



Appeal Decision

Site visit made on 12 January 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/C3430/W/22/3303717

The Deanery Farm, Whiston Road, Whiston, Staffordshire ST19 5QQ

- 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 Paul Wright against the decision of South Staffordshire District Council.
 - The application Ref 22/00242/FUL, dated 8 March 2022, was refused by notice dated 24 June 2022.
 - The development proposed is change of use and extension of existing agricultural storage building to form an annex.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant states that had the appeal building not required extension, the continued use of the building as ancillary to the main dwelling on the site would not have required planning permission. However, this does not correspond to the description of development on the application form, which states a change of use would occur from an existing use as an agricultural storage building to form an annex. I have determined the appeal based on the description as set out in the application form.
3. A draft section 106 agreement by Unilateral Undertaking (UU) was provided with the appeal, outlining a financial contribution towards mitigation measures for the Cannock Chase Special Area of Conservation (SAC). During the course of the appeal, opportunity has been given to the appellant to provide a completed UU, but this has not been forthcoming in the identified timescales.

Main Issues

4. As I am aware that the appeal site is within the Zone of Influence of the Cannock Chase SAC, I consider the main issues to be:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the NPPF).
 - ii. The effect of the proposed development on the Cannock Chase SAC.

Reasons

5. Policy GB1 of the South Staffordshire Council Core Strategy Development Plan Document, December 2012 (LP) sets out that development in the Green Belt

which is acceptable within the terms of the NPPF, will normally be permitted. LP Policy GB1 includes the extension or alteration of an existing building, where the extension or alteration would be proportionate to the size of the original building, which is consistent with paragraph 149 of the NPPF. It also includes the re-use of a building, provided that the proposed use would not harm the openness of the Green Belt or the fulfilment of its purposes, which is generally consistent with paragraph 150 of the NPPF.

6. There is no dispute between the parties that the proposed extension would be proportionate in size. Having considered the scale of the proposed single storey rear extension in relation to the existing building, I have no reason to disagree. Having observed the existing building at my site visit, I am satisfied that it is a building of permanent and substantial construction, a requirement of NPPF paragraph 150.
7. However, it remains necessary to consider whether the re-use of the existing building as a residential annex, would in all other respects, preserve the openness of the Green Belt and not conflict with the purposes of including land within it, so as to establish if the proposal would or would not be inappropriate development in the Green Belt.
8. The appeal building is already served by a formed driveway to the front, that extends from the parking area serving the host dwelling. This was in use for parking at the time of my visit. To the eastern side of the appeal building, there is a paved area, partly enclosed by timber fencing, used for the parking of a trailer and for the storage of building materials. This driveway leads to a further area of exposed ground to the east of the building, presently used for the storage of a number of miscellaneous items. Land levels rise up gradually from Pinfold Lane to the south and from the river Penk to the east, and so the appeal site and nearby buildings of Deanery Farm are visible in public views from the surrounding highway network.
9. The plans indicate that the existing driveway to the front of the appeal building would be retained. No additional fencing or bin stores are indicated. There is limited information on the plans as to the use of the remaining area of land within the red line to the east and south of the existing building, other than some indicative planting. As it is included within the appeal site, the proposal would see this external area change to residential use also.
10. The plans do not suggest that there would be any increase in formed parking areas or hard surfacing over and above that which presently exists. The number of parked cars could increase as a result of the occupancy of the annex, but only by a small amount and these impacts would be transient. Use of the building as a residential annex is likely to give rise to some domestic paraphernalia within external areas, including items such as washing lines, garden furniture, parasols, children's play equipment etc, which are commonplace within residential gardens and may be beyond the scope of planning control. In combination, such items could have some, albeit limited, impact on the openness of the Green Belt.
11. However, at the time of my visit, I noted that these external areas are presently used for various storage purposes. Any domestic paraphernalia associated with the proposed annex would be unlikely to give rise to any spatial or visual impacts on the openness of the Green Belt at this location, greater than the present situation.

12. To conclude, the proposal would not include a disproportionate extension, the change of use would preserve openness and it would not conflict with the purposes of including land within the Green Belt. Therefore, it would not be inappropriate development, complying with LP Policy GB1 and paragraph 150 of the NPPF.

Cannock Chase SAC

13. The site is within the 15km Zone of Influence of the Cannock Chase SAC, (notified at a national level as the Cannock Chase Site of Special Scientific Interest), which is designated under the Regulations¹ for its unique heathland habitat. The SAC is designated for Annex 1 habitats European Dry Heath and Northern Atlantic Wet Heaths with *Erica tetralix* (Wet heathland with cross-leaved heath). The conservation objectives for the Cannock Chase SAC are to maintain and restore the extent and distribution of qualifying natural habitats, as well as their structure and function, and the supporting processes on which the qualifying natural habitats rely, in order to ensure the integrity of the site is maintained or restored.
14. Research carried out by consultants Footprint Ecology to inform the production of the LP found that the in-combination impact of proposals involving a net increase of one or more dwellings within a 15km radius of the SAC would have an adverse effect on its integrity, unless avoidance and mitigation measures are in place. These effects result from an increase in recreational activity, comprising the creation of new paths, path widening, erosion and nutrient enrichment from vehicle use and vehicle emissions, and eutrophication from dog fouling. This is borne out in the advice from Natural England, which indicates that without appropriate mitigation, the proposed development could have an adverse effect on the integrity of the Cannock Chase SAC.
15. It is therefore necessary for me, as the competent authority under the Regulations, to conduct an Appropriate Assessment in relation to the likely significant effects of the proposal on the integrity of the SAC.
16. The proposal would result in additional residential accommodation within the 15km radius of the SAC and therefore, could give rise to increased recreational pressure on the designation. Cumulatively with other residential development, the proposal would have likely significant effects on the conservation objectives and integrity of the SAC.
17. The Council has provided evidence of mitigation solutions that are in place in the form of a Strategic Access Management and Monitoring (SAMM) Strategy, offering participation in a developer contribution scheme towards this strategy.
18. As the competent authority, I need to be certain that the proposal would not cause adverse effects on the integrity of the SAC. Natural England has advised that delivering mitigation for recreational impacts on the SAC, by means of the SAMM Strategy would be appropriate, as do both main parties. I have no reason to disagree, based on the information before me.
19. However, I cannot conclude that the proposal would not have an adverse effect on the integrity of Cannock Chase SAC. This is because the submitted UU is incomplete and hence it cannot secure the required financial contribution towards the SAMM strategy. Consequently, without any mitigation secured, I

¹ Conservation of Habitats and Species Regulations 2017

must conclude that the proposal would conflict with LP Policy EQ2, which seeks to ensure that development will only be permitted where it has been demonstrated that it will not directly or indirectly have an adverse impact upon the integrity of the Cannock Chase SAC. Further, the proposal would not comply with paragraph 179 of the NPPF, which seeks to protect and enhance biodiversity and geodiversity.

Other Matters

20. The personal circumstances of the appellants' family have been brought to my attention with regards to certain medical conditions. Whilst the full implications of this on day-to-day life have not been set out in detail, having modern and accessible living accommodation provided on one level could be beneficial in these circumstances. Further, having extended family close by would be valuable assistance and re-assurance in dealing with these personal circumstances. These matters are of some substance in this case in providing support for the proposal.
21. There is disagreement between the main parties as to whether the proposal forms a residential annex or a separate residential dwelling. However, neither LP Policy GB1, nor the referenced paragraphs of the NPPF on the Council's Decision Notice, restrict the re-use of an existing building for either a residential annex or a dwelling, providing the openness of the Green Belt is preserved and the re-use does not conflict with the purposes of including land within the Green Belt. In any event, it has not been demonstrated that the barn would be occupied independently such that it would conflict with any development plan policies and I have determined the appeal based on the proposal as applied for.

Overall Balance and Conclusion

22. Whilst I have found that the proposal would not be inappropriate development within the Green Belt, the Habitats Regulations confirm that I cannot approve the proposal where likely significant adverse effects cannot be ruled out. Even accounting for the benefits of the proposal in terms of the personal circumstances of the appellants' family, this material consideration is decisive and therefore the appeal should be dismissed.

S Brook

INSPECTOR