The Planning Inspectorate

Appeal Decision

Site visit made on 17 April 2018

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2018

Appeal Ref: APP/B3438/W/17/3183536
Little Blythe Farm, Leek Road, Weston Coyney ST3 5BD

- 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 Steve Perkins against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0191, dated 21 March 2017, was refused by notice dated 23 June 2017.
- The development proposed is change of use of domestic outbuilding to three bedroomed residential dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of domestic outbuilding to a three bedroomed residential dwelling at Little Blythe Farm, Leek Road, Weston Coyney ST3 5BD in accordance with the terms of the application, Ref SMD/2017/0191, dated 21 March 2017, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 4043-011; Site Block Plan 4043-010-12; Sketch Proposals Elevations and Sections 4043-01-10; Sketch Proposals and Plans – CGIs 4043-01-09;

    3) Before the development hereby permitted is brought in to use, the parking and turning areas shall be provided in accordance with the approved plans and shall be retained unobstructed as parking and turning areas for the life of the development.

    4) The vehicular access to Leek Road shown on the approved plans shall not be gated at any time.

    5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as specified in Schedule 2, Part 1 Classes A, B and E of that Order shall take place.

Main Issues

2. The main issues are:

   - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
   - whether the proposed development is in a suitable location having particular regard to national and local planning policy designed to promote sustainable development and restrict new housing in the countryside;

Reasons

Inappropriate development

3. The appeal property is a two storey building which is used as an ancillary building to the main house. Planning permission was granted for this use in 2015 and the building is used for both office and ancillary living accommodation. It has a parking area in front of it and a small fenced garden area to the rear. As well as the appeal property and the main house, the wider site includes a storage building which is being converted into two residential units. The surrounding area is open countryside although the site is close to Weston Coyney.

4. Paragraph 90 of the National Planning Policy Framework indicates that the re-use of buildings in the Green Belt is not inappropriate provided that the buildings are of permanent and substantial construction and they preserve openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Policy SS6c of *A Local Plan for the future of Staffordshire Moorlands - Core Strategy Development Plan Document* (the Core Strategy) indicates that strict control will be exercised over inappropriate development in the Green Belt in accordance with national planning policy.

5. The appeal building is made of brick and is of permanent and substantial construction. The enclosure and use of the garden area was part of the proposal granted planning permission in 2015 and this is a different position to that before the Inspector who determined an appeal[1] on the site in 2013. This point is also made by the Council in its delegated report.

6. I therefore consider that the proposed change of use would not have any significantly greater impact on the openness of the Green Belt than its current established use as ancillary to the main house, nor have any greater conflict with the purposes of including land within the Green Belt. A condition could be imposed to prevent otherwise permitted development which could have a harmful impact on openness.

7. For these reasons, I conclude that the proposal is not inappropriate development in the Green Belt.

[1] APP/B3438/A/13/2193210

Location

8. The appeal property is located on Leek Road a short distance from Weston Coyney. That settlement is part of a continuous built up area. Although the distance to Weston Coyney is only about half a mile and the recent houses of that settlement can easily be seen from just outside of the appeal site, there is no footpath along Leek Road, which is an 'A' road. The Inspector who determined the previous appeal on the site considered that it would be unlikely that the prospective occupiers would walk along Leek Road particularly in inclement weather or in hours of darkness, and that the occupiers would be reliant upon the private car for shopping, employment, schools and other services.

9. I have no information before me to indicate that the public transport position has altered since the determination of the previous appeal and from my observations the walking conditions referred to by my colleague remain. I therefore have no reason to disagree with his findings that the appeal site is not in a sustainable location and that the use of the building for residential development would generate car borne trips contrary to one of the objectives of the National Planning Policy Framework to promote sustainable development.

10. Since the determination of the previous appeal, the Council has issued planning permission for the use of the appeal building for purposes incidental to the residential use of the main dwelling. This permission includes a condition restricting the building to be used as a separate unit of accommodation to the main house.

11. The use of the appeal building as ancillary accommodation would generate the need for travel by its occupants. There are three bedrooms in the main house. From my site visit I observed that three bedrooms had been created within the appeal building which accords with the submitted plans. With six bedrooms across the two buildings, it would be possible that the occupants of the appeal building may well have their own independent transport as the two buildings together might be suitable for a large or extended family. It is possible that the use of the two buildings as separate dwellings may generate more traffic movements than as one larger overall unit comprising the main house and the appeal building. However, from the evidence submitted by the appellant I consider that if this were to be the case, it would only be marginal. Consequently the proposal would only represent a marginal increase in the reliance on the use of a private motor car compared to the existing permitted position.

12. I have placed only limited weight on the conversion under prior approval of another building on the wider site to two small dwellings since the location of that building in relation to the settlement was not a matter that could have been taken into account in its determination. I note that in its delegated report on the proposal before me, the Council considered however that the conversion of that other building from a B8 use to small residential units would not lead to a significant increase in vehicle movements.

13. Although the proposal before me would add only one additional dwelling to the housing stock in the borough, given that that the Council cannot currently demonstrate that it has a five year supply of deliverable housing land, I consider that moderate weight should be given to this benefit.

14. For the reasons set out above, I conclude that the proposed development would not lead to an unacceptable level of vehicle based traffic movements and would not lead to undue harm to the objectives of sustainable development and restricting new development in the countryside. I consider that the proposed development would not fall into any of the permitted categories of new housing development set out in Policy R2 of the Core Strategy which identifies the approach to new housing in the rural areas, but that there are material considerations which indicate that determination other than in accordance with the development plan can be made in this case.

Conditions

15. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and the National Planning Policy Framework. There is a need for the standard time implementation condition and for a condition specifying the plans to which the permission relates, in the interests of certainty and clarity. There is a need for a condition to ensure that the parking and turning areas are provided, and that the entrance shall not be gated, in the interests of highway safety.

16. The Council has suggested a condition that would withdraw permitted development rights for classes A, B and E of Schedule 2 of the Town and Country Planning General Permitted Development) (England) Order 2015. In accordance with the Planning Practice Guidance the withdrawal of such rights should only be made in exceptional circumstances and would not normally be necessary. However, in this case, I consider that such a condition is necessary and justified in the interests of protecting the openness of the Green Belt.

Conclusion

17. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR