The Planning Inspectorate

Appeal Decision

Site Visit made on 11 May 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2021

Appeal Ref: APP/B3438/W/21/3268248
Whirley Low, Lane End Cottage, Town End Road, Foxt ST10 2HR

- 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 David Pennington against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0367, dated 8 July 2020, was refused by notice dated 11 November 2020.
- The development proposed is described as the 'formation of an improved access, construction of a carport and store and change of use of the associated land'.

Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr David Pennington against Staffordshire Moorlands District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council accepted amended plans during the life of the planning application. It is sufficiently clear from the evidence that it was these plans on which the Council based its decision. I have taken these plans into account in my determination of the appeal. For clarity, these plans show the current stable block next to the house replaced by a car port and store building as well as clarification on the extent of land subject to the change of use.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises a stone built cottage, its garden and part of a neighbouring field. There are other dwellings and associated outbuildings in the immediate area. Otherwise, the appeal site is surrounded by open, undeveloped fields, exuding a pleasant rural character. They are two main strands to the Councils objections in regard to the main issue. These relate to the vehicle access and parking area and the proposed car port/store building. I shall address each one in turn.

6. The proposed access would be situated some distance away from the dwelling, well beyond the existing access that serves it. Whilst some changes have been

made to the access during the life of the planning application, what is before me would be of a length and shape that would protrude into part of the field adjacent to the dwelling. Together with the type and extent of the hard surfacing, the access and parking area would appear as a highly conspicuous and strong urban type feature in an otherwise open and undeveloped field. This would fail to relate acceptably to the prevailing rural surroundings and somewhat contained and clustered nature of the group of dwellings in the immediate area.

7. The car port and store building would replace the existing stable block and would be in a similar location. Whilst it would be larger than the building it would replace, its single storey form would ensure that its massing and proportions would allow it to sit comfortably amongst the appeal site and the adjoining neighbouring buildings which are in any case taller at two storeys. The design and appearance of the building, including the materials would be of a traditional form and thus appropriate to both those used locally and for a predominantly rural landscape.

8. Be this as it may, the proposed access and parking area would give rise to harm in the manner I have described above. This would lead to conflict with Policies, DC 1, DC 3 and SS 10 of the Staffordshire Moorlands Local Plan (2020) (Local Plan), which seek, amongst other matters, to resist development that would lead to prominent intrusion into the countryside and the protection of the quality and character of the area by requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape.

Other Matters

9. I accept that conditions could be used to prevent the establishment of outbuildings, but the restriction of other domestic paraphernalia would be more difficult to control in the future. In any event, such measures would not satisfactorily address the harm that would be caused in the manner I have described. In addition, and from my observations on site, domestic parking is generally well related spatially to the associated property.

10. The appellant has set out that the existing access has severely limited visibility and the new access proposed has been designed to the standards set out in Manual for Streets. It has also been suggested that the access cannot be moved closer to the building without a reduced Y distance. Such a change would also reduce the manoeuvring space in front of the proposed building. Whilst I was able to see how the position and the heights of the main building and boundary wall may affect the visibility at the existing access, it was also evident from my site visit that the road was lightly trafficked and subject to few vehicle movements. In any event, I am not persuaded that this is the only means of achieving the required visibility.

11. My attention has also been drawn to the existing access being close to a junction which is obscured by vehicles waiting to enter the site whilst the gates are opening. However, I have been provided with no substantive evidence that the existing access is detrimental to the safety of users of the highway as a result.

12. The appeal proposal would result in the removal of electric gates and restoration of the boundary wall. Whilst these are positive elements of the

appeal scheme, they would be insufficient on their own to make the proposed development acceptable in light of the harm and conflict with the development plan that I have found.

13. The proposal would not affect the public footpath or result in harm to living conditions. It has also been stated that the use of the land and concerns over domestication can be controlled by condition. These matters would however be a lack of harm in each case and thus neutral in any balance of considerations.

Conclusion

14. Whilst I have found in the appellants' favour in relation to the effect of the proposed car port / store, this would be a lack of harm and thus incapable of weighing against harm, specifically, that which would be caused by the proposed access and parking area. I would ascribe substantial weight to this harm and resulting conflict with the development plan. It is for this reason, having considered all other relevant material considerations, that the appeal should be dismissed.

F Rafiq

INSPECTOR