



Appeal Decision

Site visit made on 26 February 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal Ref: APP/C3430/W/23/3326668

The Four Ashes Inn, Station Drive, Four Ashes, Staffordshire WV10 7BU

- 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 Cordage 41 Limited against the decision of South Staffordshire District Council.
 - The application Ref 22/00848/FUL, dated 2 September 2022, was refused by notice dated 27 January 2023.
 - The development proposed is the demolition of modern extensions to the public house and conversion of its historic elements to two dwellings, erection of seven dwellings, associated parking access, parking and landscaping, and retention of playing fields, play area, pavilion and car park.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is located within the influence of the Cannock Chase Special Area of Conservation (SAC) which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not an issue raised by the Council in its decision, it is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SAC. As such, it is necessary to consider this matter as a main issue.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies and its effect on the openness of the Green Belt;
 - whether the proposed use would be in a suitable location with respect to local and national spatial planning policies;
 - whether the proposal has demonstrated that the public house is no longer economically viable;
 - whether the proposed development would function well, with respect to the design of the scheme and the noise impact from the adjacent highway;

- whether the proposed development would affect the integrity of the Cannock Chase Special Area of Conservation (SAC); and
- if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The development plan for the district includes the South Staffordshire Core Strategy [2012] (CS). CS Policy GB1 relates to development in the Green Belt. This states that such development will be assessed in accordance with national policy. The CS policy also explains that development that accords with national policy will normally be permitted where it complies with a range of measures including at GB1(A)(c) affordable housing or (d) limited infilling and where a replacement building would not be materially larger than the building it would replace.
5. Paragraph 154, of the Framework, establishes that new development would be inappropriate unless it would meet a listed exception. Paragraph 154(d) supports the replacement of a building, provided it is in the same use and is not materially larger than the one it replaces. The Council's Green Belt and Open Countryside SPD [2014] provides detailed guidance that expands CS policy GB1. In terms of replacement buildings, it identifies that these should be of the same use, should not exceed a size of 20% of the floor space (and sometimes volume) of the previous building, take into account positioning and existing other buildings on site. The guidance explains that each case will be considered on its own merits on a case by case basis.
6. The proposed development would not be in the same use as the existing use of the site. This requirement is not included in CS policy GB1 but is a requirement of the SPD, which is also consistent with paragraph 154 (d) of the Framework. This would lead to some, albeit limited, conflict with the Framework as the proposal includes a change of use that is intrinsically linked to the redevelopment of the entire site. The loss of the existing use and its replacement is dependent on the marketing of the existing public house, an issue dealt with later in this decision.
7. The Appellant has approached this policy objective by suggesting that the existing building could be broken into smaller components without creating a form of development that would be materially larger than the existing building. This approach seems reasonable. However, whilst demolition of the sizeable extensions of the existing public house would take place, the extent of new buildings would result in a disaggregated total increase in floor area of around 121%. As a result, the scale of proposed development would substantially increase the floorspace currently found on site.
8. Although, the Appellant compares the difference between the existing and proposed development in terms of footprint, 'size' should include consideration of floorspace, volume and the characteristics of the site and scheme. The proposal includes the disaggregation of the existing building and development being dispersed over a broad part of the site. Although the parts of the existing building to be removed have a substantial volume, the current building largely

presents a single mass within the Green belt. In contrast, the proposed dwellings would be dispersed throughout the site and consist of a greater volume. Therefore, the net increase of development would be significant and the overall effect of the scheme would demonstrate a size of built form that would be materially larger than the existing building, in conflict with paragraph 154(d).

9. Paragraph 154(g) includes partial or complete redevelopment of previously developed land (PDL) that would not have a greater impact on the openness of the Green Belt. The site consists of a vacant public house and extensive car park to its side. There is no dispute between parties that the building and its associated car park would constitute PDL.
10. The openness of the Green Belt has both spatial and visual dimensions. The proposed development would be located within the open Green Belt, forming a linear pattern of development along Station Drive. The proposed built form would represent a long two-storey range of buildings that would have a substantial visual and spatial effect on the openness of the Green Belt. Although, the frontage hedge would be retained along parts of the boundary, this would only provide partial screening to the site. As such, the proposal would result in a significant intrusion into the openness of the site and the surrounding Green Belt. The proposal would therefore fail to satisfy the provision of paragraph 154(g).
11. As it has not been demonstrated that the proposal would meet any of the exceptions listed in Paragraph 154 of the Framework, it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

Suitability of location

12. The CS establishes the Council's approach to the distribution of housing across the borough. CS Core Policy 1 seeks to focus housing within its 'Main Service Villages' and in a limited form in its 'Local Service Villages'. Lower tier settlements, listed as 'Small Service Villages' and 'Other Villages and Hamlets', are suitable for only very limited development, such as for affordable housing, where it would clearly support local needs. The appeal site is not within a settlement, and outside the development boundary of the strategic employment site of Four Ashes. Accordingly, the site is deemed to be in the open countryside for policy purposes. Policy 1 of the CS, states that development in the Green Belt and open countryside will be protected from inappropriate development in alignment with the Framework.
13. The site is adjacent to the A449 which is served by a bus service into Stafford. However, the nearest bus stop is reported to be 1.1 miles from the site at Deansfield Close and Penkridge Station is 4.6 miles from the site. These distances demonstrate that the site is not within an easy walking distance of sustainable travel, increasing the chance that occupiers would only travel using the private car. Although the site provides access to some services, these seem to predominantly consist of the playing fields, a public house and café and employment opportunities. This would not deliver the range of services and facilities required by future residential occupiers of the scheme. Further, whilst the existing use would have attracted a high number of customers cars, this does not change the poor sustainable transport character of the site.

14. The Appellant has provided an extract of the Council's Emerging Plan. This illustrates that an area of land to the north of the site is proposed to be allocated for employment use. However, due to the early stage of the plan I afford this allocation limited weight in my consideration. Moreover, this does not readily demonstrate that the site is in a sustainable location for housing development or would enable occupiers to easily access goods and services.
15. Paragraph 69 of the Framework, in seeking a 5-year supply of housing, does not place a ceiling on further housing. Nevertheless, it is appropriate to direct most new growth to larger centres. Therefore, whilst recognising that the appeal site is close to Four Ashes, locational proximity is not a stated requirement of CS core policy 1. Accordingly, in not complying with the Council's locational policies, the site would be an unsuitable location for housing.
16. Consequently, the proposal would conflict with CS core policy 1 and the Framework with respect to matters of location. These seek, among other matters, to direct growth to the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, through limiting the need to travel and offering a genuine choice of transport modes.

Viability

17. CS Policy EV9 seeks to protect Local Community Facilities and Services. The policy seeks at (a) for a proposal to demonstrate that the use is no longer economically viable, with a viability assessment that shows a minimum of 12 months of marketing. Part (c) identifies that the loss could be supported if its service would be adequately supplied by an easily accessible existing facility in the local area.
18. The Appellant's marketing report¹ explains that the public house ceased trading in 2020. It was previously run by a series of tenants who could not make the business work due to costs exceeding trading potential of the property. The Report explains that in the final year of trading the business suffered poor trade, with limited wet trade which was the main element of the business. The kitchen is explained as being small and poor quality, requiring a new operator to invest in a food focussed business with a 'leap of faith' where there would be no assured positive outcome. The property was marketed from August 2022 for 12 months, using a wide range of media, resulting in limited interest. The report found that due to the poor condition of the building, its remote location and the level of capital expenditure required for refurbishment, all interest fell away.
19. The Appellant's Viability Assessment² further suggests that the building would require investment of around £750,000 to return the property to modern trading standards. Furthermore, it is anticipated that a further £134,000 (approximate) would be required as start up costs for a potential operator. The trade assessment finds that when considering the running costs of a public house in this location, the business would make only a limited profit or negative returns. In such a circumstance, an operator would be unlikely to make the initial investment required.

¹ Marketing Report, Savills, July 2023

² Viability Assessment, Savills, October 2022

20. In terms of alternative provision, the Viability Assessment identifies that there are 10 public houses within a 3-mile radius of the site. These are deemed to be in more prominent locations, offering better equipped facilities and extensive food offering.
21. Accordingly, in consideration of the submitted evidence, it is clear that the marketing has demonstrated a lack of interest in operating the building as a public house. The Viability Assessment has demonstrated that it would be highly unlikely for an operator to return the business back to good profit due to its condition. The marketing has also failed to find an operator who would be interested in converting the building into another type of community use. Consequently, I conclude that the existing business is no longer economically viable, and its services can be adequately supplied by an existing facility in the local area.
22. Consequently, the local community facility is superfluous, and its loss can be supported. As such, the proposal to convert the building to residential use, would comply with CS policy EV9.

Design and noise

23. Station Drive consists of scattered rural buildings within an open countryside setting. The small number of buildings locally are of traditional form, being two-storey with pitched roofs, set within spacious plots. Car parking areas are discreet and provided adjacent to the dwellings they serve. The appeal site consists of a vacant public house, car park and associated playing fields conveying strong sense of spaciousness. As such, the site complements the rural character and appearance of the area. The proposal includes detached and semi-detached dwellings, arranged around the adapted retained public house. The new dwellings would be two-storey of traditional form, with pitched roofs and include the use of brick and tile. The form of development and materials proposed would largely complement the retained public house and its surroundings.
24. CS policy EQ11 relates to design considerations. Part D relates to space, with section p) explaining that well designed private and semi-private open space should be incorporated around all buildings and that garden requirements should be achieved. The gardens for plots 1, 3 and 7 are deemed to be small by the Council. The garden of unit 3 is partly compromised due to its association with the existing building. Nonetheless, it would contribute well to the successful reuse of the existing building and provide a reasonable level of external space. Also, the garden of plot 7 seems generous, despite the Council's concerns. The garden of Plot 1 would be relatively large, but partially compromised by the extent of land available to the side of the existing building. Further, with respect to all gardens, private space would be to the rear of the dwellings and would provide rectangular shapes that would be of sufficient size for families to use for normal day-to-day recreational use. As such, based on the evidence submitted, the gardens are of a reasonable size.
25. Furthermore, the proposed layout would include adequate areas of green space, accommodating pockets for new landscaping which would soften the appearance of the development. Accordingly, the layout would not result in a scheme that would be cramped or over-developed.

26. However, the car parking area for unit one is a sizeable distance from the dwelling. This would cause inconvenience and security concerns for future occupiers. Moreover, as communal parking is proposed for most dwellings, most parking spaces would poorly relate to the occupiers that would be assigned these spaces. This configuration prevents frontage parking and potential street clutter, but the Appellant has not demonstrated why parking to the side of dwellings has not been proposed. As such, the communal car parking areas would be dominant and overt in grouped areas. These would not be reflective of the residential character of the area, forming a scheme with an awkward layout with poor design.
27. The site is on the corner of Station Drive and the A449 Stafford Road, which is a busy interchange. Although the Council's Environmental Health Team raised no objection, a Noise Assessment was requested due to the proximity of the highway to the proposed housing. However, the Council has not identified that these roads generate noise levels to an extent that they create harmful noise levels or that noise levels could not be adequately controlled through mitigation.
28. The private gardens of the proposed dwellings are located to the rear of the plots. The built form would act as a sound buffer and suppress noise levels of road traffic and this would be likely to reduce road noise to outside private space to an acceptable level. Also, internal noise levels would be likely to be capable of being reduced to an extent that would achieve required noise mitigation levels with glazing attenuation. I have nothing, within the submitted evidence, that allows me to come to a view that noise levels are of such magnitude that it would jeopardise the principle of residential development on site. As a result, I am satisfied that acoustic matters could have been suitably addressed, through the imposition of a noise attenuation condition, had I been minded to allow the appeal.
29. As a result, the proposal would conflict with CS policy EQ11 and the Framework. These require the design of development to take into account local character and distinctiveness and ensure that development would function well. In contrast, the proposal would accord with CS policy EQ9 which requires development to take account of noise generating uses where potential for harmful noise levels is known to exist.

Cannock Chase Special Area of Conservation

30. CS Policy EQ2 states that development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the Cannock Chase SAC. It states that housing development, within the Zone of Influence, should mitigate the anticipated adverse effects of recreation and visitor pressure. The effective avoidance of and/or mitigation for any identified adverse effect on the Cannock Chase SAC must be demonstrated to the 'Competent Authority' and secured prior to giving approval of development.
31. When considering the effect that a proposal may have on a European Site, a decision maker must consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage. This responsibility now falls to me within this appeal. Such an assessment is necessary regardless of the status of the policies of the development plan.

32. Had I been minded to allow the appeal, it would have been necessary for me to seek additional information from the parties in order to undertake the AA. The AA is required on a case-by-case basis to determine whether or not the project will adversely affect the integrity of the site. It would also have required a consideration of whether or not any proposed mitigation would be adequate, effective, could be appropriately secured and delivered in a timely manner. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Other Considerations

Heritage issues

33. The Appellant's Heritage Assessment identifies that the building dates from the early 19th Century. It is recognised that the demolition of the large modern additions would enable the historic parts of the building to be revealed at the rear, enhancing the appearance of the building. The Council finds the building to be a Non-Designated Heritage Asset (NDHA), I see no reason to disagree with this view. The setting of the NDHA has been harmed by the addition of modern extensions, thus the removal of these would improve the appearance of the building. Nonetheless, the Framework requires at paragraph 209 that when weighting applications that affect NDHAs a balanced judgement should be applied having regard to the scale of any harm to its loss of significance.
34. The significance of the NDHA derives partly from it being an example of an early C19 coaching Inn, traditional in form within a rural setting. The proposed demolition of extensions and the replacement of the car park would improve the appearance of the building. Nonetheless, the proposed development would include elements that would not function well, especially with respect to the communal parking areas. These would detract from the overall positive visual benefits of the proposal. As such, the proposed demolition and other works would not materially enhance the setting of the NDHA and such improvements would be of limited weight in support of the proposal.

Playing fields

35. The rear of the public house includes land that contains playing fields, a play area, pavilion and playing field car park (accessed through the existing car park). The playing fields have been unused for about 5 years and are in a poor state of repair. The pitches are proposed to be improved with new goal posts, white lining and grass cutting and general maintenance undertaken. Additional parking, as sought by Sport England, is proposed as occasional parking to the east of the existing playing pitch parking area. The Appellant has agreed to lease the pitches to Staffordshire FA and discussions include the possibility of a local football club taking a long lease.
36. The Appellant's evidence includes a letter from Staffordshire FA³. This notes that the site contains three full football pitches, changing rooms and parking and seeks to ensure these remain available during construction. The letter also reports that the Appellant has agreed to lease the pitches to the FA at no charge. The second message⁴ is an email from Coven United, declaring that the site would be a perfect venue for the club, and they would be keen to secure a long lease to the playing fields from the owner. It is also noted that the

³ Appellant's Statement of Case appendix A

⁴ Appellant's Statement of Case appendix B

Appellant would accept a condition to ensure that access through the site is available in perpetuity.

37. This element of the proposal would aim to deliver a significant community benefit, and this has been largely supported by Sport England and local football organisations. However, there is no specific schedule detailing how the playing fields would be brought back into active use or a maintenance schedule setting out the frequency of work or its ongoing timeframe. There is also no certainty that Coven United, who have only provided an email of willingness to play there, would become the main long-term users of the pitches to demonstrate a long term community benefit.
38. Accordingly, there is no legal mechanism to secure the use of the facility by the football club and I am unconvinced that such measures could be suitably secured by condition. Therefore, whilst the Appellant states that this initiative will safeguard the playing fields and bring them back into regular use, I am unconvinced that a clear and patent link between the proposal and its stated benefits. Consequently, for the above reasons and having taken all submitted evidence into consideration, the benefits of delivering the reuse of the playing field is of only moderate weight in support of the proposal.

Other benefits

39. The proposal would result in the delivery of new housing on a disused brownfield site. However, due to the site's poor accessibility to sustainable transport, the provision of housing attracts only limited weight in the final planning balance.

Whether there would be Very Special Circumstances

40. Paragraphs 142 and 143 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
41. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt by reducing its openness. The proposal would also place new dwellings on a site that is poorly located to allow future occupiers to access sustainable forms of transport and the scheme would result in poor design, further points of significant weight. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
42. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Other Matters

43. Support has been given to the proposal from interested parties. This relates largely to the poor appearance of the existing building and its attraction of anti-social behaviour. Support has also been conveyed to the merits of the scheme, especially the retention of the playing fields, the benefits of new housing and the demolition of the modern additions to the building. However, whilst the support is noted this, in itself, is insufficient to justify an exception to national and local policies and does not outweigh the harm I have identified.

Conclusion

44. For these reasons, and having regard to all other matters raised, the proposal does not accord with the development plan and therefore I conclude that the appeal is dismissed.

Ben Plenty

INSPECTOR