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## Appeal Decision

Site visit made on 9 April 2024

**by Paul Cooper MSc MRTPI**

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

**Decision date: 07 May 2024**

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**Appeal Ref: APP/C3430/W/23/3327460**

**Land between Standeford Cottage & Holly Cottage, School Lane, Coven, Wolverhampton WV9 5AN**

- 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 Ms Williams against the decision of South Staffordshire Council.
  - The application Ref 23/00414/FUL, dated 8 May 2023, was refused by notice dated 7 July 2023.
  - The development proposed is erection of 1no. new dwelling with associated works.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of 1no. new dwelling with associated works at Land between Standeford Cottage and Holly Cottage, School Lane, Coven, Wolverhampton WV9 5AN in accordance with the terms of the application Ref 23/00414/FUL dated 8 May 2023 subject to the conditions in the attached schedule.

### Main Issues

2. The main issues in this appeal are: -
  - Whether the proposal is inappropriate development in the Green Belt with reference to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
  - Whether the site is suitable in relation to the development strategy.
  - The effect of the development on the character and appearance of the area.
  - Whether the site is suitable in respect of flood risk.

### Reasons

*Whether inappropriate development*

3. The site is an area of grassed land, located between two dwellings. It is located within the Green Belt, in an area of mixed development types, but largely residential in nature, with all manner of dwelling types, but giving way to a semi-rural appearance.
4. Paragraph 154 of the Framework sets out that new buildings in the Green Belt are inappropriate, with certain exceptions. One of these is limited infilling within villages. I find that one dwelling, located between two existing dwellings that are in close proximity to the highway would be limited infilling.

5. It was established in *Wood v Secretary of State for Communities and Local Government & Gravesham Borough Council (2015)* that the boundary of a village defined in a development plan may not be determinative as to whether the site is in a village, but these are matters of planning judgement for the decision maker to decide upon. Nonetheless this site is located within the Green Belt, and those policies still apply.
6. The site is located outside of the settlement boundary for Coven, which is defined in the South Staffordshire Core Strategy (2012) (the CS). In the context of the site, residential properties generally front onto the road and are highly visible from the highway and are in relatively close proximity to one another, giving the impression of a settlement, rather than random development in a countryside area.
7. As I consider this to be limited infilling in a village as set out in criterion e) of Paragraph 154 of the Framework, the proposal meets that exception. Accordingly, the proposal would not have an adverse effect on the openness of the Green Belt, or the purposes of including land within it.
8. This correlates with policy GB1 of the CS, specifically criteria d) for limited infilling. There are footnotes to that policy relating to building height, size of development and effect on openness.
9. The proposal is not higher than adjacent dwellings, which is consistent with the Green Belt and Open Countryside Supplementary Planning Document (2014).
10. On this issue, I find that the proposal is not inappropriate development in the Green Belt in respect of development plan policy and the advice given in the Framework.

*Suitable in terms of development strategy*

11. Core Policy 1 of the CS looks to deliver development growth in parallel to the settlement hierarchy. The village of Coven is a local service village in that hierarchy but the site is located out of the settlement boundary.
12. A key part of that strategy relates to retention of the settlement pattern. The site is not within the settlement boundary, but I have found it has the outward appearance of being within the village due to the prominence of built form within the site context including both sides of the site and would not therefore harm the settlement pattern.
13. The site is located virtually opposite a public house and within easy reach of village services. The site has footpaths in the section of School Lane and these are streetlamp lit.
14. There would be the need to utilise a private car for the access of further services and facilities, and employment that are not available within Coven, but this would be no different from the vast majority of residents.
15. In this specific context, I find the site is located in an acceptable position with regard to the development strategy, as set out in Core Policy 1 of the CS. As such I find that this proposal is in general accordance with that policy.

### *Character and appearance*

16. The design, scale and layout of the property are markedly no different than the surrounding and nearby properties. There is no common design or scale of those properties, and indeed as stated previously, there is a public house with a large car park virtually opposite the site. When constructed, it will have a newer and more contemporary appearance than nearby properties, but I find that it will assimilate well into its surroundings.
17. As such, I find no conflict with policies EQ4 and EQ11 of the CS in respect of the character of the property and its context, architectural design and form.

### *Flood Risk*

18. There were concerns raised by the Council, in respect of the Flood Zone 3 status of the site. It appears, from the evidence in front of me, the appellant, on working with the external consultee, has proven that the site that the site is not actually within the Flood Zone 3 area, and is not subject to a sequential test, normally required for Flood Zone 3 sites.
19. In conclusion, on this issue, I find that the proposal is not contrary to Core Policy 3 of the CS, and the flooding guidance set out in the Framework, as further work has clearly demonstrated that the Flood Zone 3 designation is not correct.

### **Conditions**

20. I have taken into consideration the Conditions proposed by the Council and subject to some minor rewording, I consider these to be acceptable. I have added one condition to set a three-year time limit for the commencement of works on site, as this was not included in the list of Conditions.
21. Conditions 1 to 3 are standard conditions to set the parameters of the permission. Condition 4 is in the interests of highway safety. Condition 5 is in the interests of biodiversity. Conditions 6 and 7 are in the interests of protection from flood risk. Conditions 8 through 12 are in the interests of residential amenity.

### **Conclusion**

22. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal is allowed.

*Paul Cooper*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. The development hereby approved shall be begun within three years of the date of this permission.
2. The development authorised by this permission shall be in accordance with the following plans and documents:-
  - Location Plan
  - Proposed Block Plan                      SLP3.02.C
  - Proposed Floor Plan                      SLP3.04.2
  - Proposed Elevations                      SLP3.05.2
  - Street Scene                              SLP3.06.B
  - Sections                                      SLP3.07
  - Street Scene                              SLP3.08.B
  - Flood Risk Assessment                      15 May 2023
  - Flood Risk Assessment                      22 May 2023
  - Proposed Floor Plan                      SLP3.03
3. The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority
4. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
5. Prior to commencement of development (excluding demolition or groundworks), a detailed landscape planting plan must be submitted to and approved in writing by the local planning authority. The Plan must include details of species to be planted and details of maintenance of all new planting for at least a five-year period. The approved plan shall be implemented concurrently with the development and completed within 12 months of the occupation of the dwelling hereby approved.
6. Floor levels to be set no lower than 94.55mAOD, in accordance with the submitted Flood Risk Assessment (RAB Consultants Limited (ref: RAB:2934\_FRD, dated 8th August 2022)).
7. Prior to commencement of development (excluding demolition or groundworks), a Flood Evacuation Management Plan shall have been submitted to and agreed, in writing, by the Local Planning Authority. The Management Plan shall include details of a flood emergency response and flood evacuation procedures.

8. All works, including demolition, site works, and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or Bank Holidays.
9. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or Bank Holidays. Delivery vehicles shall not park on the access highways to the site.
10. There shall be no burning on site during development.
11. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
12. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

END OF SCHEDULE