

**OBJECTIONS**

**TO**

**APPLICATION SMD/2017/0497**

**A FULL APPLICATION FOR THE  
DEMOLITION OF IVY COTTAGE, 11 NEW DWELLINGS  
AND ACCESS  
AT  
IVY COTTAGE  
TYTHE BARN  
ALTON**

**ON BEHALF  
OF  
ALTON ORCHARD ACTION GROUP (A0AG)**

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## **1. INTRODUCTION**

This report was prepared on behalf of the Alton Orchard Action Group (AOAG) and its principals.

It is the third report made on proposals for this site and was preceded by objections to application SMD/2015/0151 which was withdrawn and supporting comments for the Council's designation of a comprehensive T.P.O. for the site in December 2015.

Current circumstances may justify the restatement of some earlier objections if not all, but our focus will be the current application and the accompanying Planning Design & Access Statement.

We wish to ensure that all the material considerations have been recognised and if appropriate weight has been given to them by the applicants' agent.

Foremost material considerations are planning policies. The key ones are the National Planning Policy Framework, the Planning Authority's adopted Core Strategy and the Churnet Valley Master Plan adopted as Supplementary Planning Guidance.

We recognise that the Council's evolving Development Provisions can be given only limited weight because they are not yet adopted. However, the supporting evidence base does provide a relevant analytical background to this report.

## **2. PRELIMINARIES – THE APPLICATION**

A study of the application form and attachments raises a number of issues.

- **Question 14 – Existing Use**

The current use is described as a vacant dwelling with garden and former orchard and the last use as residential. The applicants' agent reasons in his D & A statement that it is possible to demolish the existing building and build 11 new dwellings one of them as a replacement on the site and thereby avoid the affordable home provision.

We question this line of thought. It was at least 12 years ago that Ivy Cottage was last occupied as a dwelling and since then no attempts have been made to maintain and repair the property with a view to re-occupying it.

The level of dilapidation is well illustrated photographically and described in the applicants' appended bat survey report. In addition the applicants have, for two years since the earlier application, replanted the orchard in order to create a commercial fruit juice business. This has relied on the outbuilding part of Ivy Cottage being used for storage of tree stakes etc. and workers' shelter. Again this is illustrated in photographs appended to their bat survey report.

We reason that any residential use of the site has been lost by abandonment and that the use preceding the application was horticulture.

We reason further that the net total of 11 new dwellings exceeds the Ministerial rule of exemption from affordable housing provision for 10 units or fewer. We believe that the application should not have been validated because it makes no provision for affordable housing and no legal agreement has been submitted with the application to secure it.

By wrongly describing the site as residential and one dwelling as a replacement, the applicants have misled the Schools' Organisation Team and are evading the 11 dwelling threshold for calculating education contributions.

- District Boundary

The southern boundary of the site is also the District boundary but there is no record of a consultation with East Staffordshire District Council.

### **3. UPDATE**

Since the withdrawal of the previous application for housing and the designation of a T.P.O. in 2015, there have been a number of changes to the application site and the policy context within which this new application must be judged.

The Preferred Site Allocation report has completed its public consultation. A successful planning appeal has approved the development for 21 dwellings on land at Saltersford Lane, Alton.

The application site, although still subject to the T.P.O., has seen the extensive removal of undergrowth and old trees and their replanting with young fruit trees to create a commercial orchard for production of fruit juice.

The clearance of older trees and an extensive spraying programme with herbicides will undoubtedly have changed the ecological importance of what was a Priority Habitat within the UK Biodiversity Action Plan and The European Habitat Directive.

#### 4. **ASSESSMENT**

- **Planning Policy**

It is now common place for owners of disregarded sites and their agents to argue that where housing supply falls below a 5 years total and the Local Development Plan is incomplete, the provisions of the N.P.P.F. mean local planning authorities have no option in their planning recommendations but to apply the tilted balance in Para 14 of the N.P.P.F. and grant permission without delay.

We counter that by saying the N.P.P.F's concern for sustainable development and its requirement to judge if the adverse impact of development "significantly and demonstrably outweigh the benefits" requires a more reasoned approach. Inspectors dismissing appeals have made it clear that N.P.P.F. policy does not mean housing provision should always override all other considerations.

A recent appeal decision in Biddulph (Ref: APP/B2438/W/16/3158022) exemplifies this. The inspector when discussing the appeal concluded:

"on balance it is likely that the benefits of the proposal would be significantly and demonstrably outweighed by the harm that it will cause with particular reference to the character and appearance of the locality" and further "under these circumstances it would not amount to sustainable development under the terms of the Framework".

We consider the application conflicts with a number of policies in the adopted Core Strategy.

Because only the former dwelling and its immediate curtilage are included within the development boundary, the larger part, the orchard, is classed as Rural Area and is therefore encompassed by Policies S.S.6a and SS6c.

SS6a requires sites to relate well to the built up area and to be assimilated into the landscape. We consider the development would be an uncomfortable projection into the open countryside where there is no sense of enclosure by neighbouring properties. This being the case, even boundary planting would not assimilate the development into the landscape, particularly when viewed from nearby public footpaths.

This is in contrast to the Saltersford Road appeal site, which the Inspector described as being enclosed by residential development on its southern and western boundaries and thereby relating well to the built up area. The form of development is also discussed later in our urban design comments.

Policy SS6c describes the rural areas as providing **only** for development that meets an essential local need including affordable housing.....or enhances the countryside. By mis-describing the application site as residential, the applicants seek to avoid the 33% rule for affordable housing, which bites on developments of 11+ dwellings. We see no enhancement of the countryside, quite the reverse, this is suburbanisation that requires the removal of a newly planted orchard.

We believe this conflict with the policies of the Core Strategy means the proposal should be regarded as being in conflict with the Development Plan as a whole.

This conflict is deepened by the added failure to comply with Policy SS7.

The application site lies within the boundary of the adopted Churnet Valley Area Strategy to which Policy SS7 applies and which requires:

“Any development should be of a scale and nature and of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area and demonstrate strong sustainable development and environmental management principles. The consideration of landscape character will be paramount in all development proposals in order to protect and conserve locally distinctive qualities and sense of place and to maximise opportunities for restoring, strengthening and enhancing distinctive landscape features”.

- **Housing Supply**

Alton is classed as a larger village in the Core Strategy, considered to have the capacity for 25 new dwellings.

It was also listed in the Council’s Development Capacity Study as having the lowest capacity for development compared to ten other villages, when social infrastructure, physical infrastructure and accessibility were compared.

The number of required dwellings has fallen to 13 because of the number of planning permissions granted which is the capacity of the preferred site for development AL012, known as “Capri”.

It is significant that the Inspector in her decision notice, approving 21 houses at Bee Cottage, Saltersford Lane, discounted “Capri” because procedures had not been completed and Ivy Cottage, because the application had been withdrawn.

These conclusions enabled her to reason that 21 dwellings was acceptable “because the proposal is within the quantum of development estimated for Alton”.

A reasonable conclusion to draw is that had the quantum of 25 dwellings been exceeded, she may have determined differently.

Today the picture has changed. 13 approved dwelling at "Capri" are still extant, added to which there are 21 at Bee Cottage. If 11 were permitted at Ivy Cottage, the total of 45 would exceed the estimated required dwellings by 32. We believe the concerns of residents that further development would put pressure on infrastructure and services, would carry greater weight with an inspector.

- **Heritage Assets**

When the original application was submitted, the comments of the Council's Conservation Officer were set out. The fruit trees, significant dry stone walls and Ivy Cottage and the association with an area of historic market gardens, was acknowledged and judged worthy of classification as a non-designated heritage asset. The Staffordshire Moorlands' Local Heritage Register, an S.P.D., indicates the Council will draw up a list of sites that are considered to be of significant local interest. This list will include natural and structural features.

The applicants have sought to reduce the historic value of the site by removing all the ancient orchard trees and replanting with young stock. We consider they have unwittingly revived the historic tradition of fruit based market gardening in Alton and are thereby conserving the last surviving example of this use in Alton.

The proposed demolition of the traditional former cottage, vernacular stone walling and removal of new planting is contrary to policies DC2 and DC3 which protect historic buildings and landscapes.

- **Urban Design**

A material consideration and a fundamental test that Planning Authorities normally apply to development in rural settlements such as Alton, is to ask whether the location of the site is within the reasonably defined built up framework of the village, or amounts to an extension of the settlement into the open countryside, and whether the scale of the development represents the reasonable interpretation of infilling, rounding off or other minor developments allowed in or adjacent to villages.

These issues are concerned with Urban Design and the impact of development on the existing structure and character of the settlement.

Our view is that Alton is a nucleated settlement firmly placed in the Churnet Valley with development contained and concentrated along the northwest facing valley sides. The ridge, along which Saltersford Lane runs, marks a firm topographical and historical boundary to the village, which is reinforced as an edge by the ribbon of housing joining Tythebarn and Gallows Green.

To the south of this housing ribbon, the land falls away across open countryside towards Great Gate, Croxden, Denstone and the valley of the River Dove; a distinctively different landscape zone, compared to the Churnet Valley. The properties along Saltersford Lane, including the application site, have the Development Boundary for Alton drawn tightly along their rear garden boundaries. This boundary excludes the Orchard, which is classed as horticulture, a form of agriculture, rather than residential use. Our view is that the existing development boundary is still a relevant definition to this edge of Alton. The Application will represent a breach in this edge, running counter to the grain of existing development and will represent an undesirable urban extension over the Saltersford Lane ridge and an intrusion into the valley land form to the south.

## 5. CONCLUSIONS

There are a number of substantial and demonstrable conflicts with the adopted policies in the Core Strategy.

- The failure to provide affordable local need housing – Policy SS6
- The failure to protect the quality and character of the area – Policy SS6c
- The failure to enhance and protect the landscape and heritage of the Churnet Valley – Policy SS7
- The proposals are damaging to the conservation value – Policy DC2 & DC3

The development would represent an inappropriate intrusion into the open countryside and the distinctive landscape zone within the Churnet Valley Master Plan.

We do not find the Inspector's decision to approve the development of the Bee Cottage site on Saltersford Road as a supporting precedent for this application. Its geography is quite different and the housing supply context has changed.

Against this background of local and national policy, we reasonably judge that if planning permission were granted ***“the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole”***.

We also conclude that the adverse impact of the proposal fails the environmental tests for sustainable development, and therefore, despite housing supply and up to date Development Plan issues, the tilted balance of N.P.P.F. Para 14 should not be engaged, because housing need does not always override other material considerations.



This proposal is unsustainable and we ask the Planning Authority to please refuse the application.

**Michael Sutcliffe & Associates**  
**October 2017**