

**WEST MIDLANDS REGIONAL ASSEMBLY**

**14 January 2009**

**Planning Appeal decisions in South Staffordshire**

There have been three Public Inquiries resulting from appeals made to a number of planning applications that were either refused or not determined by South Staffs District Council, these are:

- Appeal A – Bus and rail-based Park and Ride site to the West of Featherstone. Associated with this were one application for a residential led mixed use of some 1,000 dwellings on land adjacent to the P&R site and a second similar application of 870 dwellings. The appeals were lodged on the basis that SSDC failed to determine the applications within the prescribed timescale. The three separate appeals were heard together and it was agreed that with the Park and Ride and the mixed use developments being dependant upon on another they would stand or fall together in the decision whether to grant or refuse planning permission.
- Appeal B - two residential based schemes on the one site on land to the South of Featherstone. A larger scheme for 360 dwellings. The appeal was lodged on the basis that SSDC failed to determine the applications within the prescribed timescale.
- Appeal C – a residential based scheme for 560 dwellings to the west of Cheslyn Hay, this followed refusal of the application by SSDC.

The three appeals were heard by three separate Planning Inspectors but were collectively recovered by the Sec of State for her consideration.

When the applications were initially received in 2006/7, SSDC consulted the Assembly as they were all classified as regionally significant planning applications. In line with our Protocols, the Regional Conformity Advisor for Staffordshire presented Assembly Members with advice on the general conformity of the proposals with the WMRSS, which they duly accepted as the basis for the Assembly's response back to SSDC.

The response made in respect of Appeal 1 was that whilst the P&R scheme was in general conformity with the WMRSS the mixed use

housing proposals were not. Likewise the other two Appeals were not considered to be in general conformity with the WMRSS. The justification for these opinions of non conformity were made on the basis that the housing proposals were inconsistent with policies RR1 (Rural Renaissance), CF2 (Housing beyond the Major Urban Areas), and CF3 Levels and distribution of housing development). Prior to the Public Inquiries the Assembly submitted written representations to supplement the initial response and to provide an update in relation to the RSS Phase 2 Revision.

In respect of Appeal 1 the Inspector concluded that despite the advantages of the Park and Ride facility and the compatibility of the employment elements with the Urban Regeneration Zone that covers this area, that because of the scale and significance of the housing element of the proposals, as a package they would, overall, result in harmful conflict with the strategy of the WMRSS. The Inspector concluded (and the Sec of State agreed) that the appeal be dismissed and planning permission refused.

With regard to Appeal 2 the Inspector did not consider that the scheme would not give rise to any harm or have any direct effect or the WMRSS objective in respect of urban regeneration. The Inspector recommended that the appeal be allowed and planning permission granted, subject to conditions. However, the Sec of State disagreed with the Inspectors views on harm and direct effect on the WMRSS objective of urban regeneration as well as citing conflict with WMRSS policies CF2 and CF3 as she considered that the proposed market housing would not generally be restricted to meeting local needs. Accordingly, the Sec of State dismissed the appeal and refused planning permission.

Following Appeal 3 the Sec of State agreed with the Inspectors reasoning that the potential for migration to the proposed development would tend to work against, rather than for, the overall regeneration aims for the Black Country MUA. The Inspector concluded (and the Sec of State agreed) that the appeal be dismissed and planning permission refused.

In all three Inquiries the Sec of State considered that there were no very special circumstances to override the inappropriateness of the development in the Green Belt. It was also accepted that South Staffordshire had at least a five year supply of available housing land for development.

In addition, the Sec of State said that the emerging WMRSS was a material consideration and that she afforded significant weight to the housing proposals in the WMRSS Phase 2 Revision Preferred Option paper.

The Secretary of State's letters and the corresponding Inspectors Reports can be accessed via the following link:

<http://www.communities.gov.uk/planningandbuilding/planning/decisions/planning/secretarystate/recentsecretary/>

The decisions above follow an earlier Public Inquiry in respect of another housing proposal at Landywood Lane which sought permission for 899 homes on a Greenfield site between Cheslyn Hay and Great Wyrley in South Staffordshire. Conflict and harm to policies of the WMRSS were also quoted by the Planning Inspector and Sec of State when the appeal was dismissed and planning permission refused in late 2006.

Collectively the Secretary of State's decision to dismiss the appeals on all four sites is a firm endorsement of the policies and objectives of the WMRSS with regard to assisting the urban renaissance of the Black Country MUA insofar that they are restricting significant peripheral housing development that could attract out-migration from the Black Country.

The conformity advice provided by the Assembly will have assisted and reaffirmed the Sec of State of this fact. Everybody involved in this can be satisfied that the position adopted by the Assembly has helped in achieving this successful outcome.

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