
Appeal Decision

Site visit made on 18 August 2015

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 September 2015

Appeal Ref: APP/C3430/W/15/3006045

Land at Little Heath, Dunston, South Staffordshire ST18 9AJ

- 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 Mark Gripton against the decision of South Staffordshire Council.
 - The application Ref 14/00709/FUL, dated 1 September 2014, was refused by notice dated 6 February 2015.
 - The development comprises allotment development including timber sheds, timber walkways and extension to existing hard standing.
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Decision

1. The appeal is allowed and planning permission is granted for allotment development including timber sheds, timber walkways and extension to existing hard standing at land at Little Heath, Dunston, South Staffordshire ST18 9AJ in accordance with the terms of the application, Ref 14/00709/FUL, dated 1 September 2014, subject to the following conditions:
 - 1) The development hereby permitted shall accord with the following approved plans: Ordnance Survey location plan (unnumbered, Scale 1:1250), Site Layout Plan (dated 30 January 2015, Scale 1:200), Elevations of sheds showing colour to be left as a natural wood or painted green or brown to fit in with the landscape (unnumbered).
 - 2) Within 12 months of the date of this permission the facing materials for Shed Three shall be permanently modified to accord with the details and colours shown on the approved plans.

Procedural Matter

2. The allotment development, including the timber sheds and walkways and the extension to the hard standing, has already been carried out, and the application was made retrospectively. However, 'retention' as referred to in the decision notice and on the application form does not constitute an act of development. Accordingly I have dealt with the appeal on the basis that planning permission is being sought for the sheds, walkways and extension to the hardstanding, which is reflected in my description of the development.

Main Issues

3. The main issues in this case are:
 - The effect of the allotment development on the character and appearance of the surrounding countryside; and

- Whether the allotment development is acceptable within the designated Open Countryside, having regard to the policies of the development plan.

Reasons

Character and appearance

4. The appeal site comprises a narrow strip of land at Little Heath, which is a small hamlet of dwellings in the rural area of South Staffordshire, to the west of Dunston. The site is located along a bridleway, to the north west of the dwelling at Almara and opposite Toft Cottage. There is a mature hedge along its north-eastern boundary which largely screens the site from the bridleway. To its south-west there is a large field of polytunnels, which forms part of a fruit growing business in the surrounding area.
5. Whilst I agree with the Council that the site is in a strongly rural area, I found the quality of the landscape surrounding the appeal site to be quite mixed. Although there is a pleasantly open landscape of arable fields to the north and east of the site, the most prominent feature in the landscape in the immediate vicinity of the appeal site is the adjoining field of polytunnels, which detracts significantly from the character and appearance of the area.
6. Policy EQ4 of the South Staffordshire Local Plan Core Strategy (2012) (the Core Strategy) seeks to maintain the rural character of the South Staffordshire landscape. As such it expects that new development should take account of the characteristics and sensitivity of the landscape and its surroundings and not have a detrimental effect on the immediate environment or any important medium or long distance views.
7. The appeal site is well screened from surrounding views. As well as the hedge along the bridleway, there is also a mature field hedge along the south-west boundary of the site and a small copse of trees at the north-west end of the site. As a result it is difficult to see into the site from the bridleway and surrounding vantage points and the sheds, fencing, decking and hard standing are largely unseen.
8. All three of the sheds and the fencing are finished in dark green or brown painted timber and therefore blend in with and respect their surroundings. I noted on the site visit that Shed three, which was previously painted blue and white, had been temporarily faced in dark green stained timber. This finish could be secured on a permanent basis by the use of a suitably worded condition.
9. I acknowledge that the entry gates detract somewhat from the rural character of the bridleway. However, the gates are not part of the application which is the subject of this appeal and therefore are not before me for consideration.
10. Accordingly, I conclude that the allotment development on the appeal site does not cause unacceptable harm to the character and appearance of the surrounding countryside. Consequently, it accords with Policy EQ4 of the Core Strategy. Although not referred to by the Council, I also find that it does not conflict with any part of the National Planning Policy Framework.

Acceptable development in the Open Countryside

11. Policy OC1 of the Core Strategy states that new building will normally be permitted within the designated Open Countryside where it is for, amongst other things, purposes directly related to agriculture, or appropriate small-scale facilities for outdoor sport and recreation and other uses of land which preserve the appearance or character of the Open Countryside.
12. I note that it is disputed whether allotments fall within the definitions of agricultural or outdoor recreational uses. However, even if I were to conclude that allotments are not agriculture or outdoor recreation, Policy OC1 permits development for other uses of land which preserve the appearance or character of the Open Countryside. Allotments are not excluded from the definition of 'other uses of land' and I have already concluded that the development on the appeal site does not cause unacceptable harm to the character and appearance of the surrounding countryside.
13. Therefore, I conclude that the allotment development on the appeal site is acceptable within the designated Open Countryside and that it accords with Policy OC1 of the Core Strategy.

Conditions

14. Given that the development has already been carried out and the sheds and other structures are in place, there is no need for a condition to limit the life of the permission. The Council suggested a number of other conditions on a without prejudice basis. I consider the condition limiting the use of the land to agriculture is unreasonable, given that the application was not for the use of the land but for the allotment buildings and structures and that the allotment development is an acceptable use of land within the Open Countryside. A condition requiring a landscaping scheme is unnecessary as the site is already well screened and landscaped and does not require further mitigation. However, in the interests of proper planning I have included a condition tying the permission to the submitted plans, so there is no doubt about what has been approved. I have also included a condition regarding the external materials for Shed three, which is the only one of the three sheds not already permanently finished in dark green or brown painted timber.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified.

M Hayden

INSPECTOR