section 70A of the T&CP and will not be determining the application.





Kelly Harris
Lead Planning Manager
South Staffordshire Council





Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

REFUSAL OF PLANNING PERMISSION

Application Number: 19/00462/FUL
Proposed: Stationing of a static caravan as a temporary agricultural workers dwelling (retrospective)
At: Willow Farm Hollies Lane Pattingham WOLVERHAMPTON WV6 7HJ

In pursuance of their powers under the above mentioned Act, South Staffordshire Council, hereby **REFUSE** permission for the development described in the above application.

Reasons for refusal:

1. The proposed development amounts to inappropriate development within the Green Belt, which is harmful by definition and should not be approved except in very special circumstances. Having assessed the case advanced by the applicant, including confidential financial details and three year business plan, the Council does not consider that there is an essential need for an occupational workers' dwelling (i.e. the static caravan) to be present on site in connection with the Lambing Enterprise and Procurement Enterprise as described within the application submission, either taken individually or combined. Consequently, very special circumstances have not been demonstrated in this case. As such, the development is contrary to Policies GB1 and EV8 of the adopted Core Strategy and the National Planning Policy Framework.
2. The static caravan introduces an alien feature into the landscape which has a detrimental impact upon the openness of the Green Belt and the character and appearance of the local landscape, contrary to policies GB1, EQ4 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
3. Proactive Statement - Whilst paragraph 38 of the National Planning Policy Framework (2018) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2018).

Signed

Dated: 7 February 2020

Development Management Team Manager

Mr And Mrs Anning
C/O Melanie Holt
Moule And Co
The Farm Office
Millridge Farm
Parsons Lane
Hartlebury
DY11 7YQ

NOTES

APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, she/he may serve on the Borough Council or District Council or County Council in which the land is situated, as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

*Householder development means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.



Appeal Decision

Site visit made on 22 October 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/C3430/W/20/3253786

Land forming part of Willow Farm, Hollies Lane, Pattingham WV6 7HJ

- 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 and Mrs Anning against the decision of South Staffordshire Council.
 - The application Ref 19/00462/FUL, dated 24 May 2019, was refused by notice dated 07 February 2020.
 - The development proposed is stationing of a static caravan as a temporary agricultural workers dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal scheme was completed in October 2017. In addition to the static caravan, there is a wooden timber porch attached to the side elevation of the caravan. At the time of my visit, I saw that the location, size and appearance of the caravan and the porch correspond to the submitted details. However, the appeal only relates to the stationing of the caravan, which amounts to a material change of use of land. Therefore, I have determined the appeal on this basis.
3. Mrs Anning is named as the appellant in the appeal form, but the applicants are named in the application form as Mr and Mrs Anning. The agent confirmed that the appeal should proceed in the names of both Mr and Mrs Anning.

Main Issues

4. The main parties have agreed that that the proposal is inappropriate development in the Green Belt, having regard to Policy GB1 of the South Staffordshire Council Core Strategy Development Plan Document Adopted December 2012 (the CS) and paragraphs 145 and 146 of the National Planning Policy Framework (the Framework). I concur with this position given that the openness of the Green Belt is not preserved and the scheme results in encroachment into the countryside, albeit that it does not contribute to urban sprawl.
5. Therefore, the main issues are:
 - i) the effect of the proposal on the character and appearance of the area;

- ii) whether there is an essential need for a rural worker to live permanently at the site; and
- iii) 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 required to justify it.

Reasons

Character and appearance

6. Willow Farm is located in an area of undulating countryside comprising generally large open fields with boundary hedgerows and scattered individual trees and small woodlands. It is a typically rural area with sporadic development including farmsteads and detached dwellings, some of which have been created by the conversion of traditional agricultural buildings.
7. Although the caravan is partially screened by the hedgerow along Hollies Lane, particularly when the hedge is in leaf, it is visible from locations around the highway access and Nurton Croft. While it would be hidden from these views by the permitted agricultural building¹, this has not yet been constructed. Irrespective, the caravan is visible from more distant locations in the surrounding countryside including the right of way from Pattingham Road along the edge of the golf course. From here, the caravan appears isolated and it is not seen as ancillary to a residential dwelling. It is out of keeping with the surrounding rural character and context. Consequently, it is a discordant feature that is not sympathetic to its surroundings.
8. Hedgerow planting and enhancement might provide additional screening benefits from close range, but the existing hedgerow is already well established. Moreover, there are no alternative proposal before me to illustrate how a different form of temporary residential accommodation may result in less harm to the rural character and appearance of the area.
9. Therefore, the scheme harms the rural character and appearance of the countryside. It conflicts with Policies EQ4 and EQ11 of the CS. These require, among other things, that development should be of high-quality design, making a positive contribution, taking account of the local character and distinctiveness of the landscape and its surroundings, and respecting and safeguarding visual amenity. It would also conflict with the policies in the Framework that require development to add to the overall quality of the area, to be visually attractive, to be sympathetic to local character including landscape setting, and to maintain a strong sense of place.

Essential need for a rural worker

Policy considerations

10. Policy EV8 of the CS sets out that proposals for temporary agricultural and occupational workers dwellings will be supported subject to meeting a number of criteria including: evidence of a firm intention and ability to develop the enterprise; a functional need which cannot be fulfilled by an alternative dwelling; and that the enterprise has been planned on a sound financial basis.

¹ Ref 20/00223/AGR

11. Paragraph 79 of the Framework states that the development of isolated homes in the countryside should be avoided except in specific circumstances including where there is an essential need for a rural worker to live permanently at or near their place of work. This is substantially the same as the provisions in Paragraph 55 of the 2012 version of the Framework. In this regard, my attention has been drawn to the case of Embleton², where it was concluded that the test under paragraph 55 only required an assessment of whether there was an essential need for a worker to be at or near the site.
12. Nevertheless, the Planning Practice Guidance (the PPG) sets out that the functional need and the degree to which there is confidence that the enterprise will be viable for the foreseeable future are both factors that may be relevant when considering whether there is an essential need for a rural worker. Moreover, the case law relates to the Framework and not to the development plan which was found sound and adopted subsequent to the publication of the Framework in 2012. Consequently, although the Framework is a material consideration, the starting point for decision making is the development plan.

Essential functional need

13. The appellants farm approximately 97 acres spread across several widely separated parcels of land. They have been farming the 16.5 acres at Willow Farm since approximately 2007, initially on a Farm Business Tenancy and as owner occupiers since approximately 2017 when they purchased the land following the sale of Mrs Anning's family home in Pattingham. The remainder of the holding comprises rented grazing land.
14. The current agricultural business operating at Willow Farm includes a sheep breeding enterprise (the SBE) and a procurement enterprise (the PE). The PE operates from the top pastures, roughly 2 acres, and the SBE utilises the lower pastures, roughly 14 acres.
 - a) Sheep breeding enterprise (the SBE)
15. The SBE has grown from an initial flock of 12 to 270 breeding ewes plus 10 rams. The acreage at Willow Farm is not sufficient to support the entire flock. Consequently, for much of the year, the flock are grazed on the tenanted land away from Willow Farm. The ewes are brought back in batches to the lower pastures from January onwards, where they lamb from February through April before being transported back to the tenanted land. The SBE lambs are finished on the holding at between 3 and 9 months old. Outside of the lambing season, the flock is brought back to Willow Farm for routine husbandry operations including shearing and foot trimming.
16. There is clearly a seasonal need for an agricultural worker to be permanently present on site for the 12 weeks or so that cover the main lambing period. However, the flock is not permanently based at Willow Farm and, even during the lambing season, only a proportion of the flock are present at any one time. Therefore, there simply cannot be an essential functional need for a rural worker to live permanently at Willow Farm to manage the flock.
17. I acknowledge that the appellants intend to increase the size of the SBE flock to 350 ewes. While this would increase labour requirements, the lambing season would still extend over 12 weeks in the spring with a relatively low

² Embleton Parish Council v Northumberland County Council [2013] EWHC 3631

number of ewes lambing outside of this period. Moreover, an even greater proportion of the flock would be away from Willow Farm on the tenanted land. Therefore, an increase in the flock size would not require a permanent agricultural workers dwelling at the site.

b) The procurement enterprise (the PE)

18. The PE has been operating at Willow Farm since approximately 2009, predominantly utilising the top pastures near to the appeal site. Lambs, cull ewes and rams are bought direct from local farmers or from livestock markets to supply fresh meat to the ethnic meat market. This is largely a reactive operation, meeting short notice orders for fresh meat. However, some livestock are bought speculatively, in order to be able to meet anticipated future orders at times of high demand such as religious festivals. Although numbers vary through the year, approximately 200-220 animals pass through Willow Farm each week in several separate loads.
19. Following purchase, the PE livestock are brought back to Willow Farm where they are checked and transferred into holding paddocks with access to food and water until such time as they are graded and sorted and taken to the abattoir. The length of stay on the holding varies from overnight for transport the following day to several days, such as over weekends when the abattoir is closed. Although some stock are held for longer periods of time, the average duration that PE livestock are kept on site is between 2 to 4 days.
20. There is a dispute between the parties as to whether the PE is a lawful agricultural use of the land. Clearly, it is not lairage for the purposes of long-distance haulage and export of livestock. Nevertheless, it is not a short-term lamb finishing unit as it is consistently described as a procurement activity. The PE livestock are purchased to order or bought in advance of expected orders from existing customers. The livestock are held on the land for short periods of time for the purpose of meeting and maintaining procurement contracts. Notwithstanding that some animals may be held for longer periods, this remains in connection with the procurement business.
21. There is no detailed historic evidence relating to the PE, although it has been operating for several years with apparently no previous or current enforcement investigations. Irrespective of whether or not it is a lawful agricultural use, given the large numbers of animals involved and the nature of the activity I am satisfied that it is a rural use. On that basis, it is appropriate for me to consider whether or not it gives rise to a functional need for a rural worker.
22. The PE enterprise involves a lot of paperwork and travelling, often with early starts and late finishes. However, long working days are part and parcel of farming and they do not of themselves demonstrate a functional need for a rural worker to live on site.
23. The livestock markets and transport will be stressful for the animals, most particularly any that might already be in poor health. Mr Anning advised that serious injury and health issues such as fly strike and severe calcium deficiency would be apparent upon arrival at the holding and could therefore be treated promptly. The relatively low number of stock displaying signs of stress are marked for ease of identification, put out with the flock to recover and monitored at intervals during the night.

24. The historically low number of livestock deaths is attributed to the high standard of husbandry including overnight monitoring. However, no detailed information is available in relation to the numbers of stock that arrive injured or ill or that have required treatment immediately or during the following night. Consequently, it is not possible to establish the number of animals that would have suffered or died if they had not been monitored overnight. In any case, given that the late finishes and early starts, it seems reasonably likely that any unsupervised overnight period would be relatively short.
25. While the PE is not a standard agricultural operation, livestock markets, handling and transport are a routine part of livestock farming. Moreover, some of the livestock come direct from farms, thereby avoiding the stress associated with commercial markets. There are apparently no industry guidelines relating to welfare following relatively short domestic journeys from markets or farms. It will be a matter for the individual farmer based on the needs of the stock, but in this case there is not an essential functional need for a worker to be present overnight in connection with non-breeding sheep that are destined for slaughter, in some cases the following morning.

c) Beef finishing enterprise (the BFE)

26. While the business plan indicates the intention to introduce a calf rearing enterprise in year 3, the appellants previously purchased a small number of calves in 2019-2020, including some that required milk-feeding and monitoring for pneumonia due to their young age. Until they were weaned, the calves were kept on the top pastures, with mobile calf hutches for shelter and they were fed 3 to 4 times a day, including overnight. Following weaning, they were moved to rented pastures for finishing at roughly 24 months.
27. There would be a need for a worker to be present to care for the calves during their early weeks, but the overnight husbandry need drops away as the calves age. There are currently no young calves at Willow Farm and there is no detailed plan for a future commercial BFE, including in terms of numbers of livestock or requirements and associated investment in additional land, livestock buildings and equipment such as automated feeders. Moreover, given that the top pastures at Willow Farm are used for the PE and the lower pastures are used for the SBE and hay-making, it is not clear that a BFE could be operated sustainably alongside the SBE and the PE at Willow Farm.
28. The evidence is that the business at Willow Farm is primarily sheep-based and there is a seasonal need for a worker to be permanently on site during the lambing season. While the PE is undoubtedly a resource intensive activity, there is little compelling evidence of a functional need for a permanent rural worker to live on site. Associated agricultural activities relating to routine animal husbandry, land management and maintenance of machinery, while time-consuming, do not require a rural worker to live on site.

d) Alternative dwellings

29. There are no dwellings on the holding or buildings that could be converted to residential use. The market dwellings in the immediately surrounding rural area are not affordable on a rural workers salary. While more distant dwellings may not meet an essential functional need, no information has been provided in terms of the type of dwelling that the business could sustain or in relation to

the affordability and availability of dwellings in nearby settlements including Pattingham and Perton.

Evidence of a firm intention and ability to develop the enterprise

30. The appellants have been farming at Willow Farm since 2007. They have also rented land to accommodate the expanding needs of the SBE and they have purchased the land at Willow Farm. They have recently placed an order for an agricultural building to replace the pole barn and they intend to increase the size of the SBE flock and to increase the lambing percentage.
31. Except for the land used for haymaking, all of the pasture at Willow Farm is permanently grazed and the high stocking densities are maintained by supplementary feeding. While Willow Farm is only a small part of the holding, it is the focus of activities and it is the most intensively used of all of the land. In this regard, any further expansion of the SBE, the PE or a commercial BFE would inevitably put further pressure on the land at Willow Farm.
32. The appellants' have a clear intention to develop the enterprise. However, I share the Council's concerns about whether the business operations at Willow Farm are sustainable in the longer-term, taking into account increasing stocking densities, the competing pressures on the land from the various activities and the need to maintain the land in good agricultural condition.

Has the enterprise been planned on a sound financial basis

33. Financial accounts have been provided for the years ending 2016-2019. These show small profits in 2 years, a substantial loss in 2018 and a small loss in 2019. The significant loss in 2018 is attributed in large part to the impact of the severe winter storms that year and also to investment in the business.
34. Irrespective, the business accounts are amalgamated for the SBE, the PE and a wider trading activity relating to the purchase and direct transport of livestock to the abattoir without passing through Willow Farm. By the appellants' own admission, the financial accounts are not therefore a reliable indication of the financial viability of the agricultural operations at Willow Farm.
35. Although some 6 months have passed since the year end, the financial accounts for 2020 are not yet available. At the Hearing, Mr Anning stated that the business made a substantial profit in the year ending 2020, due in large part to the impact on lamb prices of the coronavirus pandemic lockdown in March. However, it seems reasonably unlikely that many, if any, of the 2020 early lambs would have been ready for finished sale by the end of the financial year. Moreover, no substantive evidence was presented in terms of the numbers of SBE lambs sold at a significantly higher price or the implications of lockdown for the PE or the wider trading activity.
36. There was a discussion at the Hearing as to whether or not it would be helpful for the latest accounts to be provided. In this respect, the 2020 accounts will be combined for the various agricultural and wider trading activities. Therefore, as with the previous years' accounts, they would not demonstrate the financial viability of the agricultural business.
37. The business plan predicts substantial gross profits from year 1 onwards, but it does not include full details of costs such as labour or transport, legal and bank charges, land rental or capital costs. Notwithstanding the unusually large loss

in 2018, and the proposed increase in SBE flock size, it has not been adequately explained how the business would rapidly go from very modest net profits at best to significantly large sustained profits in future years. Moreover, while the static caravan is already on the site and the appellants live frugally within their means, there is little evidence that the business could sustain 1, let alone 2, reasonable living wages. Therefore, and taking account of the absence of reliable accounts in relation to the agricultural business in previous years, it is not clear that the business has been planned on a sound financial basis.

38. The appellants are seeking permission for a temporary dwelling in order to demonstrate that the business can support a permanent dwelling. Nonetheless, the business has been operating for over 10 years and the static caravan has already been on site for 3 years, which would appear to have already been a reasonable amount of time to account separately for the agricultural business.
39. Therefore, having regard to the functional requirements of the business and the financial aspects, an essential need for a rural worker to live permanently at Willow Farm has not been demonstrated. Consequently, the proposal is in conflict with the requirements of Policy EV8 of the CS.

Other Considerations

40. The nearby Grange Farmhouse Grade II listed building dates from the 17th century. It is timber-framed with painted brick infill and rendered stone or brick with a clay tile roof. The listing building is approximately 40m from the appeal site. It is set in its own grounds which are separated from the appeal site and the Willow Farm by its private access road and the vegetated field boundary. Given the degree of separation, the modest size of the caravan and the nature of the intervening land, the Council considers that the caravan does not harm the listed building or its setting and I see no reason to disagree. The absence of harm in this respect does not weigh in favour of the scheme.
41. The agricultural business provides rural employment and economic support for other rural businesses including farm contractors, feed merchants and veterinary surgeons. These benefits would have flowed from the business during the time that it operated without a rural workers dwelling. Therefore, the wider economic benefits do not appear to be dependent on the appeal scheme and therefore they carry limited weight in favour of it.
42. There would be no adverse impacts on the safe operation of the highway. Although the development has already been carried out, given the improved nature of the agricultural grassland at Willow Farm and the small scale of the development, adverse impacts on biodiversity appear reasonably unlikely. These are requirements of planning policy and they do not weigh in favour of or against the proposal. I note the concerns in relation to the highway access over third party land. However, this is a private legal matter.
43. Following the sale of Mrs Anning's family home, the appellants required alternative accommodation in the area. In this regard, the caravan at Willow Farm will be a convenient and cost-effective form of accommodation. Nevertheless, the appellants' personal circumstances are not related to the needs of the business and they do not weigh in favour of the scheme.
44. My attention has been drawn to appeal decisions relating to agricultural worker dwellings elsewhere, including in the Green Belt. The evidence concerning the

alpaca breeding business indicates that alpacas are expensive animals that breed at any time of year with potentially high mortality rates. The site was also in an area subject to thefts and dog attacks and the business was profitable and supported a full-time worker with a reasonable salary. In the case of the horse livery, it was in an isolated location where theft was a problem and there was an established essential functional need. While the livery business was not particularly profitable, the Inspector allowed a temporary log cabin to be occupied on a permanent basis subject to conditions that linked the permission to the appellant as well as to the business. Neither case appears directly comparable to the appeal scheme and they do not provide a justification for it.

Green Belt balance

45. The proposal is inappropriate development in the Green Belt and it has resulted in a small but significant loss of openness and conflict with the purposes of the Green Belt. The adverse impact on the character and appearance of the area is a modest harm that weighs against the proposal.
46. There is a seasonal need for a rural worker to be present during the lambing season, but there is no essential functional need for a worker to live permanently at Willow Farm either in connection with the SBE or the PE. While the appellants have been farming the land for several years, it has not been demonstrated that the agricultural business is financially sound. Moreover, while the business plan predicts substantial gross profits almost immediately, given that the previous years accounts are not reliable, it is not clear that the enterprise has been planned on a sound financial basis.
47. Therefore, the needs of the business do not outweigh the harm that I have found. Consequently, there are no other considerations that would amount to the very special circumstances necessary to justify the development.

Conclusion

48. For the reasons set out above, the appeal is dismissed.

Sarah Manchester

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Caroline Anning (appellant)

Mr Gary Anning (appellant)

Mrs Melanie Holt BA (Hons) PgD MRICS FAAV (Moule & Co Ltd, Planning Agent)

FOR THE LOCAL PLANNING AUTHORITY:

Mr John Baggott MA MRTPI (Tyler Parkes Partnership)

Mr Anthony Atkinson MRICS FAAV (Acorus Rural Property Services)

INTERESTED PERSONS:

Mr DeVries (observing from the Council)

Ms Jovanovic (observing from the Council)

Mr Phillip Collins

Mr Norman Levers

Mr Mike Powell