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# Appeal Decision

Site visit made on 30 April 2024

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 May 2024**

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**Appeal Ref: APP/C3430/W/23/3331619**

**Sweet Turf Boarding Kennels, Slab Lane, little onn Gorse, Staffordshire ST19 5QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Bosworth against the decision of South Staffordshire District Council.
  - The application Ref is 22/01048/OUT.
  - The development proposed is the demolition of existing kennel building and change of use and replace with domestic residence.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal before me has been made in outline with only the matters of access and scale being considered at this stage. All other matters, namely appearance, landscaping and layout, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.
3. The appeal site is within 15km of the Cannock Chase Special Area of Conservation (the SAC), which is a European Designated Site. The Conservation of Species and Habitats Regulations 2017 (as amended) requires the decision-maker to consider whether or not the proposal could adversely affect the integrity of the site.

## Main Issue

4. The main issue is whether the appeal site is suitable for a new dwelling.

## Reasons

5. Core Policy 1 of the Core Strategy Development Plan Document (December 2012, the CS) sets out the spatial strategy for the area, directing residential development primarily towards identified service villages. It also provides support for some residential development outside of service villages where these would be for affordable housing or supporting tourism, the rural economy, or rural diversification. The overarching aims of the policy is to meet local needs through providing growth in the most accessible and sustainable locations. More particularly for development outside the service villages the policy also seeks to protect the rural character of the countryside.

6. It is clear from my observations on site and the submissions available to me that the appeal site is not within a settlement and would be contrary to the above policy unless any exceptions are met. It has not been demonstrated that the proposed dwelling would be for the provision of affordable housing, or that it would support tourism, the rural economy or rural diversification. Therefore, on a plain reading, the proposal would not meet the exceptions above required for Core Policy 1 of the CS to support it.
7. Furthermore, it has not been demonstrated that the site is in an accessible or sustainable location. In particular, I noted the surrounding roads which are narrow and without pavements or streetlighting. Pedestrians and cyclists would therefore need to travel within the carriageway which would be unsafe, especially for more vulnerable users. It is therefore likely that future occupiers would need to travel some distance by private motor vehicles to reach their daily needs.
8. The government's objective is to significantly boost the supply of housing, and the proposal would provide one new dwelling towards the Council's housing need. However, The National Planning Policy Framework (the Framework) is clear that housing should be directed through a plan led approach and, under Paragraph 84, that other than in particular circumstances, isolated homes should be avoided. As identified above, the proposal does not follow the Council's spatial strategy and the proposal would also be isolated development where it would not support local villages or services. It has not been demonstrated that the proposal would meet any of the exceptions set out under Framework Paragraph 84.
9. The appellant has made reference to a fallback position consisting of the change of use of the existing kennel block to a residential dwelling. However, I have been provided with no evidence that there is more than a theoretical potential for such a scheme to be possible or that it would be carried out. This matter has not, therefore, been determinative in my considerations.
10. Although the proposal would provide some visual improvement over the existing building, given the higher quality of design, this gain would be lost by the creation of a domestic site within the rural landscape. Overall, I consider it would have a neutral effect on the character and appearance of the wider area.
11. With the exception of the adjoining dwelling, which I understand is within the appellant's ownership, the appeal site is distant from any other residential dwellings. I therefore consider that removing the dog kennel would not make any meaningful improvements to the living conditions of nearby residents.
12. In light of the above, I find that the appeal site would not be suitable for new residential development and would conflict with the Council's spatial strategy and its aims. The proposal therefore conflicts with Core Policy 1 of the CS as set out above and with the Framework, including Paragraph 83 which seeks for a plan led approach that supports local services and helps villages grow and thrive.

### **Other Matters**

13. I have found harm to the Council's spatial strategy resulting from the proposed development. As such, the appeal must fail and any potential harm to the SAC

would not occur and therefore there does not need to be any means of mitigation in place. Consequently, I do not need to consider the matter further.

14. My attention has been drawn to some Council<sup>1</sup> and appeal<sup>2</sup> decisions and I note the comparisons made. However, I have not been provided with the full details and facts of these applications and decisions. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

### **Conclusion**

15. The proposal would result in harm by way of conflicting with the Council's spatial strategy, in 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 above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR

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<sup>1</sup> Council's reference: 20/00758/OUT

<sup>2</sup> Planning Inspectorate references: APP/J1860/W/20/3262274 and APP/AO665/W/18/3196987