

Local Planning Authority ref. SMD/2014/0838

Appeal ref. APP/B3438/W/15/3140510

Town & Country Planning Act 1990

Appeal by Endon Riding School

Coltslow Farm, Stanley Moss Lane, Stockton Brook, Stoke-on-Trent

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
WRITTEN REPRESENTATION STATEMENT**

JANUARY 2016

1.0 Introduction

1.1 Outline planning permission, including matters of access was sought for the part demolition of the existing riding school buildings and provision of up to 10 dwellings with ancillary facilities and associated infrastructure at Endon Riding School, Stockton Brook for Mr T Asplin.

1.2 The scheme was refused as per the officer recommendation at the 17th September 2015 Planning Applications Committee meeting as set out below:-

1. *In rural areas, Policies SS6c and R2 of the Adopted Core Strategy Development Plan Document (March 2014) seek to limit new housing in the countryside to, amongst other things, affordable housing or that essential to meet an identified local need. This is reinforced within the National Planning Policy Framework (NPPF), which states that Local Planning Authorities should plan housing development to reflect local needs, particularly affordable housing. Endon Riding School, the application site, is within the open countryside, which is designated as Green Belt. Given, however, the remote location of the application site to established service and facilities centres, it is considered that future occupiers of the dwellings would most likely rely on the use of the private car to access such essential services and facilities. This significant issue would substantially undermine the proposal's sustainability credentials and would clearly not overcome the Council's overriding sustainability concerns to the proposed housing scheme. The significance of housing within this unsustainable location is contrary therefore to Policies SS1, SS1a and SS6c of the Adopted Core Strategy Development Plan Document (2014) and the NPPF more generally promoting sustainable modes of transport.*

2.0 Proposal

2.1 The appeal proposal (revised) was submitted in an outline form for part demolition of the existing riding school buildings and provision of up to 10 no. dwelling houses with ancillary facilities. Only the principle of development and the site access were sought for full approval at this stage. A new vehicular access from Moss Lane is proposed as the entry point into the site and the redundant access would be closed. Matters of layout, scale, appearance and landscaping were proposed to be reserved for later detailed approval as future reserved matters application(s).

2.2 The submitted 'indicative' masterplan suggests a potential layout for the development sought. It shows the existing dwelling house as Plot 1, the existing annex (staff accommodation) as Plots 2 to 3 and seven dwellings grouped around an internal access road. Illustrative house types are typically large detached dwellings of a contemporary estate style. Separate double garages are shown to

some plots.

3.0 Site

3.1 The revised appeal site is 0.62ha in area (1.52ha in total) and is located on land / buildings associated with Endon Riding School. The extent of the western boundary has been reduced by omitting the previously included open fields to the west. The south eastern quarter of the site accommodates a three-storey dwelling house and a separate two-storey staff accommodation building that are associated with the riding school. Vehicular access is gained from Stanley Moss Lane.

3.2 The northern boundary of the appeal site is characterised by an existing mature band of trees beyond which the land levels fall markedly to an area (outside of the appeal site) that accommodates a riding arena, horse walker and an informal parking area for cars and horseboxes etc. The appeal site includes both greenfield and previously developed areas of land with reference to the existing riding school buildings and associated curtilage. The appeal site is identified as open countryside and Green Belt within the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998) and is some 2km away from the settlement of Endon.

4.0 Main Issues

4.1 The main issues are:-

- i. whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (NPPF), any relevant development plan policies, and the effect on the openness of the Green Belt,
- ii. remote location of the appeal site;
- iii. the provision of affordable housing;
- iv. the effect on the character and appearance of the area, and,
- v. whether in light of the above, permission should be granted or refused in accordance with paragraph 14 of the NPPF.

Green Belt

4.2 The NPPF at paragraph 89 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the proposal falls into one of a number of exceptions criteria. The partial or complete redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development is one of the exceptions listed.

4.3 Policy SS6c further seeks to maintain the Green Belt and detailed boundaries will be reviewed to ensure that its purpose in separating the urban areas and maintaining their identity is consistent with the need to promote sustainable patterns of development around settlements in or on the edges of the Green Belt. Finally, that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

4.4 The red edge of the appeal site has been revised to principally exclude the paddocks to the west and land to the north of the brook, including the principal tree band. The Council was satisfied that the land occupied by the established equestrian buildings (and their curtilage), even if they were once agricultural buildings (although there is no reason to doubt this assumption) can be deemed to be previously developed land as defined by the NPPF. The submitted 'revised' parameters plan defining the 'development zone' for the dwelling plots broadly mirrors the extent of the riding school buildings / curtilage. It is proposed that the existing building volume would be offset against proposed new development to show that there would be an overall net decrease of c.30% in built development based on the indicative scheme. It would reduce the total floor area of the existing development by 1100sqm (from 2600sqm to 1500sqm), based on the indicative scheme of 10 dwellings.

4.5 The Council considered that a suitably worded parameters plan condition, restricting overall volume, height and siting of residential development (including outbuildings) within the appeal site could allow the principal of development to be assessed and potentially deemed acceptable at the outline planning application stage. Any openness concerns owing to proposed external parking would be neutral in view of the current parking arrangements on site. The areas to the north of the brook, accommodating the horse walker, riding arena and informal horsebox parking area would be restored to greenfield land and could be secured via a suitably worded planning condition.

4.6 In terms of Policy SS6c(6) and the NPPF, and subject to the above volume clarification, the proposal could be deemed to be appropriate development in the Green Belt as it would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and no concerns are raised in these respects. The appeal proposal could satisfy the exception criterion set out in the sixth bullet point of paragraph 89 of the NPPF. For the reasons set out above, the proposal would not be inappropriate development in the Green Belt and would not therefore conflict with the purposes of including land in the Green Belt.

Spatial Policy

4.7 Policy SS6c sets out the Council's approach to meeting development requirements sustainably, with the towns and larger villages attracting the majority of future development needs. This is owing to their respective range of facilities/services, their roles and development capacities. Appendix J 'Village Assessment' of the Core Strategy sets out the populations and the range of facilities within the settlements identified as larger / smaller villages.

4.8 Policies SD1(1), SS1 and SS4 expect a sequential approach to site selection in relation to identified settlements, with a preference for brownfield and more central urban sites, before consideration of more peripheral sites. Policy SD1(1) requires the development of brownfield sites in 'sustainable' i.e. accessible locations.

4.9 Policy SS6c sets out the Council's approach to meeting development requirements sustainably, with the towns and larger villages attracting the majority of future development needs. This is owing to their respective range of facilities/services, their roles and development capacities. Appendix J 'Village Assessment' of the Core Strategy sets out the populations and the range of facilities within the settlements identified as larger/smaller villages. Policy SS6c (Part 1) states that new housing in the open countryside must either be essential for local needs or affordable exceptions housing in accordance with Policies H2 'Affordable Housing' and R2 'Rural Housing'. The former is discussed in detail below.

4.10 Policies SD1(1), SS1 and SS4 expect a sequential approach to site selection in relation to identified settlements, with a preference for brownfield and more central urban sites, before consideration of more peripheral sites. Policy SD1(1) requires the development of brownfield sites in 'sustainable' i.e. accessible locations.

4.11 Policy H1 'New Housing Development' further directs new housing growth through sites within the urban area/edge, which have good accessibility to services and facilities and encouragement is given to previously developed (brownfield) sites. There is a requirement for a mix of housing in terms of size, type and tenure on the site including a proportion of affordable housing as set out in Policy H2. Housing development should be at the most appropriate density compatible with the site and its surroundings (20-30 dwellings per ha is recommended in remoter rural areas).

4.12 The NPPF at paragraph 47 states that Local Planning Authorities (LPAs) should ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing. At paragraph 50 'LPAs should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups and ... identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand'. At paragraph 55 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities ... LPAs should avoid new isolated homes in the countryside unless there are special circumstances ...'.

4.13 Sites for new housing will be identified and phased through the Site Allocations Development Plan Document (DPD). Endon is identified within Policy SS6a 'Larger Villages Area Strategy', which means: allocating a range of deliverable housing sites primarily within the built-up area in locations across the village with good accessibility to services and facilities. Where development is required to

be met on land outside the built-up area this will only be of a small scale and on sites which relate well to the built-up area, can be assimilated into the landscape and have good access'. Whereas Stanley, is identified within Policy SS6b 'Smaller Villages Area Strategy', which means: enabling new housing which meets a local need, including affordable housing or allowing for rural exceptions housing in appropriate locations on the edge of settlements (in accordance with Policy H2 Affordable Housing). As a consequence, there are other sites that could accommodate housing and which relate much better to Endon in relation to the scale of housing proposed. These are detailed within the Council's Strategic Housing Land Availability Assessment (SHLAA). The appeal site has been classified in the SHLAA as an 'undeliverable site' (Category C) due to significant harm to the Green Belt and its relative remoteness from the nearest village and therefore has not been put forward as part of the site allocation process. Although the proposed sites will undergo detailed assessment including a sustainability appraisal, extensive public consultation and a public examination before they are adopted. Work on site allocations has begun and the first round of public consultations on specific sites is currently underway. The first round of public consultation on possible sites for development has been undertaken and has included sites within and adjacent to the settlement boundary of Endon. There are no housing proposals for Stanley.

4.14 The Council is required to demonstrate a 5-year supply of deliverable housing sites. The Council calculates its 5-year land supply on a district basis. As at March 2015, it was c.1.9 years, which includes a 20% buffer. This means that according to paragraphs 14 and 49 of the NPPF, Core Strategy housing policies cannot be considered up-to-date and there should be a general presumption in favour of sustainable development unless: *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole' or specific policies in the Framework indicate that development should be restricted.'*

Site Accessibility

4.15 NPPF para 55 directs that isolated new dwellings in the countryside should not be approved (applying to both new builds and conversions) and therefore requires the Council to assess whether the site is sufficiently sustainable for housing. Sustainability encompasses a number of roles according to paragraph 7 of the NPPF. The economic, social and environmental roles can be seen to encompass accessibility of sites because: new housing supply should support existing communities and should be 'in the right places'; because local services should be accessible to housing and because reducing the need to travel is evidently linked to using resources more efficiently, and reducing pollution.

4.16 The applicant has submitted an accessibility analysis using 'Accession' software. This contests that a 2km walking distance and 5km cycling distance are acceptable upper thresholds in terms of assessing the number of facilities available within these distances from the appeal site.

They also draw attention to a number of bus stops around Stanley/Stanley Moor being located under 800m away. This analysis concludes that a range of facilities are available within a 2.0km walk (mostly in Endon); and that Leek/the outer edges of the conurbation are either within 5km cycle or 30-45min bus travel time. This concurs with Staffordshire County Council (SCC) guidance which are also suggestive of an upper threshold of 2km (or 25 mins) for walking to facilities and 5km (20 mins) for cycling. Census statistics, however, illustrate modal split between (non-car) modes. The majority of non-car work travel is either walking or walking to public transport; rather than cycling. Walking/public transport distances are therefore considered more relevant here. For illustration purposes, the 2011 census suggests cycling only represented c.7.7% of the total for cycling/walking/bus commuting to work of Staffordshire Moorlands residents.

4.17 The site is located c.0.8km from the nearest point of Endon Settlement Development Boundary (SDB), according to the shortest route and is along a non-vehicular PROW (Public Right of Way) to the north of the site, which then heads west crossing fields and the canal. This distance, however, assumes the implementation of the proposed PROW links to the north of the site. The established southern route along Stanley Moss Lane is a further c.0.2km away. The shortest vehicular distance to Endon SDB, by road, is c.1.1km via Stanley Bank/Post Lane. The vehicular distance to Stanley SDB is c.0.4km and (presently undefined) edge of Stockton Brook c.1.2km.

4.18 The DfT (Department of Transport) produces accessibility threshold statistics in relation to a number of 'service' destinations. These are:

- Place of employment - statistics show that a high proportion of Staffordshire Moorlands residents work in areas such as Stoke-on-Trent, Leek, Cheadle or other parts of the Moorlands (also refer to commentary regarding buses below).
- Primary School – the shortest walking route via the existing PROW across the canal is c.1.2km to St. Luke's Primary School. The shortest vehicular route via Stanley Bank/Post Lane is c.1.9km. Therefore both routes fall within the 2km walking threshold.
- Secondary School – the shortest walking route via the existing PROW across the canal to Endon High School is c.0.9km; the shortest vehicular route via Stanley Bank/Post Lane is c.2.2km. Therefore the shorter route falls within the 2km threshold, the vehicular route would marginally exceeds it.
- Further Education – the nearest colleges/universities would appear to be those in Leek, Stoke-on-Trent and Cheadle and would therefore need to be accessed by bus, assuming the above walking/cycling thresholds. Public transport to Cheadle would appear to require service changes in Leek/Hanley thereby increasing total travel time. Therefore further education in Leek/Hanley would appear accessible within 30-45 minutes by bus.

- GPs/Food Stores – there is a collection of facilities around Station Road/Post Lane. The shortest walking route via Stanley Bank/Post Lane is c.1.4km to fall within the 2.0km walking threshold.
- Hospital – the nearest hospitals would appear to be those based in Leek, Stoke-on-Trent and Cheadle and would therefore need to be accessed by bus assuming the above walking/cycling thresholds (see buses below). Public transport to Cheadle would appear to require service changes in Leek/Hanley thereby increasing total travel time. Leek hospital therefore appears to be within 45mins by bus, however, Stoke hospital may require further travel time.
- Town centre – the nearest town centres of Leek, Hanley and Cheadle would need to be accessed by bus.

4.19 Judgement, however, should be exercised regarding whether access to all of these destinations is necessary for day to day living. The more important ones to consider are access to employment, schools and food stores.

4.20 SCC's Local Transport Plan (LTP) 2006 to 2011 referenced acceptable distance parameters to the nearest bus stop. For urban areas, this was set at 350m whereas for rural areas 800m was referred to. It is understood that 45 minutes is an acceptable threshold for total bus travel time (including journey to bus stop). Whilst the site is c. 570m from the nearest bus stop (and others at Stanley Moor are within 800m) and the 'Accession' analysis submitted illustrates that broadly Leek/Hanley are accessible within 45 minutes; this, however, needs to be understood in the context of frequency of local bus services. The less frequent the bus service, the less attractive it is as an alternative to car travel. The Stanley to Hanley bus route is less than hourly with no Sunday service whereas the Leek to Hanley services are much more frequent (2-3 within weekdays). The nearest Endon bus stop is c.0.9km from site via the existing PROW or 1.7km via road.

4.21 Consideration of accessibility should also take into account wider physical characteristics rather than purely destination distances. Challenging topography, absence of footways/street lighting are arguably barriers to walking/cycling, especially to the very young, older persons, less able persons or those with pushchairs etc. and especially during the winter period. The appeal site is set within a countryside location and is directly accessed via a narrow single lane i.e. Stanley Moss Road. There is limited street lighting or footway in the area between Endon/Stanley/Stockton Brook (and within Stanley itself) and these vehicular routes are generally characterised by higher speed limits. The topography along Post Lane/Stanley Bank slopes and undulates in places. Consideration of the site's accessibility according to distance, should therefore be moderated by these local characteristics.

4.22 In view of accessibility overall, the appeal site is located within the DfT median 'walking' thresholds for a primary school, food store and GP by vehicular road, however, the secondary school would only just fall within this threshold according to the proposed shorter PROW route and access by vehicular road would exceed 2km. It is considered highly unlikely that the PROW can be relied on in circumstances as discussed above. All of these facilities are within the median cycling distance; however, the majority of non-car work travel is either walking or walking to public transport rather than cycling.

4.23 Concerning the other 'service' destinations referred to, access to these would only realistically be via bus (i.e. in view of walking/cycling thresholds). The Hanley/outer conurbation is accessible in 30-45 mins and Leek in 30-45 mins (including travel time to bus stop). Whilst there are a number of bus stops within 800m, these do not appear to support frequent services (to the conurbation) and the bus stops that are located in Endon appear to be over 800m away. In reality, therefore, a high proportion of bus users may need to walk at least 920m (depending on route) for frequent services and this exceeds the LTP parameters. For these reasons, given the relatively infrequent bus services which exists within 800m and poor accessibility to the bus stop, it is considered that the site does not demonstrate sufficient accessibility to future residents contrary to paragraphs 7 and 55 of the NPPF.

4.24 This appeal clearly makes a positive contribution towards meeting the Council's 5-year housing land supply and this lends substantial weight in support of the proposal. Given however the remote location of the site to established essential services and facilities, it is considered that the site does not demonstrate sufficient accessibility to future residents and therefore does not represent sustainable housing. The significance of housing within this unsustainable location is contrary to strategic policy and would undermine the spatial strategy for the district. This is contrary to Policies SD1, SS5, SS6, SS6c and H1 of the Adopted Core Strategy and the NPPF more generally.

Affordable Provision

4.25 Policy SS6c (Part 1) states that new housing in the open countryside must either be essential for local needs or affordable exceptions housing in accordance with Policies H2 'Affordable Housing' and R2 'Rural Housing'. Policy H2, amongst other things, permits small schemes of 100% affordable housing on suitable rural exception sites which are well related to services and facilities and where a demonstrable need exists within the local area.

4.26 Notwithstanding the Council's concerns to the scheme concerning its relatively remote location, the appellant wished to address matters of affordable housing provision as required by Policy H2. The appeal proposal does not offer any affordable housing provision in view of viability concerns as set out within the submitted Grasscroft Financial Viability Appraisal (FVA) report. The appellant's FVA was subsequently independently assessed by the Council's appointed consultant Lambert Smith

Hampton (LSH). The LSH FVA report broadly agreed with the Grasscroft outcome subject to a re-assessment and clawback provision at the reserved matters stage to secure a financial sum towards offsite affordable housing if funds allowed.

4.27 Critically, the Council does not regard the site to be 'well related to services and facilities' owing to its more remote location and therefore did not seek to secure onsite affordable housing. In the event the scheme was approved, the Council's solicitor prepared a s106 draft to secure a re-assessment (at reserved matters) and clawback (towards off site affordable) should the development prove viable – this is a standard approach for dealing with proposals which offers no or reduced development obligations at an outline stage where circumstances and costs may change.

4.28 The draft s106 submitted by the appellant does not reflect the document prepared by the Council based on viability provisions. No comments have been received from the appellant's on the document since the application was refused and no contact has been made to progress the s106 from its draft form. The draft s106 submitted with the appeal includes provision relating to the onsite provision of 30% affordable housing, which is not sought by the Council – in view of the site's remote location. The applicant, was offered a contribution towards off site affordable housing if the scheme proved viable as per the Council's draft. The submitted s106 is indeed damaging to the appellant's case and in any case has been submitted in draft form and therefore carries limited weight. Accordingly, the proposal falls foul of Core Strategy Policy H2 and should be dismissed on this basis alone.

Character and appearance

4.29 Policy H1 'New Housing Development' states that all housing development should be at the most appropriate density compatible with the site and its location and with the character of the surrounding area. This is further reflected within Policy DC1 'Design Consideration'. Policy DC1 further states that new development should be designed to respect the site and its surroundings and promote a positive sense of place. The Government attaches great importance to the design of the built environment. Paragraph 56 of the NPPF makes it clear that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Whilst it is not appropriate to impose architectural styles or particular tastes, it is proper to seek to promote or reinforce local distinctiveness. The NPPF makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. National planning policy dictates that at the heart of its core principles, planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is further re-iterated in Policy DC1 of the Core Strategy, which seeks to protect the residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

4.30 In longer distance views towards the appeal site, the appeal scheme would be seen in the context of existing scattered/ribbon residential development in the surrounding semi-rural area along Stanley Road, Clewloes Bank and Stanley Moss Lane. At closer quarters, the more suburbanising influence/character likely to arise from the indicative layout and house types would be more apparent and possibly somewhat at odds with the overriding existing development character of at least the immediate surroundings.

4.31 In these circumstances, it would be appropriate for the Council to seek to secure a high quality design and a good standard of amenity for the future occupants of land and buildings at the reserved matters stage. This would allow the proposal to achieve the Council's Space about Dwellings amenity standards and adequate landscape mitigation. It would therefore be appropriate that a different approach to detailed layout and house types/appearance of more rural/informal/evolved character be achieved at the reserved matters stage, in the event that outline permission was granted. Accordingly, the appeal proposal would meet with Policies DC1 and DC3 of the Core Strategy which, amongst other things, promote high quality design and seek to protect and enhance the character of the local landscape.

Conclusions

4.32 Clearly, the Council cannot demonstrate a five year supply of housing land. The supply of housing land and the delivery of affordable housing fall well short of requirements. The proposal would make a valuable contribution to increasing the supply of affordable housing and this carries significant weight in its favour. Given the lack of a five year supply of housing land, the Council's relevant Policies for the supply of housing should not be considered up-to-date in accordance with paragraph 49 of the NPPF. Paragraph 14 of the NPPF which promotes a presumption in favour of sustainable development is therefore engaged.

4.33 The proposal, however, would not generate the economic, social and environmental benefits as set out in the NPPF, necessary for the development to be considered as sustainable. Noted, the development would generate economic investment in the local economy during construction and New Homes Bonus. Although the partial use of a previously developed land does not offer any real environmental gain given that a riding school, which is not unsightly in this case, is to be typically found within a rural locale such as this.

4.34 Furthermore, given the relatively remote location of the appeal site from services and the lack of public transport, it is highly likely that future occupants of the development would be dependent on the use of private cars. The appeal proposal does not offer any affordable housing provision in view of viability concerns as set out and any offered onsite provision would be deemed inappropriate in view of the appeal's location. In any case, no appropriate mechanism has been offered to secure offsite affordable provision should the appeal be allowed. The appeal therefore does not contribute to the

social aspect of sustainability in these respects. Clearly, the appeal would not represent sustainable development and, therefore, the presumption in favour set out in paragraph 14 of the NPPF would not apply.

4.35 In support of the proposal the appellant has referred to other residential developments approved elsewhere and argued that the Council had been inconsistent in its approach to these developments compared to the appeal proposal. These other approved housing developments do not attract significant weight in favour of the appeal proposal which must be considered having regard to its own particular circumstances.

4.36 Accordingly, the Inspector is therefore requested, for the reasons given above to dismiss the appeal.

Conditions

4.37 To follow.