



Appeal Decision

Site visit made on 30 April 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/B3438/W/25/3358776

Cookshill Hall, Roughcote Lane, Caverswall, Staffordshire ST11 9EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr M Saba against the decision of Staffordshire Moorlands District Council.
- The application Ref is SMD/2024/0183.
- The development proposed is erection of self-build dwelling including resource efficient design.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal seeks outline permission with all matters reserved. Therefore, while an indicative site layout plan has been provided showing the siting of the proposed dwelling and parking within the site, I have considered this as illustrative only.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, so I have had regard to it in reaching my decision. The main parties had opportunity to comment on this as part of their appeal submissions.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including the effects on the openness and purposes of the Green Belt;
 - the effect of the proposed development on the character and appearance of the surrounding area, including the setting of a non-designated heritage asset;
 - biodiversity; and,
 - if inappropriate development, whether any harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate unless one of the stated exceptions applies. The appellant asserts that the proposed development falls within exception e) as limited infilling in

villages. The Framework does not provide definitions of 'limited infilling' or 'villages,' therefore these are matters of planning judgement.

6. Cookshill is a small village which is washed over by the Green Belt. In the previous 1998 Staffordshire Moorlands District Council Local Plan (SMDC LP), which has been superseded by the 2020 version of the SMDC LP, Cookshill had a defined settlement boundary. Although, the appeal site together with Cookshill Hall and the associated converted barns thereto were outside of the village settlement boundary in the 1998 SMDC LP.
7. The appeal site is green and open, with trees beyond its boundary between the site and the road. From my site observations, the appeal site is viewed in conjunction with Cookshill Hall and the collection of converted barns, rather than the more modern dwellings that lie further along Roughcote Lane within the built up parts of the village. The appeal site, together with the hall and converted barns have a rural character, within the setting of the open countryside and historical farming links. There are open agricultural fields opposite on the other side of the lane and also, the lane in front of the appeal site, which continues on towards Caverswall, has a narrow, rural character. These defining elements separate the appeal site from the built up parts of the village.
8. Therefore, even if it is undisputed by the main parties that the site is in a sustainable location and the site is not that far from the village, in view of the above, I find the appeal site does not lie within the village.
9. The appeal proposal would be on a piece of land between a pair of semi-detached dwellings and an existing access driveway with a converted barn beyond, and there is a further converted barn to the rear of the site. Therefore, it would infill a gap. Additionally, due to the modest scale of the plot and that only one dwelling is proposed, the amount of development would be limited.
10. However, despite that the proposal would be limited development infilling a gap, in view of my findings that the appeal site is not within the village, the proposal would not comprise limited infilling in villages and so, would not meet the exception under paragraph 154 e) of the Framework in this instance.
11. Paragraph 155 of the Framework sets out that, the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all¹ the following apply; setting out criteria a to d, which would need to apply. To consider whether such exception applies, in the first instance it needs to be considered whether the site comprises grey belt land.
12. While it has not been advanced by the appellant that the site is grey belt, I find that in regard to the definition of such within the Framework, the appeal site does not comprise grey belt. No substantive evidence has been provided to suggest the site is previously developed land and/or that the land does not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143 of the Framework. From my observations and the evidence before me, the appeal site, together with other open land within this part of the Green Belt makes a strong contribution to check unrestricted sprawl of Stoke-on-Trent, which is a large built up area.

¹ My emphasis.

13. Therefore, while the appellant asserts that the proposal would meet part of paragraph 155, in regard to the lack of a five year supply of deliverable housing sites, as the site is not grey belt, such exception would not apply in this instance. However, I will go on to consider unmet housing need below.
14. In terms of openness this can have spatial and visual aspects. The appeal site is primarily an open grassed area, clear of any buildings, with rising ground levels toward Wren Cottage and the lane end of the site. It has the appearance of a small open paddock, set behind a post and rail fence to one side of the access driveway serving the hall and converted barns. Additionally, there are some trees towards the lane edge of the site, which are visually prominent in the surrounding area. Therefore, the appeal site provides an attractive open green aspect to the side of the converted barns and on views from the wider area, including from the lane.
15. Although the scale and design of the proposed dwelling is unknown at this outline stage and the site layout plan is for illustrative purposes only, the introduction of a dwelling and associated domestic use of the land, even a small dwelling of high quality design, would harmfully diminish the open character and appearance of the site. Furthermore, even with the introduction of landscaping, this would not overcome the spatial harm caused to the openness of the site. Therefore, in spatial and visual terms, the proposal would cause substantial harm to the openness of the Green Belt. Furthermore, it would not ensure the purposes of the Green Belt are maintained, particularly with regard to keeping in check the unrestricted sprawl of large built-up areas.
16. In view of the above, the proposal would be inappropriate development in the Green Belt and, would cause harm to the openness and purposes of the Green Belt, in conflict with the Framework and Policies H1 and SS10 of the Staffordshire Moorlands Local Plan (September 2020) (LP). Amongst other matters, such LP policies set out that when development is located in the Green Belt, national Green Belt Policy will apply, including that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy. Also, due to the conflict with Policy H1 of the LP, the proposal would fail to comply with Policy SS9 of the LP.

Character and appearance

17. The appeal site is within an area identified within the Landscape Character and Settlement Assessment for Caverswall and Cookshill as being important to the landscape setting of both settlements. It is an area of largely open agricultural land, which provides a physical and visual buffer between Cookshill and Caverswall.
18. The appeal site is an undeveloped, open green parcel of land, which is visually prominent from the lane and provides a positive contribution to the rural, tranquil open character of the surrounding area. Furthermore, due to its paddock-like appearance and location adjacent to the shared driveway leading to Cookshill Hall and the converted barns, it reads as part of this former historic farmstead. As a consequence, it makes a positive contribution to the rural setting and historical origins of the farmstead, which is a non-designated heritage asset.
19. The significance of Cookshill Hall farmstead is derived from its farming background and that it has retained much of its original farmstead form and layout, true to its 19th Century origins, even though the barns have been converted to residential. Furthermore, the traditional form and character of the farmstead, makes a positive

contribution to the character and distinctiveness of the surrounding area, which, as set out by the Council, is identified, and included within the Staffordshire County Council's survey of Staffordshire's historic farmsteads.

20. Even though there is existing development to the sides of the appeal site and the scale and design of the new dwelling is unknown at this stage; in adding built form within the appeal site, the proposal would diminish the open landscape setting and character of the site. This would reduce its function and visual connection with the historic farmstead and have a negative impact on the surrounding rural landscape character. Consequently, this would also cause moderate harm to the significance of the farmstead.
21. In view of the above, the proposed development would have a harmful effect on the character and appearance of the surrounding area, including the setting of a non-designated heritage asset. Therefore, there would be conflict with Policies SS9, SS10, DC1, DC2 and DC3 of the LP which, amongst other matters, require development to have regard to the character of an area, including heritage assets.

Biodiversity

22. Even if the Council did not refer to or request an ecology report or Biodiversity Net Gain (BNG) matrix, there is potential for biodiversity interests within the site, due to its grassed, open character, stone wall and adjacent trees and vegetation. Furthermore, even though self-build dwellings are exempt from biodiversity net gain requirements, no ecological or tree surveys have been provided to establish the baseline position and so, demonstrate there would be no harm caused to any habitats or species by the proposed development.
23. Conditions could seek certain species enhancement and ecological features to enrich biodiversity and landscape value. Also, the appellant is supportive of an informative, if permission is granted, to require any landscape plans to be informed by a competent ecologist. However, no substantive details of such have been provided and it is unknown whether or not any biodiversity interests would be harmed by the proposal. Therefore, conditions and an informative would not be appropriate nor meet the relevant tests set out in the Framework in this instance.
24. In view of such, the proposal would likely have a harmful effect on biodiversity, in conflict with Policy NE1 of the LP, which sets out amongst other matters, that the biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence).

Other Considerations

25. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
26. The proposal would provide one dwelling that would contribute to boosting the supply of homes in an area where the Council can only demonstrate a 2.95 year supply of housing land, as of April 2025. Additionally, the proposal would be a self-

build dwelling and there are certain duties on the Council and national policy which support the delivery of self-build dwellings.

27. The Inspector in their recent appeal decision ref APP/G2245/W/23/3327570, found that the Council accepted there was a shortfall in permissions for self-build and custom housing. However, while the appellant asserts that they satisfy the description and definition of self-build, no mechanism has been provided to secure such. Whereas, in the aforementioned recent appeal case, schedules were included within a s106 planning obligation to secure the self-build and custom build housing. Also, even though the appellant is supportive of conditions to restrict the delivery and occupation of the dwelling, a condition requiring the occupation of the dwelling by the person who built it would unlikely pass the tests within paragraph 57 of the Framework.
28. While the appeal proposal is within the same district as the housing development approved under ref APP/G2245/W/23/332757, the location and proposals differ. Such appeal site was not within the Green Belt and its benefits included the delivery of around 210 dwellings, including 33% affordable housing, up to 10 custom and self-build housing and accessible housing. Also, the permission for a housing development at Tenford Lane, Tean (Council ref. SMD/2023/0423) related to a large number of dwellings, including affordable dwellings and the site was not within the Green Belt.
29. Comparably, the appeal scheme for only one self-build dwelling against the shortfall and boosting housing supply would not be considerable, although the beneficial contribution to the mix and choice of housing carries moderate weight in favour of the proposal.
30. The proposal would provide some social and economic benefits through its construction and occupation, although due to the small scale of the development, such benefits carry limited weight.
31. The actions of the Council in the determination of the application are neutral matters in relation to my findings on the main issues. The pre-application advice of an officer of the Council was given some time ago on a without prejudice basis. Furthermore, there have been some planning policy changes since the pre-application advice in 2017, including the adoption of the 2020 SMDC LP and several revisions to the Framework. Therefore, these are neutral considerations in my findings on the merits of the proposed development.
32. The absence of harm with regard to highway safety, the living conditions of neighbouring occupiers, flooding and drainage and contaminated land and mineral or mining matters, do not affect my findings on the main issues. The new dwelling would be of high quality, resource efficient design and landscaping could be delivered by suitably worded conditions. However, while these factors do not weigh against the proposal, I give limited weight to these considerations.
33. Landownership disputes are civil matters which normally fall outside the planning decision-making process. Although, based on the evidence before me, the relevant required notices have been served. Therefore, I have reached by decision based on the merits of the proposal and relevant material considerations.

Green Belt and Planning Balance

34. The proposal is inappropriate development in the Green Belt and the development would harm the openness and purposes of the Green Belt. The harm to the Green Belt, by reason of inappropriateness and the loss of openness, attracts substantial weight. In addition, I have found the proposal would cause harm in relation to character and appearance and biodiversity.
35. The benefits of the appeal proposal, neither individually nor cumulatively, clearly outweigh the totality of the harm arising from inappropriateness and any other harm in this instance. Therefore, the very special circumstances required to justify the development have not been demonstrated.
36. Even though there is an unmet housing need, paragraph 11d)i sets out, the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 includes policies relating to land designated as Green Belt. Therefore, my findings in respect of Green Belt harm provides a strong reason for refusing the development for the purposes of paragraph 11d)i of the Framework and so, paragraph 11d)ii is not engaged.

Conclusion

37. For the above reasons, I find that the proposal conflicts with the development plan taken as a whole and material considerations do not indicate a decision should be made other than in accordance with it.
38. Accordingly, I conclude that the appeal should be dismissed.

C Billings

INSPECTOR