



Appeal Decision

Hearing held on 20 January 2026

Site visit made on 20 January 2026

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2026

Appeal Ref: 6001350

Hill View Farm, Tower Hill Road, Mow Cop, Staffordshire ST7 3PS

- 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 Mr & Mrs Ben and Amy Daniels against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2025/0107.
 - The development proposed is replacement farm dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for replacement farm dwelling at Hill View Farm, Mow Cop, Staffordshire ST7 3PS in accordance with the terms of the application, Ref SMD/2025/0107, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. At the hearing, an application for an award of costs was made by Mr & Mrs Ben and Amy Daniels against Staffordshire Moorlands District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. On 16 December 2025, the Government published a consultation on reforms to the National Planning Policy Framework (the Framework). Whilst changes to the structure and wording are proposed, these could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the development on the character and appearance of the area;
 - whether, if the development is inappropriate, any harm by reasons of inappropriateness, and 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

5. The appeal site is the host dwelling at Hill View Farm. It is located in the Green Belt. The farm is a clustered group of buildings accessed off a long driveway and the existing dwelling is a single storey bungalow. It lies on one side of the driveway with the farm buildings on the opposite side, a yard area to the rear and agricultural fields around the buildings.
6. Policy SS10 of the Staffordshire Moorlands Local Plan, September 2020 (the LP) seeks to limit development in the countryside and Green Belt to only development which has an essential need to be located there. It defers to Policy H1 for consideration of new housing. Subsection 5c) of Policy H1 supports the principle of replacement dwellings, subject to the new dwelling not having a significantly greater detrimental impact on the character of the area than the original dwelling. This is a matter to which I will return. Subsection 6 of Policy H1 defers to the National Planning Policy Framework (the Framework) for consideration of development in the Green Belt.
7. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain criteria. New buildings are inappropriate unless, amongst other things, they represent the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.
8. Both main parties agree that the proposed dwelling would be the same use as the existing dwelling. There is also agreement that there is no national or local definition of what is materially larger. It was confirmed at the hearing that the proposed dwelling would have a footprint of 36% greater than the existing dwelling and a volume of 30% greater. Therefore, even if I accept the appellants' contention, that there is a general rule of thumb operated by a number of Council's, which has also been accepted by other Inspectors, that a 30% increase equates to a replacement dwelling not being materially larger, the footprint increase would be more than 30%.
9. It would, therefore, not fall within the general rule of thumb and I have no compelling evidence that other appeal decisions referred to by the appellants at the hearing, which permitted larger replacement buildings, were not based on local policy exceptions or other material considerations.
10. In my judgement the increase would be noticeable over and above the existing dwelling due to the additional width, the introduction of dormer windows in the front and rear, and the projecting rear gable, even though the dwelling would not be seen from any public vantage points. Although the increase in volume would not be greater than 30%, the proposed dwelling would be materially larger than the one it replaces when considering both the percentage increase in footprint and that the proposal would, in my judgement, be appreciated a larger dwelling.
11. For these reasons, the proposal would be inappropriate development in the Green Belt when assessed against Policies SS10 and H1 of the LP and paragraph 154(d) of the Framework. Collectively the policies and Framework seek to ensure that replacement buildings within the Green Belt are not materially larger than the building which they are to replace.

Character and appearance

12. The existing dwelling lies within an area where the housing is sporadic and where there are several farms and farmhouses. I saw a number of Staffordshire Moorlands cottages whilst in the area. Nevertheless, I also saw other single storey dwellings, including one with dormer windows.
13. Furthermore, the existing dwelling has its own character and contributes to the character of the area, even though it is not a Moorlands cottage. The existing house, and the farm buildings, are located away from the public highway, accessed off a driveway. Due to the change in land levels, and existing hedge boundaries, the house is not prominent in views from the road and neither main party drew my attention to any other vantage points.
14. The proposed dwelling would be a bungalow of the same height as the existing dwelling, albeit with dormer windows in the front and rear elevations. It would be on a similar footprint but would be wider and with a rear projection. Although it would be materially larger than the existing dwelling it would reflect the single storey character. The flat roofed section proposed would appear as a later addition, reducing the overall appearance of the width of the building. The rear projection, with its large, glazed windows at both floors, would be a new feature to the building. Nevertheless, new features are not inherently harmful and although the Staffordshire Moorlands Design Guide seeks to resist large openings in traditional forms of development they are accepted as a modern feature. The front elevation of the proposed dwelling would continue to reflect the character and appearance of the existing dwelling.
15. Although, at the hearing, the Council implied that their preference would be for the new dwelling to reflect the Moorland cottages in the area, and the Staffordshire Moorlands District Council Design Principles for development in the Staffordshire Moorlands Supplementary Planning Guidance (the Design SPG) aims for new dwellings to derive their inspiration from local tradition, the replacement dwelling would relate to the existing dwelling and would complement the character and quality of the rural area. The proposal would not be of a traditional cottage design but would comply with the guidance set out in the Design SPG in relating to the existing building and other single storey properties in the area. Furthermore, the Staffordshire Moorlands Design Guide places an emphasis on respecting traditional built forms but does not rule out other designs, providing they respond to the context and complement the area.
16. Albeit that the development would have a greater spatial effect on the openness of the Green Belt, this would be limited due to the spatial effect of the existing dwelling. The visual aspect of the openness would be protected and the Council accepted, at the hearing, that the proposal would not be exposed or result in a prominent intrusion in the landscape or the ancient slope and valley farmland landscape character area, as detailed in the Landscape and Settlement Character Assessment of Staffordshire Moorlands.
17. For the above reasons, the proposal would not adversely affect the character and appearance of the area and would comply with the design requirements of Policies SS10, H1, DC1 and DC3 of the LP. Collectively these policies seek to enhance and conserve the quality of the countryside, require development proposals to respect and respond sensitively to the distinctive qualities of the surrounding

landscape, resist developments that lead to a prominent intrusion into the countryside or that have a significant adverse impact on the character and appearance of the countryside, require replacement dwellings to not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area, seeks development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the character of the area, add value to the local area, respect the site and its surroundings, and promote a positive sense of place.

18. For the same reasons, it would also comply with Policy DES1 of the Biddulph Neighbourhood Plan, made December 2023, (the BNP) which requires development to complement the local context, existing character in terms of scale and massing, and use high quality materials to complement the site, character, and surrounding context.
19. The proposal would also comply with the Design SPG and the Staffordshire Moorlands Design Guide which, taken together, require new development to have regard to its surroundings, relate to existing buildings, respect traditional built forms but not rule out contemporary design, respond to the character and setting of the surroundings, and complement the area.

Other considerations

20. The appellants have put forward an argument that extending the existing dwelling would be a valid fallback position. Although an application for a certificate of lawfulness for such extensions was refused by the Council that refusal was based on the height of the additions and outbuildings being greater than what is permitted. At the hearing, the Council accepted that the existing dwelling could be extended, that outbuildings could be erected, and that the permitted development rights were not removed for the existing dwelling.
21. The appellants advised that extensions to the existing dwelling and outbuildings would be capable of increasing the floorspace and volume to greater than what is proposed in the appeal scheme. Although any outbuildings would not provide additional bedrooms such buildings could be used as a farm office, sunroom, or gym, incidental to the existing dwelling and, thereby replace part of the proposed dwelling floorspace.
22. Notwithstanding the refused certificate of lawfulness, I accept that the fallback position is available. Furthermore, given their family requirements the appellants are highly likely to implement extensions to the dwelling should the appeal scheme be dismissed, even though the existing house scores poorly on the submitted Environmental Performance Certificate (hearing document H1). There is, therefore, a greater than theoretical possibility that the fallback would be implemented and, as such, it is a material consideration in the appeal.
23. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. Contrary to the Council's assertions, the appeal scheme would not have to be so significantly, or obviously, better than the fallback to give it substantial weight over the appeal.

24. In this case the fallback position would occupy a greater footprint than the appeal scheme. Although it would have a lesser volume it would still provide dormer windows. The fallback position would, therefore, have the visual appearance of being larger and a more ad-hoc development than the appeal proposal. The appeal scheme would be a single building which would be less intrusive than the extensions and outbuildings that could be constructed. In my judgement the fallback would result in a more harmful development when compared to the appeal scheme. The appeal scheme would be materially better and I, therefore, afford the fallback position significant weight.
25. The appellants have also sought to argue that they have a need for a larger dwelling given the size of the family, which is still growing. Nevertheless, the size of the family is not determinative in assessing whether the proposal is necessary development in the Green Belt, or whether it is materially larger. I was not presented with any detailed information of the man hours of work or detailed financial information to show that the proposed dwelling is necessary for the needs of the farm, rather than the appellants' personal circumstances.
26. As such, setting aside the personal circumstances of the appellants and their family, even though I accept that they have invested in the farm and plan to grow the enterprise, there is limited evidence before me that there is an essential need for a larger rural workers dwelling associated with Hill View Farm.
27. However, given my findings on the fallback position, the lack of justification for a larger rural workers dwelling is not determinative in my decision. Furthermore, as the occupancy condition is to be re-imposed on the appeal scheme, it is not necessary for me to consider whether the appellants comply with the condition or not and it is, therefore, not necessary for me to assess the use of part of the farm for skip storage or by other rural businesses.

Green Belt balance

28. The Framework indicates that 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. I have found that the appeal scheme would comprise inappropriate development in the Green Belt. However, although the proposal is not a traditional Moorlands cottage design, I find no harm to the character and appearance of the area as the proposal would respect the character of the existing dwelling.
29. Furthermore, I attribute significant weight to the fallback position which would, in my judgement, result in greater harm than the appeal proposal. For these reasons, although the development would be inappropriate in the Green Belt, the harm by reasons of inappropriateness, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Other Matters

30. Paragraph 155 of the Framework advises that the development of homes in the Green Belt should not be regarded as inappropriate subject to compliance with all of the subsequent bullet points. As a replacement agricultural workers dwelling the appeal proposal would not be meeting any identified need that is not already being met. Therefore, the appeal proposal would not comply with the requirement of

paragraph 155 b) of the Framework and I do not need to give any weight to the grey belt status of the site.

Conditions

31. The Council provided a list of conditions as part of its submission and the appellants confirmed at the hearing that they have had an opportunity to comment. I have considered the conditions in light of the Framework and the Planning Practice Guidance, and I have undertaken some minor editing and rationalisation in the interests of precision and clarity.
32. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Furthermore, a condition to require the details of the materials to be used in the construction of the dwelling is required in the interests of the character and appearance of the area.
33. The proposal is for the replacement of an agricultural workers dwelling and it is, therefore, necessary to restrict its occupation in respect of that purpose. A condition to remove permitted development rights from the dwelling is also appropriate in the interests of the character and appearance of the area and due to the need to limit any further additions given that the approval is justified on the fallback position. However, I have not removed the rights for the construction of porches as any such extensions would be minimal and not harmful to the Green Belt or the continued restricted occupation of the dwelling.

Conclusion

34. The appeal proposal would constitute inappropriate development in the Green Belt. However, there is a very reasonable prospect of the fallback being implemented if the appeal were to fail. This constitutes a consideration that outweighs the harm to the Green Belt. For these reasons, the appeal complies with the development plan and the Framework when considered as a whole. The appeal should, therefore, be allowed.

K Townend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 2196-XX-XX-XX-DR-A-0101 RevE, 2196-XX-XX-XX-DR-A-0102 RevC, 2196-XX-XX-XX-DR-A-0112, 2196-XX-XX-XX-DR-A-0106 RevD, 2196-XX-XX-XX-DR-A-0107 RevD, 2196-XX-XX-XX-DR-A-0108 RevB, and 2196-XX-XX-XX-DR-A-0109 Rev B.
- 3) Prior to any above ground level work being carried out on the new dwelling details of the types and colours of all roof tiles, facing materials, hard surfaces, doors, and window frames shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 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 permitted by virtue of Classes A, B, C, and E of Part 1 of Schedule 2 to the Order shall be undertaken.

*** END OF CONDITIONS ***

APPEARANCES

FOR THE APPELLANTS:

- Mrs Amanda Jane Olley – Managing Director, Summit Planning Associates.
- Mr Jordan Kirkham – Director, ICI Architecture Studio.
- Mr Ben Daniels – Appellant.

FOR THE LOCAL PLANNING AUTHORITY:

- Mr Ben Hurst – Planning Officer, Staffordshire Moorlands District Council.

DOCUMENTS SUBMITTED AT THE HEARING:

- H1 – Energy Performance Certificate (EPC) of existing dwelling.
- H2 – Written costs application from Mr & Mrs Daniels.