



Appeal Decision

Site visit made on 11 March 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/B3438/W/24/3354428

Land off Mill Lane, Wetley Rocks, Staffordshire ST9 0BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by J Sylvester against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2023/0528.
 - The development proposed is described as “full planning application for the erection of 5 dwellings with associated means of access and hard and soft landscaping works”.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 5 dwellings with associated means of access and hard and soft landscaping works at Land off Mill Lane, Wetley Rocks, Staffordshire ST9 0BN in accordance with the terms of the application, Ref SMD/2023/0528, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revision to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of the representations made on this.

Main Issues

3. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt, including the effect on openness of the Green Belt and the purposes of including land within it, having regard to the Framework and any relevant development plan policies; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site comprises a vacant parcel of land which is situated in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential

characteristics of Green Belts are openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development within the Green Belt is inappropriate with the exception of the types of development listed in Paragraph 154 of the Framework. The appellant states that the proposal meets one such exception set out in criteria e of Paragraph 154, which allows limited infilling in villages.

5. Policy SS10 of the Staffordshire Moorlands District Council Local Plan (2020) (LP) confirms that strict control will be exercised over inappropriate development within the Green Belt, allowing for exceptions as defined by Government policy.
6. The appeal site comprises a rectangular parcel of land on Mill Lane which is bound by mature hedges. The site is bordered to the west by a detached dwelling 'The Croft' and to the east by the end property in a row of terraced dwellings. St Johns Primary School is located to the north of the site on the opposite side of Mill Lane. The proposal seeks to erect 5 2-storey detached dwellings fronting Mill Lane.
7. The settlement boundary of Wetley Rocks excludes Mill Lane, and the site lies outside of the settlement boundary. However, a settlement boundary may not necessarily determine whether a site is within a village for Green Belt purposes. Rather, this is part of a wider consideration and is a matter of planning judgement including consideration of what is on the ground.
8. I saw at my site visit that Mill Lane is physically well connected to the remainder of Wetley Rocks and contains a number of the village's facilities including a school, church and community centre in addition to a number of houses. Whilst The Croft occupies a larger plot than the dwellings to the east of the site, it is set back in line with other dwellings in the row and is not clearly distinguishable from the development on the eastern part of Mill Lane. This, in combination with the predominantly residential nature of the highway at this part of Mill Lane and the close relationship with the school, means that the appeal site and neighbouring property The Croft appear to be experienced as part of the main built-up area of the village as opposed to the open countryside. Therefore, I consider that, despite the settlement boundary, the site forms part of a settlement rather than open countryside for the purposes of Green Belt policy.
9. There is no definition of 'limited infilling' within the Framework. Whilst the Council suggest an approach whereby no more than 3 dwellings is considered to be 'limited', I have not been provided with any such definitions from the development plan. In the absence of a formal definition, it is a matter of planning judgement as to whether or not the development would represent 'limited infilling' having regard to the nature and size of the proposed development, the location of the site and its relationship to existing development nearby.
10. It is proposed to erect 5 dwellings in the gap between 2 properties which form part of a ribbon of built development to Mill Lane. Whilst I acknowledge that the site could accommodate a greater number of dwellings than is proposed, the frontages of the dwellings would not appear significantly greater than dwellings within their close visual context to cause the development to appear uncharacteristic. Within the context of its location the site comprises a small parcel of land and the quantum of development would be limited with regard to the size of Wetley Rocks.

Given this I consider that the proposal would be infill development which would be limited in scale.

11. In light of the above, the proposal would represent limited infilling in a village. Therefore, the proposal would not be inappropriate development in the Green Belt. It would not be contrary to the Framework in this regard and would also not conflict with those aims of LP Policies SS10, H1 or H3 which seek strict control to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.
12. A finding of the acceptability of the proposed development on the openness of the Green Belt and the purposes of including land within it is implicit in a finding of it not being inappropriate development. I am not therefore required to consider this matter further. As I do not find that the proposed development would be inappropriate, there is no requirement to question whether very special circumstances are generated in this instance.

Other Matters

13. The submitted plans show that an access to the land to the south of the site would be retained and there is no indication that the proposed layout would compromise the security of neighbouring land. There is no particular evidence that the shared access would be used as a car park or that the proposal would cause unacceptable levels of congestion on Mill Lane given the modest scale of the development proposed or that Mill Lane would be unable to accommodate construction traffic.
14. Concerns regarding the proximity to the pedestrian crossing are noted. Based on the information before me and my observations on site there is no evidence that the access arrangements would increase the potential for conflict between vehicles using the access and pedestrians using this crossing.
15. Concerns have been raised regarding the effect of the proposal on wildlife. The proposal is accompanied by an Ecological Impact Assessment which concluded that the proposal would not result in harm to protected species. Staffordshire Wildlife Trust raised no objection to the proposal. Based on the information before me I see no reason to take a different view.
16. Concerns regarding the effect of the proposal on mature trees and the landscape are noted. Two trees are proposed to be removed on safety grounds. All other trees would be retained. Given the well-contained nature of the site I find that the proposal would not be highly visible within the wider landscape.
17. Comments regarding the lack of infrastructure for young persons within the village and reported poor bus links are noted. I observed at my site visit that Wetley Rocks is a large village which contains a number of services and facilities, many of which would be within walking distance of the site. It may well be the case that future occupiers would be dependent on the private motor vehicle for some journeys to access facilities and services. However, it is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this and nearby settlements are not so distant that long journeys would occur.

18. Finally, I note that Severn Trent Water raised no objections to the proposal subject to the inclusion of a condition requiring the approval of drainage plans for the disposal of foul and surface water flows, and there is no particular evidence before me that the proposal would adversely affect the water supply to neighbouring properties.

Conditions

19. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance (PPG), without altering their fundamental aims.
20. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the area, conditions are necessary to control the external materials of the development and boundary treatment.
21. In the interests of highway safety, conditions are required to secure the implementation of the access and visibility splays and the extension of the existing footway. In the interests of residential amenity, there is a need for a condition requiring the submission and approval of a Construction Management Plan. There is also a need for conditions relating to the submission and approval of a Construction and Environmental Management Plan, the implementation of the proposed landscaping and control of the removal of trees, shrubs or hedgerows in order to preserve and maintain the character of the area.
22. Conditions requiring the submission of a surface water drainage scheme, and in relation to contamination and the importation of topsoil are required in order to ensure adequate drainage and that any contamination is adequately identified and mitigated.
23. I have omitted a suggested condition restricting the conversion of garages to residential use. Limited explanation has been provided on why this is necessary to make the development acceptable in planning terms. Therefore, this condition has not been imposed.

Conclusion

24. For the above reasons I conclude that the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved drawings: 2023-2796-02 Rev C, 2023-2796-04, 2023-2796-05,

2023-2796-06, 2023-2796-07, 2023-2796-08, 2023-2796-09, 2023-2796-10, 2023-2796-11.

3.) No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and shall provide for:

- a) a site compound with associated temporary buildings;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) wheel wash facilities including means of dealing with water runoff;
- f) the hours of work;
- g) the method and duration of any pile driving operations (including expected starting date and completion date) and the arrangements for prior notification to the occupiers of potentially affected properties including the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- h) a dust management plan containing the measures to ensure no activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment;
- i) a scheme for recycling/disposal of waste resulting from the construction works; and
- j) details of any generator/s to be used on site.

All works shall be carried out in accordance with the approved details.

4.) No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and shall provide for:

- a.) the protection of the retained trees and hedgerows including details of temporary tree protection barriers; and
- b.) reasonable avoidance measures for birds, bats and hedgerows.

All works shall be carried out in accordance with the approved details

5.) The development hereby approved shall not commence until plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

6.) No above ground construction works shall take place until details of the external materials to be used in the development hereby approved have been submitted to and

approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

7.) No above ground construction works shall take place until details of the design, external appearance and decorative finish of all fences, gates, walls, and other means of enclosure within the approved site have been submitted to and approved in writing by the Local Planning Authority. Boundary treatment shall be carried out in accordance with the approved details prior to the first occupation of the dwelling to which they relate to and thereafter retained.

8.) No above ground works shall commence until a scheme for the off-site works for the extension of the existing footway to connect to the proposed improved access has been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The highway works shall be constructed in accordance with the technically approved details prior to the development being first occupied.

9.) No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

10.) All planting, seeding or turfing comprised in the approved details of landscaping as shown in drawing 2023-2796-02 Rev C shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

11.) The development hereby approved shall not be brought into use until the visibility splays of 2.4m x 43m in both directions, shown on plan 2023-2796-02 C have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

12.) The development hereby approved shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plan 2023-2796-02 C. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

13.) Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and details of habitat creation shall be submitted to and approved in writing by the Local Planning Authority. All landscaping shall be managed in accordance with the approved landscape management plan.

14.) In the event that contamination including surface coal measures are found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment

indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and has been approved in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing of the Local Planning Authority.

15.) No topsoil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing to by the Local Planning Authority.

End of Schedule of Conditions