The Planning Inspectorate

Appendix C

Appeal Decision

Site visit made on 25 January 2013

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 April 2013

Appeal Ref: APP/Y3425/A/12/2184621
Sutton Sawmills, Sutton, Near Newport, Shropshire, TF10 8DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr David Pearce (D&C Pearce Bros) against the decision of Stafford Borough Council.
- The application Ref 11/16169/OUT, dated 28 October 2011, was refused by notice dated 2 April 2012.
- The development proposed is two new cottage dwellings.

Decision

1. The appeal is allowed and planning permission is granted for two new cottage dwellings at Sutton Sawmills, Sutton, Near Newport, Shropshire, TF10 8DH in accordance with the terms of the application, Ref 11/16169/OUT, dated 28 October 2011, subject to the following conditions:

   1) Details of the access, appearance, landscaping, layout (including vehicle parking and manoeuvring) and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

   2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

   3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

   4) No development hereby approved shall be commenced until details of the means of surface water drainage have been submitted to and approved in writing by the local planning authority. The surface water drainage works shall be implemented in accordance with the approved details before the development is first brought into use.

   5) No development hereby approved shall be commenced until a programme for the remediation measures contained within the submitted Phase 2 Intrusive Geo-Environmental Assessment, prepared by Sladen Associates for D&C Pearce Bros dated January 2012 has been submitted to and approved in writing by the local planning authority. The remediation measures shall be implemented in accordance with the approved programme before the development is first brought into use.

Procedural matter

2. The postcode stated on the application form is incorrect. I have therefore used the correct postcode as provided on the appeal form in the heading above and in my formal decision.

3. I have been provided with drawings showing the siting of 2 houses, access arrangements and an elevation. However, given that the application was submitted in outline with all matters reserved for future consideration, I have taken these into account as being for indicative purposes only.

Main Issues

4. The main issues in this case are:

- whether the proposal would result in a sustainable pattern of development;
- the effect on the character and appearance of the area; and
- the effect on the rural economy and the supply of employment land.

Reasons

Sustainable pattern of development

5. The appeal site lies towards the north-western edge of the village of Sutton. The village and the appeal site are both outside the Residential Development Boundary, as defined in the Stafford Borough Local Plan 2001 (Local Plan). Consequently, the appeal proposal would be contrary to policy HOU3 of the Local Plan which seeks to restrict new residential development outside Residential Development Boundaries, other than where such development is essential to the operation of agriculture and forestry activities.

6. An Inspector dealing with an appeal on an adjacent site in 1979 concluded that the built up area of Sutton village ends at Fern Cottage, to the east of the appeal site. However, although the appeal site lies on the edge of the village, it is adjoined on three sides by adjacent houses and their respective garden areas. Consequently, the proposal would not appear as an isolated development in open countryside and nor would it be unrelated to the settlement. In this respect it would not conflict with policy H11 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 (Structure Plan), in so far as it seeks to preclude such development.

7. The above policies, taken together with policies D1, D4 and T1A of the Structure Plan, seek to achieve sustainable patterns of development which reduce the need to travel, especially by car. This is consistent with the overall aims of the National Planning Policy Framework (the Framework) which states that developments which generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However, although policy D1 of the Structure Plan seeks to concentrate as much new built development as possible in urban areas, it does not preclude all development elsewhere.

8. There are few services in Sutton village. Consequently the future occupants of the proposed houses would be likely to be reliant on shops, schools and services outside the village, including those in Newport town centre about 3km away. The route to Newport is not particularly attractive for walking on a

regular basis because of the limited street lighting and footpath provision. However, there are some bus services each day. Although these are limited in frequency they do provide access to Newport, as well as Telford, Eccleshall and Hanley. There is also some potential for cycling. Consequently, future occupants of the proposed development would have some alternatives to the use of a car. Furthermore, although occupants would be reliant on a car to some degree, given the distance to Newport, this would not necessarily lead to unduly long car journeys.

9. Furthermore, I am mindful that the existing use of the appeal site gives rise to vehicle movements. The existing workers do not live in the village and they travel to and from work by car. There is no guarantee that any future workers would live locally. In addition, I understand that the current use of the site as a depot for a tree surgery and mini digger hire business generates around 10 vehicle movements per day.

10. The appellant's estimate of the likely car movements from the appeal proposal appears to me to be under-stated. However, the overall vehicle movements associated with 2 houses would be unlikely to be significantly more than the current use. Therefore, given that future occupants would have some options in terms of modes of transport and that the existing use generates some traffic, I consider that, the proposed development would not lead to an unsustainable pattern of development.

11. To conclude therefore, in this respect there would be no conflict with the underlying aims of the Framework and policies H11, D1, D4 and T1A of the Structure Plan.

Character and appearance

12. A number of somewhat dilapidated timber buildings with corrugated metal roofs are located along the rear boundary of the appeal site whilst the area to the front of the buildings is used to store a large amount of plant and equipment and various vehicles associated with the existing business use on the site. Despite the tall Leylandii conifer hedge along the frontage, the buildings and plant are visible from various points on Fernhill Road and appear incongruous in the countryside landscape on the edge of the village settlement. As such, the existing use and its associated buildings significantly detract from the entrance to the village when approached from the wider countryside to the north.

13. I appreciate that the proposed development would result in the additional built form of two new dwellings and garages on the edge of the village and open countryside. However, the indicative layout submitted with the planning application indicates that the appeal proposal would result in a net reduction in the footprint of buildings on the site. Furthermore, when viewed from the approach into the village from the north, the proposed dwellings would be seen against the back drop of the existing cottages and would be seen as part of the settlement. Therefore, although the site lies towards the edge of the settlement, the appeal proposal would not give the appearance of extending the envelope of built development into the countryside. In addition, the scale, layout and appearance of the buildings would be subject to control at the reserved matters stage. Consequently, subject to careful consideration at that stage, a satisfactory appearance could be achieved.

14. The proposal would result in the replacement of an unsightly use with one which would not have a significantly harmful effect on the character and appearance of the village or the surrounding countryside.

15. Consequently, it would accord with Local Plan policies E & D7 and HOU3 and Structure Plan policy H11 in so far as they seek to protect the countryside from unnecessary and incongruous development and ensure that any proposed development is of a scale and character appropriate to the local environment. Furthermore, the appeal proposal would accord with the core planning principles of the Framework which state that planning should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.

Employment land and rural economy

16. The current employment use at the site sustains only two jobs. Furthermore, the evidence[1] provided by the appellant, and which has not been contested by the Council, suggests that there is sufficient employment land within Stafford Borough to accommodate expected levels of employment growth. Consequently, I consider that the appeal proposal would cause no significant harm to the supply of employment land or to the rural economy. Accordingly, it would not materially undermine either the objective of the Framework to secure economic growth or policy E & D7 of the Local Plan which seeks to ensure that development proposals do not demonstrably harm the rural economy. It would also accord with policy EMP1 of the Local Plan, in so far as a supply of employment land would be retained and the appeal proposal would provide for the removal of unsightly buildings and structures associated with the existing employment use.

Other matters

17. The Council considers that the redevelopment of the site could have some local benefit in terms of noise and disturbance. However, given there is no firm evidence that the existing use has caused problems, this has not had any significant bearing on my decision.

Conclusion and Conditions

18. The proposed development would not compromise the achievement of sustainable patterns of development or the supply of employment land in the Borough. Nor would it undermine the rural economy. It would also be satisfactory in terms of the effect on the character and appearance of the area. Whilst I accept that there would be conflict with policy HOU3 of the Local Plan in relation to development boundaries, this is outweighed by the benefits to be gained from replacing an existing unsightly use.

19. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these against the advice in Circular 11/95 and for clarity.

20. The application was made in outline and it is, therefore, necessary to impose conditions relating to the submission of the reserved matters. Some of the additional conditions suggested by the Council fall within the scope of these

[1] Employment Land Review for Stafford Borough (2010)

reserved matters (ie access, visibility splays, parking and vehicle turning) and so it is not necessary to impose separate additional conditions covering these.

21. A condition requiring the approval of surface water drainage is necessary to ensure that the site is adequately drained. Given the current use of the site, it is necessary to ensure that any contamination is dealt with safely. Some of the measures included within the Phase 2 Intrusive Geo-Environmental Assessment submitted with the application would be undertaken as part of the development process. Therefore, I have adapted the condition suggested by the Council to require a programme for the remediation measures contained within the assessment to be agreed before the development commences and to be undertaken in accordance with the programme.

22. For the reasons given above, and having had regard to all other matters before me, I conclude that subject to the conditions above the appeal should be allowed.

Beverley Doward

INSPECTOR