

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 28th March 2023

Planning Performance report

REPORT OF THE LEAD PLANNING MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

- 1.1 This report has been updated to be reflective of the current and most relevant issues.
- 1.2 A monthly report to ensure that the Committee is kept informed on key matters including:
- 1.3 Monthly Updates on:
- Procedural updates/changes
 - Proposed member training
 - Monthly application update
 - Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)
 - Any recent Planning Appeal Decisions
- 1.4 Quarterly Updates on:
- The latest data produced by the Department for Levelling Up, Housing and Communities (DLUHC)

2. RECOMMENDATION

- 2.1 That Committee notes the content of the update report.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	

TARGET COMPLETION/ DELIVERY DATE	28 th March 2023	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

PART B ADDITIONAL INFORMATION

Monthly Updates

4. Procedure updates/changes

- 4.1 Fees for pre-applications enquires will be rising by 5% for all application types (excluding householder pre-application enquiries). This is necessary to reflect the level of officer time being put into these enquires and still ensure we are reflective of charges within the Staffordshire region. This Fee increase will com in from 1st May 2023 and will be advertised on the Council's website and social media channels from week commencing 3rd April 2023.
- 2.1 From week commencing 3rd April 2023 officer will no longer be sending out a notification to members to advise that applications will be refused. This part of the process is not a constitutional requirement and has been carried out as a matter of custom and practice. As it is carried out at the end of the application assessment it adds delay to the determination process.

5. Training Update

- 5.1 Planning Services has recently undertaken Parish training for legal agreements and S106 money. These were well attended and the mandatory nature of the training was understood by attendees.
- 5.2 Mandatory "Planning Committee" training will be scheduled for 25th May 2023. This will be for new and existing planning committee members
- 5.3 Planning Advisory Service will be offering members training on Planning Committee process and procedures. This has been scheduled for a full day on the 7th June 2023.

6. Monthly Planning Statistics

February 2023	
Applications received	101
Application determined	65
Pre-application enquiries received	7
Pre-application enquiries determined	14

7. Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)

- 7.1 Levelling -up and Regeneration Bill: Reforms to National Planning Policy. This consultation closed on the 2nd March 2023 and the Authority made representations to the proposed changes. Feedback from for consultation is still being analysed.
- 7.2 Currently compiling a response “Increasing planning fees and performance: technical consultation”. This report will be presented to CLT and informal cabinet in due course, response due 23rd April 2023.

8. Appeals

- 8.1 This section provides a summary of appeals decision received since the last report. Appeal decision letters are contained within appendix 1

8.2 **Planning reference:** 22/00434/VAR

Site Address: Kings Lodge, Bridgnorth Road, Staffordshire, Stourton DY7 5BJ

Date of Inspectors Decision: 16.01.2023

Decision: Dismissed (Appendix 1)

This appeal related to the variation of conditions 2 (plan numbers) and 3 (matching materials) with regards to planning approval 18/00375/FUL. This application was approved by officers on the 21st August 2018 and related to rebuild an existing dwelling with extensions and modifications.

The main issue was:

- the effect that varying conditions 2 and 3, as imposed on permission reference 18/00434/VAR, would have on character and appearance.

The proposed variation would have altered the finished appearance of the dwelling to one that would be more of a contemporary appearance. Officer considered this inappropriate in design terms with regards to both the original building and surrounding area. The original design reflected traditional features of the existing dwelling which was considered to be an appropriate design approach. The Inspector noted “The appearance of the resulting building would no longer reflect the original dwelling and would not, unlike the permitted replacement, be sympathetic to its character and appearance as a result of the loss of traditional features and their replacement with more contemporary ones. Moreover, given its somewhat prominent siting, the changes to the appearance of the replacement building would be visible in public views and consequently affect the way in which it would be experienced and contribute to, the character and appearance of the wider area. Given there is an extant permission for a high-quality design, I find that the proposal before me would materially diminish the quality of the development and would, as a result, be unacceptable.”

8.3 Planning Reference: 21/01333/FUL
Site Address: The Hayloft, Fairfiled Lane, Otherton ST19 5NX
Date of Inspectors Decision: 24.01.2023
Decision: Dismissed (Appendix 2)

This was a planning appeal against the refusal of planning permission for a detached single storey dwelling with detached garage.

The main issues were:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether the appeal site is a suitable location for the development proposed, having regard to local and national policy relating to, accessibility to services, and reliance on private motor vehicles;
- The effect on flooding;
- The effect of the proposal on the character and appearance of the area; and
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The application was refused by officers who expressed concerns that the development was inappropriate development in the Green Belt as it did not constitute “infill” development. The Inspector agreed with this view noting “The site is within a group of buildings to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. It is not, therefore, a gap between buildings that form a built-up frontage to Fairfield Lane. Accordingly, whilst limited in scale, the proposal is at odds with the definition of limited infilling as set out in CS Policy GB1. It does not, therefore, constitute ‘limited infilling’.” The Inspector also noted that the development would result in a loss of openness to the Green Belt, would not represent an accessible development in a rural area and does not provide enough benefits to amount to any very special circumstances to outweigh the harm.

The Inspector did agree with the Counsel that the proposed development would be detrimental to the character and appearance of the area or that there would be a risk to the development from surface water flooding. The inspector noted “The existing dwellings are predominantly of brick and render construction, although there are examples of wood clad buildings in the area. The introduction of a timber framed and wooden clad dwelling of a contemporary design and comparable scale and massing would not be a visually incongruous addition to the area and would not appear out of place”. The inspector was not persuaded with the information submitted that a flood risk assessment should have formed part of the application.

8.4 **Planning Reference:** 21/00871/TTREE
Site Address: 62 Suckling Green Lane
Date of Inspectors Decision: 26.01.2023
Decision: Dismissed (Appendix 3)

This appeal related to the felling of a Beech tree.

The main issues were:

- the effect of the proposed felling of the tree on the character and appearance of the area; and whether or not the reasons given provide sufficient justification for its felling.

The proposed felling of the tree was refused by the Councils Arboricultural Officer as insufficient grounds to justify its loss. The Inspector agreed with the Council noting "With any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in considerable harm to the character and appearance of the area and, in my judgement, notwithstanding any stress unfortunately caused to the appellant, her family or interested parties, insufficient justification has been demonstrated for the tree's proposed felling".

8.5 **Planning Reference:** 22/00193/FUL
Site Address: The Farm Shop, Wrottesley Park Road, Perton, Staffordshire WV6 7HL
Date of Inspectors Decision: 26.01.2023
Decision: Dismissed (Appendix 4)

This appeal related to the siting of shipping containers. Some of the containers had already been installed upon the site so this was considered to be part retrospective.

The main issues were:

- Whether the development is inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- The effect of the development on the character and appearance of the surrounding area; and
- If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

This application was refused by officer based on conflict with Green Belt policy. The Inspector supported the officer's view that the development represented inappropriate development in the Green Belt and that no very special circumstances exist to justify granting planning permission. There would be harm to the character and appearance of the area and on the openness of the Green Belt.

8.6 Planning Reference: 22/00451/FUL

Site Address: 2 Longridge Farm, Levedale Road, Longridge, Stafford ST18 9AL :

Date of Inspectors Decision: 6.01.23

Decision: Dismissed (Appendix 5)

The proposal was for a proposed rear garden room.

The main issues were:

- Effect of the proposal on the character and appearance of the area with particular regard to the host property as a non-designated heritage asset.

The inspector agreed with the Council that the increase in floor area would be proportionate within the open countryside setting but also that the scale and design of the proposed garden room would be incongruous and have an unbalancing impact on the host property. The inspector noted “in my judgement the garden room would be incompatible with and would detract from the simplicity of the existing structure. It would be harmful to the agricultural character of the property and the wider building group and hence the significance of the property as a non-designated heritage asset.

9. Quarterly Updates

9.1 Planning Statistics from DLUHC

Description	Target	Q1 April-June	Q2 July- September	Q3 October- December	Q4 January- March	Cumulative
22-23 Major	60%	75%	100%	100%		93% (to date)
21-22 Major		100%	100%	100%	85%	93%
20-21 Major		100%	75%	100%	90%	93%
22-23 Minor	70%	89%	90%	86%		88% (to date)
21-22 Minor		82%	84%	81%	89%	84%
20-21 Minor		80%	93%	70%	72%	78%
22-23 Other	70%	93%	96%	96%		95% (to date)
21-22 Other		88%	87%	83%	87%	86%
20-21 Other		85%	95%	87%	82%	87%

Starts for the rolling 24 month to September 2022

Total (overall) -	87%
Major -	93%
Minor -	82%
Other -	89%

This category includes Adverts/Change of Use/Householder/Listed Buildings.

Position in National Performance Tables

Majors	113 th from 329 authorities
Non-Major	165 th from 329 authorities

Report prepared by:

Helen Benbow

Development Management Team Manager

Appeal Decision

Site visit made on 29 November 2022

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/C3430/W/22/3303046

Kings Lodge, Bridgnorth Road, Staffordshire, Stourton DY7 5BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Andrew Jay against the decision of South Staffordshire District Council.
 - The application Ref 22/00434/VAR, dated 9 May 2022, was refused by notice dated 24 June 2022.
 - The application sought planning permission to rebuild existing dwelling with extensions and internal modifications without complying with conditions attached to planning permission Ref 18/00375/FUL, dated 21 August 2018.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - (2) The development shall be carried out in accordance with the approved drawings: Project no. 17-110-5, 6A, 7A and 8A received on 01/05/2018.
 - (3) The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
 - The reasons given for the conditions are:
 - (2) In order to define the permission and to avoid doubt.
 - (3) To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that varying conditions 2 and 3, as imposed on permission reference 18/00434/VAR, would have on character and appearance.

Reasons

3. The appeal site is a large spacious plot off Bridgnorth Road, it contains two detached buildings, the appeal building to the front and a long liner building towards the rear. The site is located within a rural setting interspersed with sporadic development. At time of visit works were underway on the host dwelling, they appeared to be a significant way along.
4. Although only limited details have been provided for the now replaced dwelling, I understand that it was built in red sandstone ashlar and was of a traditional style. Given its positioning, and the relatively low and open boundary treatment along the frontage, it would have been a prominent and modestly

interesting feature in public views. I am mindful that it was not statutorily listed or otherwise designated.

5. The extant permission¹, that this proposal would amend, would have resulted in the replacement of the original building with a larger one that reflected some of the traditional features and incorporated more modern ones too. I note in particular the archways over the front porch, as well as over the north and south gables. Moreover, as part of this, the ashlar blocks taken from the original dwelling would have, in part, been reused. In my mind therefore, the extant permission is for a high-quality dwelling that makes use of vernacular materials and traditional features that are characteristic of the area.
6. Paragraph 135 of the National Planning Policy Framework (the Framework) states that “Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to the approved details such as the materials used)”.
7. The proposal before me does not include the more traditional features noted above, and instead relies primarily upon very contemporary design cues. Of particular note are the half-rooflights across the west elevation, the significant wall of glazing in the northern gable, and the use of timber cladding and render to replace the proposed stonework. The appearance of the resulting building would no longer reflect the original dwelling and would not, unlike the permitted replacement, be sympathetic to its character and appearance as a result of the loss of traditional features and their replacement with more contemporary ones. Moreover, given its somewhat prominent siting, the changes to the appearance of the replacement building would be visible in public views and consequently affect the way in which it would be experienced and contribute to, the character and appearance of the wider area. Given there is an extant permission for a high-quality design, I find that the proposal before me would materially diminish the quality of the development and would, as a result, be unacceptable.
8. I note the concerns raised by the appellant that a significant portion of the ashlar blocks are no longer suitable for structural roles and that it would not be possible to find matching replacements. However, I understand from my observations on site and the evidence before me that the blocks would serve as a cosmetic facing only, with the structure of the replacement dwelling having already been completed in breezeblocks. Moreover, I understand that potential remediation works to damaged blocks, and the replacement of those that could not be suitable refurbished, has already been considered. No substantive evidence has been submitted to demonstrate that the refurbishment or replacement of the ashlar blocks could not be carried out and I therefore find it has not been justified.
9. In light of the above, the proposed variation of conditions 2 and 3 would erode the quality of the original permission to the detriment of the character and appearance of the site and its surroundings. The proposal would therefore conflict with Policy EQ11 of the Core Strategy Development Plan Document which requires, amongst other matters, that the design of any proposal is of a high quality that takes account of the local character and distinctiveness, including traditional design and forms of construction. The proposal would also

¹ Ref 18/00375/FUL

conflict with the design aims of the Framework set out under Section 12, including Paragraph 135 as outlined above.

Conclusion

10. The proposal would result in character and appearance harm and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

Appeal Decision

Site visit made on 3 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/C3430/W/22/3306088

The Hayloft, Fairfield Lane, Otherton ST19 5NX

- 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 Markwell against the decision of South Staffordshire District Council.
 - The application Ref 21/01333/FUL, dated 17 December 2021, was refused by notice dated 13 April 2022.
 - The development proposed is the erection of a detached single storey dwelling with detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the appeal site is a suitable location for the development proposed, having regard to local and national policy relating to, accessibility to services, and reliance on private motor vehicles;
 - The effect on flooding;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 149. One such exception, 149(e), is limited infilling in villages.
4. Policy GB1 of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (CS) broadly conforms to the general thrust of the

Framework. It states that planning permission will normally be permitted within the Green Belt where the proposal is for certain purposes, including limited infilling.

5. The term 'limited infilling' is not defined in the Framework, it is therefore a matter of judgement for the decision maker in the context of any relevant development plan policy or guidance. In that regard, CS Policy GB1 clarifies it 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.
6. The site is within a group of buildings to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. It is not, therefore, a gap between buildings that form a built-up frontage to Fairfield Lane. Accordingly, whilst limited in scale, the proposal is at odds with the definition of limited infilling as set out in CS Policy GB1. It does not, therefore, constitute 'limited infilling'.
7. The group of buildings within which the appeal site is located forms part of Otherton. At the time of my site inspection, I noted that there is an undeveloped area of land on Boscomoor Lane that creates a break in the built form and separates Otherton from Penkridge. Furthermore, a more significant area of undeveloped land lies between the appeal site and the edge of Penkridge on either side of Lyne Hill Lane. As such there is not a continuum of built development between Otherton and Penkridge.
8. Additionally, the buildings within Otherton have a more informal and rural appearance that is in marked contrast to the suburban and planned character of the nearest residential development within Penkridge. Moreover, the narrow, winding Boscomoor Lane is currently devoid of pavements restrictions that are present in the settlement area.
9. I have had regard to Staffordshire County Council describing Fairfield Lane as within Penkridge within the draft Traffic Regulation Order provided. I also note that the site is closer to Penkridge than 'central' Otherton as identified on Google Maps. However, these matters do not alter my findings set out above which, combined with the limited number of buildings and the absence of local services and amenities within Otherton, leads me to the conclusion that the appeal site would not be within a village for the purposes of Green Belt policy, notwithstanding that it is within Penkridge district and in the Penkridge South East ward.
10. Accordingly, the proposal would not fall within the scope of limited infilling within a village for the purposes of paragraph 149(e) of the Framework.
11. The appellant suggests that the proposed development should be considered as a rural exception site for the provision of rural affordable housing, as the dwelling would be affordable in comparison to many much larger rural properties in the area. However, in the absence of evidence to the contrary, the proposed development does not meet the definition of affordable housing as set out in Annex 2 of the Framework and does not meet any identified local community needs. As such the proposed development does not fall within the paragraph 149(f) of the Framework which identifies, as an exception, limited

affordable housing for local community needs under policies set out in the development plan.

12. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with CS Policy GB1, the Green Belt and Open Countryside Supplementary Planning Document (SPD) as well as the Framework.

Openness

13. The Framework, at paragraph 137, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
14. The proposed development would be viewed from the adjoining dwellings. There would also be very limited views of the proposed development from Fairfield Lane, and other public views of the site would be from some distance away from the nearest residential development in Penkridge and in gaps in the hedges along Lyne Hill Lane. However, the significant increase in the massing of built form arising from the proposal, when compared with the modest proportions of the existing animal shelter on site, would be discernible from such views.
15. I therefore conclude that it would result in a loss of openness of the Green Belt in this locality. It would conflict with CS Policy GB1, the SPD as well as the Framework which also requires development to not impact on openness.

Suitable location

16. CS Core Policy 1 (CP1) sets out a Spatial Strategy (SS) to deliver the rural regeneration of South Staffordshire. The overall strategy of the CS, therefore, is to direct new development to the larger settlements, which have access to a wider range of facilities. This is consistent with the aims of the Framework to actively manage patterns of growth to locations which allow a choice of sustainable transport modes, whilst recognising that such options vary between urban and rural areas. As such this policy can be attributed significant weight due to its consistency with the Framework, notwithstanding its age.
17. The appeal site lies outside of the identified service villages and, therefore, the areas identified for rural housing as set out in Policy CP1. The journey from the appeal site to the amenities and services within Penkridge would require journeys that are, in part, along an unlit rural road without footways. This would be a deterrent to pedestrians, in particular during times of darkness and inclement weather. The narrowness and the bends along the first stretch of the route may be off-putting for many less confident cyclists as well as pedestrians. Furthermore, on my visit I noted that the nearest bus stop is some distance from the site, on Wolgarston Way, and for the same reasons it is unlikely that they will be used.
18. Consequently, the private motor vehicle would most likely be the predominant means of transport for residents of the appeal site for most journeys. For this reason, I do not consider that the proposal represents accessible development in a rural area.

19. I find that the site is not a suitable location for the development proposed in respect of its accessibility to services and the consequent reliance on private motor vehicles. The proposal would be contrary to CS Policy CP1, and to the Framework, therefore.

Flood Risk

20. Paragraph 168 of the Framework states that some minor development meet the requirements for site-specific flood risk assessments (FRA) set out in footnote 55. In Flood Zone 1, as in this case, the footnote indicates that an assessment should accompany all proposals that introduce a more vulnerable use on land that may be subject of other sources of flooding. As the proposal involves a change from a paddock to a dwelling, a more vulnerable use is proposed.
21. The Council has confirmed that the site is identified as an area where flooding incidents have been recorded including internal property flooding. However, no reference has been made to any reported flooding of the appeal site and the recorded flooding incidents referenced are said to be within 500m of the site and therefore possibly some distance away.
22. The appellant has referred to extensive work to line the channel of the local brook and remove blockages, and that there have been no flooding incidents since such work was carried out, which the Council do not dispute. The appellant further indicates that no flooding has occurred at any of the properties on Fairfield Lane which are at a materially higher level than the one property that has been affected by flooding.
23. Based on the information before me, I am not persuaded that a site-specific FRA is required to support this proposal. The appellant has indicated that care has been taken to prevent any increase in surface water runoff including use of permeable materials and rainwater capture and harvesting mechanisms. Such matters could be secured by condition on any planning permission granted.
24. Accordingly, I conclude that the development would not be at risk of surface water flooding and would not increase flood risk elsewhere. The proposal consequently complies with the relevant parts of CS Policy EQ7, which, amongst other things, requires applications to include a suitable Sustainable Drainage Scheme. The proposal also complies with the Framework, which require that development should be made safe for its lifetime without increasing flood risk elsewhere.

Character and appearance

25. The appeal site is a paddock which, other than a small animal shelter, is open in appearance. As indicated above, it is within a group of buildings, bordered by dwellings on three sides and a paddock to the rear. It sited to the rear of two properties and is accessed from Fairfield Lane via a shared driveway. Due to the position of the site and existing boundary treatments the site is not prominent in public views from Fairfield Lane and other locations.
26. Otherton, in the vicinity of the appeal site, comprises of single and two storey dwellings of traditional but varied design. The proposed development would be a single storey dwelling that would be in keeping with the scale of neighbouring properties. The proposed dwelling and garage would occupy a greater proportion of the site when compared to the existing animal shelter and would,

as I have already stated, result in a loss of openness. Nonetheless, the introduction of a further development into the group of buildings would not materially change the density of the built form or appear as an unusually cramped development relative to the plot and to the size of the surrounding plots.

27. The existing dwellings are predominantly of brick and render construction, although there are examples of wood clad buildings in the area. The introduction of a timber framed and wooden clad dwelling of a contemporary design and comparable scale and massing would not be a visually incongruous addition to the area and would not appear out of place.
28. Consequently, the proposal would not harm the character and appearance of the area. It would therefore accord with the design aims of CS Policies EQ4, EQ11 and EQ12.

Other Considerations

29. The proposal is described as built of ecologically sound principles incorporating the highest standard of insulation, a ground source heat pump and electric car charging point amongst other such features. However, as all dwellings should be constructed to such principles this only carries limited weight in favour of the proposal.
30. It has been advanced that the appeal proposal could meet the particular mobility needs of the appellant and would be appropriate to meet the needs of others who have mobility issues. The evidence before me, however, does not convey that those needs demand this particular location. Therefore, this attracts moderate weight in favour of the appeal proposal.
31. I acknowledge the economic and social benefits resulting from the construction and occupation of the proposed development. However, given the scale of the development these would be limited.

Green belt balance

32. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
33. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt. The proposed development would also cause harm in terms of its unsuitable location in respect of its accessibility to services and the consequent reliance on private motor vehicles. The lack of harm to the character and appearance of the area, and to flooding are neutral factors.
34. The other considerations I have identified are of limited to moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Other Matters

35. The appeal site lies within the 0-15 kilometre zone of influence for the Cannock Chase Special Area of Conservation (SAC). However, there is no need for me to consider the implications of the proposal upon the SAC because the scheme is unacceptable for other reasons.

Conclusion

36. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

37. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR

Appeal Decision

Site visit made on 14 November 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/TPO/C3430/8916

62 Suckling Green Lane, Codsall WV8 2BT

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mrs Fiona Pedley against the decision of South Staffordshire Council.
 - The application Ref: 21/00871/TTREE, dated 15 August 2021, was refused by notice dated 2 November 2021.
 - The work proposed is Beech Tree T1 – Fell.
 - The relevant Tree Preservation Order (TPO) is the South Staffordshire District Council Tree Preservation Order No. 167, 1997, which was confirmed on 18 August 1997 and thereafter varied on 24 June 2005.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposed felling of the tree on the character and appearance of the area; and whether or not the reasons given provide sufficient justification for its felling.

Reasons

3. The tree is growing at the northeast corner of the plot that contains 62 Suckling Green Lane. I observed the specimen to be well-balanced and to be in good overall health with a large and vigorous crown. Despite being stepped back from the highway, the tree is visible from a range of publicly accessible vantage points close by. This includes from locations upon Suckling Green Lane, Farway Gardens and Beech Gardens. Accordingly, the tree makes a valuable contribution to the often-verdant local landscape.
4. For these reasons, the proposal, which would result in the loss of the tree, would cause considerable harm to the character and appearance of the area. Therefore, any reasons given to justify the proposed felling of the tree need to be clear and convincing. It is to those reasons, the second main issue, to which I now turn.
5. The main reasons given for the removal of the tree include the potential for physical damage to be caused to 2 Farway Gardens (No 2), risk to life in adverse weather conditions, subsidence risk due to prevailing ground

- conditions compounded by the proximity of the tree to No 2, and the effects of garden overshadowing.
6. The tree is situated close to No 2 and I observed overhanging branches to reach near to the guttering and roof of the property. However, proximity to property alone rarely represents a valid reason to fell a protected tree. Upon inspection, I was unable to identify any physical damage caused and the tree exhibited no obvious signs of instability with its main elements appearing structurally sound. No detailed survey information has been submitted to demonstrate otherwise. Of relevance also, to guard against any potential future damage to property, there would exist the opportunity to seek to reduce the tree's crown as an alternative approach to felling.
 7. Despite references made to branches having been brought down during stormy weather and to the future implications of climate change, any fear that the tree poses a threat to life (including during high winds) has not been adequately substantiated. This is especially so given the tree's seemingly sturdy and healthy condition.
 8. A subsidence report, dated 5 June 2013, has been submitted which identifies that the site is at high risk. Nevertheless, no evidence to demonstrate that No 2 is being actively impacted upon by subsidence has been submitted. Moreover, as highlighted by the Council, it is not uncommon for mature trees in areas at high risk to co-exist near to property without subsidence issues prevailing. Further, as indicated in the subsidence report, the removal of the tree could lead to heave such that its felling could actually exacerbate rather than alleviate possible risks of structural damage to No 2.
 9. The appeal tree, being positioned alongside and overhanging the southern boundary of the rear garden of No 2, inevitably casts shade. Nevertheless, the garden is generously sized and there is no detailed evidence before me to indicate shading of it to be at an unduly high or unacceptable level. I was able to observe a grassed lawn of sizeable expanse and some other surviving low-level planting in proximity to the appeal tree. I thus do not accept any assertion made that shading causes a significant portion of the garden to be unusable. Furthermore, as beech trees are deciduous, any shading effect would reasonably be anticipated to be limited during winter months. As such, no excessive loss of light to the appellant's property and garden is caused. This finding similarly applies to other close by properties.
 10. Guidance adopted by Leeds City Council, updated January 2011, appears before me. This document is primarily geared towards guiding the location of new development relative to existing trees or new planting and sets out guideline separation distances dependent on the particular tree species involved. The guidance does not relate to South Staffordshire and, in any event, is of limited relevance to any proposal to remove a protected tree.
 11. I note support for the felling of the tree from interested parties. Nuisance caused by falling debris, including leaves and husks, has been referenced. However, whilst such events may create an inconvenience and generate associated maintenance costs, they are part of the natural process of trees and go hand-in-hand with living in an area where mature trees are present and provide an attractive place to live and work. This similarly applies to any inconveniences created by bird droppings. Further, any alleged link between the tree and possible vermin in the locality has not been clearly substantiated.

12. With any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in considerable harm to the character and appearance of the area and, in my judgement, notwithstanding any stress unfortunately caused to the appellant, her family or interested parties, insufficient justification has been demonstrated for the tree's proposed felling.
13. Accordingly, for the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

Andrew Smith

INSPECTOR

Appeal Decision

Site visit made on 14 February 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/C3430/D/22/3308395

2 Longridge Farm, Levedale Road, Longridge, Stafford ST18 9AL

- 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 & Mrs Graham Cook against the decision of South Staffordshire District Council.
 - The application Ref 22/00451/FUL, dated 11 April 2022, was refused by notice dated 19 July 2022.
 - The development proposed is rear garden room extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the host property as a non-designated heritage asset.

Reasons

3. The appeal site is located within open countryside, with a limited number of surrounding properties. It is a single storey dwelling forming part of a larger barn conversion scheme comprising a range of simple linear buildings in an L-shaped form. The previous conversion has maintained the agricultural appearance of the structures including limited openings and attractive projecting brick eaves detailing.
4. The appeal building's significance lies in its robust, linear and simple form, use of traditional materials, its connection to the wider group of buildings and their association with agriculture.
5. While the parties agree that the proposed increase in floor area would be proportionate and that the proposal would not be seen from any public area, due to its projection out from the rear of the building and its width, the extension would unbalance and would be incongruous with the existing narrow, linear structure. Further, although the large areas of glazing would result in the garden room being distinguishable from the original building, the proposal's scale and form would appear domestic and due to its height, the flat roof of the structure would awkwardly abut the eaves, intersecting the existing eaves detailing and interfering with the building's strong horizontal emphasis. Consequently, in my judgement the garden room would be incompatible with and would detract from the simplicity of the existing structure. It would be harmful to the agricultural character of the property and the wider building

group and hence the significance of the property as a non-designated heritage asset.

6. Whilst I appreciate the need to work from home, I have no substantive evidence that the proposed extension, which does not expressly indicate the creation of a home working space, is the only way to provide the required accommodation. In any case this matter does not outweigh the harm I have identified.
7. Overall, for the reasons given above, I conclude that the proposal would harm the character and appearance of the area with particular regard to the host property as a non-designated heritage asset. This would conflict with Policies EQ3, EQ4 and EQ11 of the South Staffordshire Council Core Strategy (December 2012) which collectively requires the conservation and enhancement of the historic environment and that new development respects rural and local character and distinctiveness. The proposal would also conflict with the South Staffordshire Design Guide (2018) where it seeks to ensure the simplicity of barns are maintained with minimal fussy adornments so as not to disguise the buildings history. Similarly, it would conflict with the Framework which seeks to ensure developments are sympathetic to local character and history.

Other Matters

8. The appeal site forms part of the setting of the adjacent Grade II listed property, Longridge House. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building in the determination of this appeal. The rural, agricultural outlook contributes to its significance. Despite the likely, previous association of the barn to the listed property, due to the intervening brick boundary wall, existing 1980's extension and limited height of the proposal there would be no harm to the setting of the listed building.
9. I recognise that there have been no objections raised by neighbours in relation to the proposed development, but this does not alter my conclusions on the main issue.

Conclusion

10. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh the conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR

Appeal Decision

Site visit made on 14 February 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/C3430/W/22/3308340

The Farm Shop, Wrottesley Park Road, Perton, Staffordshire WV6 7HL

- 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 G Beard against the decision of South Staffordshire District Council.
 - The application Ref 22/00193/FUL, dated 21 February 2022, was refused by notice dated 25 July 2022.
 - The development is the siting of storage containers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A number of containers identified as 'existing containers' on the submitted site plan have already been installed, therefore, with regard to this appeal, I am considering this part retrospectively. The same plan identifies an area for 'additional proposed containers' and are yet to be installed and are also the subject of this appeal.
3. Reason for Refusal No.4 refers to the application plans and No.5 relates to the Council working proactively with the applicant. However, as these reasons do not relate to the planning merits of the case before me, I haven't explored them further.

Main Issues

4. As the site lies within the West Midlands Green Belt, the main issues are:
 - Whether the development is inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect of the development on the character and appearance of the surrounding area; and
 - If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy GB1 of the South Staffordshire Core Strategy 2012 (CS) seeks to protect the Green Belt from inappropriate development, unless the development accords with the Framework or other types of development listed in the policy. I am satisfied that CS Policy GB1 is broadly consistent with the Framework.
7. The appeal site is a strip of land to the north-east of The Farm Shop and contains 19 storage containers located to either side of an area of hardstanding with space to accommodate the additional containers identified on the proposed site plan. It is at right-angles to Wrottesley Park Road running away from the road with a conifer tree plantation to the rear and on the northern side. Between the containers and Wrottesley Park Road is an area of new hedging and several young conifer trees which largely reflect the proposed site plan. There is an area of mature trees to the rear of the Farm Shop, extending around to the conifer tree plantation, and the surrounding land is otherwise in agricultural use with an attractive rural character. On the opposite side of Wrottesley Park Road is a more extensive tract of woodland.
8. Paragraphs 149 and 150 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Under Paragraph 150, certain other forms of development are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 150 e) refers to material changes in the use of the land and is relevant to this appeal.
9. It has been established that openness has both a spatial and visual aspect. In spatial terms, the footprint, height and volume of the containers has affected the openness of the Green Belt when compared to the previous undeveloped nature of the appeal site which was agricultural land without buildings. This impact would be exacerbated further by the installation of the proposed containers and collectively they would have a substantial footprint. The extensive area of hardstanding also impacts on that openness. Although the footprint of the containers and associated development may be considered a small proportion of the overall land area, and may be the smallest size required for their purpose, nevertheless, in spatial terms the development has reduced the Green Belt's openness.
10. Whilst the site is largely screened from more distant views of the wider landscape by existing trees, in closer views the development is readily seen from public vantage points. From Wrottesley Park Road opposite, the two rows of containers and central track are clearly viewed by road users and pedestrians, with the roadside trees only providing limited filtering of views which would diminish when the trees are not in leaf. Likewise, the containers are clearly in view from the Farm Shop car park and the open grassed area to

the side. The development is visually detached from other buildings and structures which makes the visual harm even more apparent. Also, there is the potential for more distant views to be revealed with the cutting of Christmas trees.

11. The planting immediately to the front of the containers alongside Wrottesley Park Road would assist in partly screening one viewpoint from the roadside but there would be no planting along the southern side leaving this widely visible from public vantage points. There is the potential to provide additional screen planting to assist in mitigating the visual harm, limiting to some extent public views. However, a reliance on screening by planting to mitigate an otherwise inappropriate development is not an effective means of managing visual impact. Also, limiting visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
12. The development has introduced built form where previously there was none and by virtue of its physical presence results in a substantial loss of spatial and visual openness of the Green Belt. I find therefore that the appeal development does not preserve the openness of the Green Belt. Furthermore, it fails to safeguard the countryside from encroachment. Hence, there is conflict with the fundamental aim and one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework respectively. Therefore, it does not fall within the cited exceptions of the Framework. I conclude the appeal development is inappropriate development in the Green Belt for the purposes of CS Policy GB1 and the Framework. Inappropriate development and loss of openness are, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Character and appearance

13. The surrounding countryside is characterised by its predominantly agricultural and wooded landscapes with Wrottesley Park, a local wildlife site, located across Wrottesley Park Road. Although I have noted the screening of distant views by the existing trees, and the development is associated with the farm shop alongside, the containers are not typical of structures seen en-mass in rural locations. The metal containers have an industrial and utilitarian appearance, out of keeping and incongruous in this rural location. Furthermore, their siting away from other structures, in a visibly detached location, exacerbates their presence and incongruity. Whilst the visual impact of the development has been minimised to some extent by the dark green of the containers and landscaping, the development is clearly apparent in local views and is an unexpected and discordant element in this agricultural landscape and clearly visible to passers-by. The development as a whole is not absorbed into the local landscape and is an incongruous and unwelcome intrusion into the area's rural character.
14. As such the development has a harmful effect on the character and appearance of the surrounding area and conflicts with CS Policies EQ4 and EQ11 which seek to respect local character and distinctiveness and take account of the sensitivities of the landscape. It also conflicts with one of the main objectives of the Framework which is to protect and enhance the natural environment.

Other considerations and very special circumstances

15. Very special circumstances would need to exist to justify granting permission for the development because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.
16. The appellant advises that the site is an established small-scale retail hub with an existing Farm Shop, Christmas tree sales and consents for other buildings and extensions. The storage containers are to support farm diversification and partly serve the existing businesses operating on the site, acting as overflow storage for the Farm Shop and to store equipment associated with the Christmas tree farm. The containers also offer self-storage to local businesses and individuals, and the appellant states that with limited demand in the area the storage business has been successful.
17. The appellant states that the site offers convenient and easily accessible storage. Vehicular movements associated with the site are minimal with cars and vans generally visiting only weeks or months at a time. Heavy goods vehicles are unlikely to visit, reflecting the size of the storage units. The development therefore presents no highway issues or causes visual harm from vehicle movements. Furthermore, the hard surfacing is a permeable hardcore which presents no risk of flooding.
18. I have no evidence of what proportion of the containers are to support the existing businesses on the site or whether they represent largely stand-alone self-storage. In addition, there is no explanation as to why the site is visibly detached from the existing buildings and beyond the site of previously approved buildings and extensions. Furthermore, whilst the containers are temporary in nature and moveable, the permission sought is not a temporary consent so the harm to the Green Belt would be permanent.
19. Whilst the Framework and Local Plan Policy support the development and diversification of agricultural and other rural businesses, the appeal site is within the Green Belt with national and local policies to protect the countryside from encroachment and preserve openness. Whilst there may be a need to locate this development outside a settlement boundary, there is no compelling business case to demonstrate that the development will support the rural economy, that there is a demonstrable need in this particular area or evidence to demonstrate why this development could not be located elsewhere where it would not harm the Green Belt or convince me that the harm identified under the main issues would be justified. The other considerations in this case therefore carry limited weight.
20. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. As such, the proposal would be in conflict with CS Policy GB1 and the Framework.

Conclusion

21. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

G Bayliss

INSPECTOR