



# Appeal Decision

Site visit made on 12 August 2008

by **R A Sexton** BSc(Hons) DipTP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
21 August 2008

## Appeal Ref: APP/B3410/C/08/2068588

### The Cock Inn, Hanbury Hill, Hanbury, Staffordshire DE13 8TD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr E R Hall against an enforcement notice issued by East Staffordshire Borough Council.
- The Council's reference is EN/05981/008.
- The notice was issued on 16 January 2008.
- The breach of planning control as alleged in the notice is the erection on the land, without planning permission, of a detached steel framed pitched roof building ("the Building").
- The requirements of the notice are permanently remove the Building and clear all resultant material from the land.
- The period for compliance with the requirements is 60 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

## Decision

1. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a detached steel framed pitched roof building on land at The Cock Inn, Hanbury Hill, Hanbury, Staffordshire DE13 8TD referred to in the notice, subject to the following condition:
  - 1) The storage building hereby permitted shall only be used by the business known as the Cock Inn.

## Reasons

2. The main issue is the effect of the development on the character and appearance of the surrounding area, having regard to local policies designed to control development in the countryside.
3. Local planning policies for the area are found within the Staffordshire Structure Plan (2002) and East Staffordshire Local Plan (2006). The key policies in my view are Structure Plan policies D4 (Managing Change in Rural Areas) and NC1 (Protection of the Countryside), and Local Plan policy NE1 (Development outside Development Boundaries); Structure Plan policy D2 and Local Plan policy BE1 are also relevant.
4. The Cock Inn, along with the village of Hanbury itself, is situated outside any development boundary identified by the Local Plan. On the face of it, therefore, this development would offend Local Plan policy NE1. While I accept

the importance of such a storage facility to the smooth operation of the pub, I do not believe it would satisfy the high test set by Local Plan policy NE1 of being essential to the efficient working of the rural economy.

5. Nevertheless, there can be no doubt that the Cock Inn is closely associated with the village in physical, as well as social and economic terms. Indeed, its role as a key village amenity is powerfully attested to by Hanbury Parish Council. Taking that testimony into account, and having regard to the important function a village pub can fulfil, I consider this storage facility could reasonably be regarded as an appropriate form of development in terms of Structure Plan policy D4 – in that it underpins or improves a community facility and so helps maintain the economic and social fabric of the rural area.
6. It seems to me in this sense that the approach taken by the Structure Plan more fully reflects that advocated by Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7). PPS7 sets out policies that, amongst other things, aim to help deliver sustainable rural communities, maintaining villages and supporting rural services and facilities. In this instance, therefore, I attach greater weight to Structure Plan policy D4 than Local Plan policy NE1.
7. The building is well-screened in views from Hanbury Hill and Oakfields by the Inn itself and the substantial hedge and gates at the back of the car parking area to the south of pub. The roof can be seen above the intervening hedge in the foreground, but it is not very noticeable and I found it to be neither intrusive nor incongruous in these views. The building is plainly visible from the public footpaths that skirt the pub to the north, east and south. However, the store is modest in size and closely related to the main pub building. Consequently, in most aspects, it is viewed alongside or against the backdrop provided by the much greater mass of the pub.
8. The use of vertical wooden boarding as the cladding material for the walls is a suitable choice in a rural area in my view. And, although it might benefit from a dark staining, I am satisfied it will weather with age and take on a more subdued appearance. However, even as it is, I agree with the Parish Council that the building is not intrusive in its present form. I consider it respects the character of the countryside and is sympathetic to the appearance of its surroundings. The local and national policy objective of protecting the countryside for its own sake would not therefore be undermined.
9. I have concluded that the building does not harm the character and appearance of the surrounding area and that its retention would not be inconsistent with Structure Plan policies D4, NC1 and D2 or Local Plan policy BE1. Accordingly, I have decided that the appeal should succeed on ground (a) and planning permission will be granted.
10. I have considered the conditions suggested by the Council. In light of the conclusions I have reached above, I do not regard further landscaping as necessary. I do however think it reasonable and necessary to restrict the use in the manner suggested, to ensure the building continues to meet the needs of the Cock Inn.
11. I have taken account of all the other matters raised, including the question of whether this building is within the curtilage of the Cock Inn. I see no necessity to reach a definitive conclusion on this point, having regard to my consideration

of the merits of the case on ground (a), even if I thought the information before me sufficient to do so. If the Council consider it expedient to take action in this regard, my decision would not prevent them from doing so, except in respect of the land upon which this building stands. None of these other matters is sufficient to outweigh the conclusions which have led me to my decision.

*RA Sexton*

INSPECTOR