The Planning Inspectorate

Appeal Decision

Site visit made on 31 May 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/B3438/W/17/3170680
2 Potters End, Biddulph ST8 6SX

- 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 Mick Bailey against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0668, dated 27 October 2016, was refused by notice dated 2 February 2017.
- The development proposed is erection of detached dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has acknowledged that they cannot demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the National Planning Policy Framework (the Framework). This effectively triggers the fourth bullet point of paragraph 14 of the Framework which states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises and open parcel of land described as being part of the curtilage of 2 Potters End. At the time of my visit the plot was fenced off from the front and rear gardens of No 2 and had an unmaintained appearance. The open space extends beyond the rear of No 2 and joins up with the side of 19 Sawyer Drive. This site was the subject of a recent dismissed appeal[1]. While the two proposals are not identical in every aspect, this decision remains an important material consideration to which I have had regard.

5. The Inspector in that case noted that the layout of the area is characterised by generous corner plots and that private garden amenity spaces also play a vital role in the character of the area. These conclusions are consistent with my

[1] APP/B3438/W/16/3142816

own observations. The estate has an open and spacious feel that is complemented by the private and public spaces that exist across the estate. The set-back of the majority of dwellings from the roadside adds to this overall open character.

6. Notwithstanding its current appearance, both the appeal site and the strip of land adjacent to No 19 make a particularly important contribution to this character and create a buffer between the buildings and the roadside. The importance of the site in this regard was also recognised by the previous Inspector. The development would significantly erode the space that currently exists on the site. It would bring development closer to the road and consequently reduce the open character around the junction.

7. The appellant has suggested that the specifics of this proposal differ from the dismissed scheme in that it would leave a 4-5 metre gap at the end of the site. I recognise that this would allow a wider area of remaining space than the proposal to the north. However, the remaining space would be irregularly shaped and only a relatively small portion would be as wide as suggested by the appellant. The two ends of the space would be somewhat narrower when viewed from the corner itself or further along Sawyer Drive. This relatively narrow strip of land would not fully mitigate the significant erosion of the open character of the corner that would result.

8. The space left over would also relate poorly to the land adjacent to No 19, both in terms of its overall width, but also the awkward and disjointed relationship that would be created at the intersection of the two plots. They would no longer appear as the complementary and coordinated areas of space that currently exist. The increased enclosure of the space created by the rear garden of the property would exacerbate the adverse effect of the development and serve to significantly diminish the collective contribution these spaces make to the attractive and spacious character of the estate.

9. I recognise that from some vantage points, the effect on the openness of the corner would not be obvious. In addition, the scale and design of the dwelling would not be uncharacteristic of the area as a whole. Nonetheless, from those locations where the spaces can currently be seen in full, and thus those of most importance to this decision, the change in the nature and character of the site would be clearly discernible and harmful. The significant increase in density of the built form on this corner plot and the bringing of development much closer to the roadside would erode the spacious quality of the immediate area, as well as the whole estate by diluting its overall attractive and harmonious character.

10. I find therefore that the development would have an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document (2014)(CS) which seeks, amongst other things, to ensure development reinforces local distinctiveness. It would also conflict with paragraphs 58 and 64 of the Framework insofar as it does not respond to, or take the opportunity to improve, local character.

Other Matters

11. The appellant has drawn my attention to an expired planning permission for development at 9 Sawyer Drive[2]. The site sits on the opposite corner to the appeal site and would have taken up a significant proportion of the large garden of this site. Notwithstanding the significant passage of time since permission was granted, the character of the two sites differ in terms of orientation, relationship to other spaces and degree of existing enclosure. As such I am not persuaded that this permission is suggestive that the appeal proposal is acceptable. In any event, I have considered this appeal on its own merits.

Planning Balance and Conclusion

12. I have concluded that the proposal is contrary to the development plan in terms of its effect on the character and appearance of the site and surrounding area. Although there is no five year supply in place, it does not mean that the policies of the CS no longer apply. The Framework places significant importance on the delivery of a high quality built environment. As such, CS Policy DC1 still carries significant weight.

13. Balanced against this is the delivery of a single dwelling in an accessible location. Notwithstanding the acknowledged shortfall in housing supply, one additional dwelling would not make a significant contribution to meeting these needs. I have therefore given only moderate weight to this. Equally, any economic benefits associated with the development would be limited in nature.

14. The appellant has drawn my attention to an appeal decision where an Inspector gave significant weight to the delivery of one dwelling. However, I do not have the full details of that proposal and cannot be certain the two are directly comparable in all relevant matters. I have also noted that in the appeal relating to 19 Sawyer Drive, the Inspector did not consider the delivery of one additional dwelling would outweigh her concerns in terms of impact on local character and appearance. It is evident that each Inspector has considered the weight to be given to such factors on their own merits, as have I.

15. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in the accordance with the development plan. For this reason, the appeal should be dismissed.

S J Lee

INSPECTOR

[2] SMD/2007/0310 and SMD/2007/0576