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## Appeal Decision

Hearing held on 4 June 2015

Site visit made on 4 June 2015

**by J Dowling BA(Hons) MPhil MRTPI**

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

**Decision date: 22 July 2015**

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**Appeal Ref: APP/Y3425/W/15/3003642**

**Former Blurton Poultry Farm, Barlaston Road, Blurton, Staffordshire ST3 3LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Ilyas Dalal against the decision of Stafford Borough Council.
  - The application Ref 14/20887/OUT, dated 4 August 2014, was refused by notice dated 19 December 2014.
  - The development proposed is redevelopment of disused poultry farm for up to 25 dwellings.
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### Decision

1. This appeal is dismissed.

### Procedural Matters

2. The appeal address differs on the application and appeal documentation. At the Hearing the address of the site was confirmed as the Former Blurton Poultry Farm, Barlaston Road, Blurton, Staffordshire ST3 3LD and I have amended the address accordingly.
3. Plan 14-061 0001 shows the proposed access detail. It was confirmed at the Hearing that the proposed access arrangements would include works to the adjoining highway which falls outside of the red line boundary of the site. Although certificate A had been signed it is clear from the appeal documentation that the relevant highways authority is aware of the proposals and has raised no objection. Therefore taking into account the judgement given in *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Harborough District Council (1980)*, I consider that none of the parties would be prejudiced through my consideration of this plan and that the access arrangements could be secured through the use of a 'Grampian' condition. I have therefore considered the appeal on this basis.
4. It was agreed in the Statement of Common Ground that save for the dwelling at the front of the sites curtilage, the site is not previously developed land as defined by the National Planning Policy Framework (the Framework). This was confirmed at the Hearing and the parties agreed that as the site is not previously developed land the proposal would be inappropriate development in the Green Belt. I see no reason to disagree with this position. Consequently,

the issue of whether the proposal is inappropriate development no longer needs to be considered and I have therefore determined the appeal on this basis.

### **Main Issues**

5. In light of the above, all that I have read and the discussions at the Hearing I consider that the main issues of the appeal are:
- The effect of the proposal on the openness of the Green Belt;
  - Having accepted that 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 proposal.

### **Reasons**

#### *The effect of the proposal on the openness of the Green Belt*

6. Paragraph 79 of the Framework indicates that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. Whilst there is continuous development along the western edge of this part of Barlaston Road with the exception of the adjacent hospice complex and a few isolated houses the predominant character of the eastern side is of open countryside with Barlaston Road effectively defining the edge of the urban area.
7. I recognise that there are currently a number of substantial buildings on the site and that the proposal would result in their removal. However, they would be replaced with up to 25 detached, semidetached and terraced two storey properties. Whilst cumulatively the footprint of the replacement buildings may be similar to that of the current buildings the proposed layout shows that the buildings would be more extensively spread out than the current arrangements. Furthermore, whilst I acknowledge that conditions can be imposed to restrict extensions and outbuildings, domestic rear gardens are by their very nature more urbanised than open countryside.
8. I agree with the appellant that the earth bunds to the south and east of the site help provide screening for buildings on the appeal site. However, openness means freedom from development. The proposal would include provision on site for the parking of up to 50 cars with a central spine road running through the site terminating in a turning head at the eastern end of the site and I consider that the increased vehicular activity resulting from vehicles manoeuvring and entering/exiting would be likely to have an adverse impact on the openness of the Green Belt.
9. Documents submitted with the appeal shows that 61% of the site is currently covered by impermeable areas and I note that the appellant advocates that proposal would reduce this to 45%. However the appellant acknowledged at the Hearing that the information does not differentiate between buildings and the hardsurfaced areas and as a result I do not consider that this provides an appropriate mechanism to assess the effect of the development on the openness of the Green Belt.
10. The effect of the appeal scheme would be to add to the volume of built development on the appeal site and along the eastern edge of Barlaston Road

thereby allowing the spread of the urban area and eroding the openness of the Green Belt. Consequently, I consider that the proposal would be contrary to paragraph 79 of the Framework and to Spatial Principle 7 (SP7) of the Plan for Stafford Borough 2011-2031 (2014) (the Borough Plan) which states that development outside of the established settlement boundaries will only be supported in the case of the Green Belt where it is consistent with national policies for the control of development.

#### *Other Considerations*

11. The appeal site is adjacent to housing and a hospice and covered by a planning obligation under section 106 of the Town and Country Planning Act 1990 agreeing that the land shall not be used for the keeping, rearing or farming of livestock and to procure that no livestock are kept on or allowed onto the land or any part of the land at any time. As such the appellant considers that this severely limits alternative uses for the current buildings.
12. Furthermore, as the use for poultry farming had ceased in 2007 the buildings are now in a poor state of repair and prone to vandalism. At the Hearing the appellant confirmed that they had unsuccessfully tried to market the site with a local agent for a period of 6 months in 2013 and that as a result they considered that if the site couldn't be redeveloped it would fall into further disrepair to the detriment of the character and appearance of the area.
13. Whilst, I accept that the appellant may have marketed the site and that given the section 106 agreement the alternative uses for the site are limited, I have no evidence before me to satisfactorily demonstrate that the site was properly marketed with appropriate agents, at a market rate for a relevant period of time and thus that all alternative agricultural uses for the site have been fully explored.
14. Furthermore, I note from my site visit that, whilst there is a degree of degradation and damage from lack of maintenance and vandalism, the buildings appear intact and sound and therefore I consider that they could potentially be reused.
15. I also acknowledge that the existing buildings on the site cannot be described as attractive. However, I agree with the Council that they are agricultural in appearance and reflective of the type of buildings that you would expect to find in the open countryside. I therefore do not agree with the appellant that, for the reasons I have outlined above, the visual appearance of the Green Belt would be improved by the proposed development.
16. I note the comment from the appellant that as the site and buildings now have no authorised use they will continue to deteriorate and that given the location of the site adjacent to Blurton that this would be harmful. However, views from Barlaston Road are limited and I consider that any harm to the character and appearance of the streetscene from the dilapidation of the buildings is outweighed by the greater harm to the openness of the Green Belt from the proposed development that I have highlighted above.

#### *Other matters*

17. Although not a reason for refusal, the Council considered that in addition to the provision on site of affordable housing a financial contribution towards the provision of additional school places that would result from the development

- would be required. No section 106 agreement or unilateral undertaking had been submitted as part of the appeal.
18. The Council agreed at the Hearing that they were satisfied that the affordable housing could be delivered by the model condition detailed on the Planning Portal<sup>1</sup>.
  19. The site lies adjacent to the boundary with Stoke on Trent and as a result the appellant advocated that this is where children resident at the development would go to school. At the Hearing an email from Stoke on Trent City Council was tabled by the appellant advising that sufficient school places existed within the area to meet the needs of the development and consequently they considered that a financial contribution would not be required.
  20. However, the appeal documents include a submission by Staffordshire County Council supporting the need for an education contribution and at the hearing the location of the various schools cited in this document were pointed out to me on a map. Following my site visit I took the opportunity to view the wider area and noted that a primary (Newstead Academy) and secondary school (Ormiston Sir Stanley Matthews Academy) located within Stoke on Trent were less than a mile from the site whereas the nearest school mentioned by Staffordshire County Council, Barlaston First School, was over two miles from the site.
  21. I therefore consider on the basis of the evidence before me that whilst the site falls within the administrative area of Staffordshire County Council, any children residing at the site would be likely to attend one of the schools in Stoke on Trent where that Council has stated that there is currently capacity. Consequently I consider on the basis of the evidence before me that a financial contribution to fund additional school places for this proposal would be unnecessary and would not meet the tests as set out in paragraph 204 of the Framework.

### **Conclusion**

22. In conclusion the scheme would be inappropriate development in the Green Belt as defined by the Framework. The proposal would extend the urban area and erode the openness of the Green Belt. As explained above I give only limited weight to each of the material considerations cited in support of the proposal and conclude that, taken together and having regard to the letters of support for the development, they do not outweigh the harm that the scheme would cause. Consequently, I conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. For the reasons above, and having regard to all other matters raised, I conclude that the scheme is not the sustainable development for which the Framework indicates there should be a presumption in favour and that, therefore the appeal should be dismissed.

*Jo Dowling*

INSPECTOR

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<sup>1</sup> <http://www.planningportal.gov.uk/planning/planninginspectorate/inspector/modelconditions>

**APPEARANCES**

**FOR THE APPELLANT:**

Mr Paul Sedgwick

Sedgwick Associates

Inayat Karowona

Representative of the Appellant

**FOR THE LOCAL PLANNING AUTHORITY:**

Mr Mark Alford Dip TP MRTPI

Stafford Borough Council

Ms Teresa Brown

Stafford Borough Council

**INTERESTED PERSONS:**

Mr Ismail Dalal

Appellants' relative

**DOCUMENT SUBMITTED AT THE HEARING**

1. Email to Paul Sedgwick dated 14 May 2015

Richborough Estates