The Planning Inspectorate

Appeal Decision

Site visit made on 9 January 2018

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2018

Appeal Ref: APP/B3438/W/17/3187025
Land between Brook Cottage and Sneyd Arms, Ashbourne Road, Whiston ST10 2HZ

- 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 Mrs C. Wainscott against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0148, dated 3 March 2017, was refused by notice dated 24 July 2017.
- The development proposed is erection of a detached dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Land between Brook Cottage and Sneyd Arms, Ashbourne Road, Whiston ST10 2HZ in accordance with the terms of the application, Ref SMD/2017/0148, dated 3 March 2017, subject to the conditions on the attached schedule.

Main Issues

2. The main issues are whether the proposed development would be in a suitable location for housing with particular regard to the development strategy for the district, and if harm arises, whether this is outweighed by other material considerations.

Reasons

3. The appeal site lies within the village of Whiston, between an existing dwelling, Brook Cottage, and the former Sneyd Arms public house which has been converted to a dog training centre. Although most of the village lies to the south of the A52, there are some houses behind the site. Whiston is a small settlement with a limited range of services and facilities. There is a village hall and a children's playground, but no shops or schools.

4. The proposed development is for a detached house which would sit back from the A52 and behind the building line of the properties either side.

5. The spatial strategy for the district as set out in *A Local Plan for the future of Staffordshire Moorlands – Core Strategy Development Plan Document* (the Core Strategy), seeks to focus development following a hierarchical approach. Development would be concentrated on the towns, then the larger villages, then the smaller villages and lastly the other rural areas. Whiston is listed as a

smaller village where new housing development which meets a local need would be allowed in accordance with Policy SS6b. Paragraph 8.1.65 of the Core Strategy states that this would be for both open market and affordable housing.

6. Policy SS6 of the Core Strategy which sets out the approach to the rural areas states that in the smaller villages an infill boundary will be defined, in the *Site Allocations Plan DPD*, within which limited infill development will be permitted. The Council has consulted on the *Site Allocations Plan DPD* but it has yet to go through examination. In the preferred options consultation the appeal site was shown within the proposed settlement boundary for the village. I can only attach limited weight to the emerging *Site Allocations DPD* given that it has yet to be adopted. In the interim the Council is relying on the settlement boundaries of the former *Staffordshire Moorlands Local Plan* 1998, which excludes the appeal site. This would mean that, although just across the A52 from the core of the village, the appeal site would be located in the other rural areas designation where Policies SS6c and R2 of the Core Strategy seek to restrict new build housing to that which meets local needs such as affordable housing.

7. The Council cannot demonstrate a five year supply of deliverable housing sites. This supply figure as at March 2017 was 1.99 years. It is not disputed. This is a substantial shortfall. In these circumstances, paragraph 49 the National Planning Policy Framework (the Framework) establishes that relevant policies for the supply of housing should not be considered up to date. In turn the test in the fourth bullet point of paragraph 14 of the Framework applies. This means that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

8. The Core Strategy states that the smaller villages have a poor range of services and facilities with residents having to travel outside of the village for most of their daily needs. Whiston falls in to that category as residents would have to travel to other villages or Cheadle for most services and facilities. There is a bus stop just next to the appeal site and a bus service roughly every two hours to Leek and Cheadle and villages in between during the day. The bus service to Cheadle is quite short, taking only 13 mins to get from outside the appeal site to the town's High Street. I consider that this does count in its favour and needs to be balanced against the generally poor range of facilities in the village and the lack of evening or school public transport provision.

9. My attention has been drawn by the appellant to the granting of planning permission for two dwellings at the former Ashbourne Road garage. Whilst there were some environmental benefits to that scheme, the Council report did not consider the site to be located in an unsustainable location.

10. The Council considers that there would be no adverse impacts on the character and appearance of the area. I consider the appeal site quite different to the one on Whiston Eaves Lane, the appeal decision for which was referred to me. That site was part of an open field on an entrance road in to the village, and was considered to have a detrimental impact on the character and appearance of the area. The current appeal site is a gap between two buildings on a main road frontage whereas the Whiston Eaves Lane site was described as having a different character and appearance to the built up area of the village. In any

event, I have considered this appeal on its merits and on the basis of the evidence before me.

11. I consider that there would be some adverse impacts of the proposed development. Its location would inevitably place reliance upon the use of a motor vehicle for accessing services and facilities, although the reasonably good daytime bus service and proximity to bigger villages and Cheadle would provide some level of alternative option. The Inspector in the Whiston Eaves Lane appeal considered that there would be a heavy reliance on the private car for residents day to day needs and this would conflict with the core planning principle of the Framework which seeks to manage patterns of growth to make full use of public transport, cycling and walking.

12. However, Whiston is a designated smaller village where limited infill development could take place in accordance with Policy SS6 and SS6b of the Core Strategy. Whilst I can only place limited weight upon the proposed settlement boundary within the emerging *Site Allocations DPD*, the appeal site does relate well functionally to the core of the village and has the village bus stop right outside of it.

13. I therefore consider that the adverse effects of the proposed development which I have identified would apply equally or even to greater extent on a site within the village boundary set out in the 1998 Local Plan. The proposed development would not lead to a peripheral expansion of the village which would be, according to the Core Strategy, a factor in the setting of appropriate settlement boundaries for the smaller villages. Furthermore, the proposed development would not be isolated development in the countryside, and would be consistent with paragraph 55 of the Framework which seeks to locate rural housing where it will maintain or enhance the vitality of rural communities, for example where development in one village may may support the services in a village nearby.

14. The scheme would bring social and economic benefits and even the addition of one house to housing supply would be beneficial given the substantial shortfall in the five year housing supply. The supporting text to Policy SS6b, recognises that a major issue for the smaller villages is a loss of population through a lack of housing opportunities and it goes on to say that the overall approach should be to allow an appropriate level of sensitive development which enhances community vitality or meets a local social or economic need of the settlement and its hinterland.

15. Overall I consider that the adverse effects which I have identified do not outweigh the benefits of the proposal. I do not find conflict with Policy SS6b of the Core Strategy. The proposed development is in conflict with Policy SS6c of the Core Strategy, but only as a result of the defined settlement boundary from a superseded Local Plan which places it within the other rural areas rather than the confines of the smaller village. I consider that the considerations I have set out above would justify the proposal not being determined in accordance with Policy SS6c of the Core Strategy in this case.

Other matters

16. Access is not reserved for subsequent approval. The proposed development would be accessed off the main road, the A52. The Council's Highway Officer has not raised any concerns about the proposal, subject to conditions, and

whilst I have regard to the issues raised by the parish council and a neighbouring resident, including the potential of additional traffic along the A52 in the future, I have no evidence before me that the proposal would be harmful to highway safety.

17. The site rises from front to back and the proposed dwelling would sit behind the building line of Brook Cottage. The proposal is a revision of an earlier scheme which was refused with one of the reasons being the harmful effect on the character and appearance of the area and the amenity of the occupiers of Brook Cottage. The Council is satisfied that the current proposal would not be harmful to the character and appearance of the area, and I concur with that view. I have no evidence which supports the view that the proposed development would be cramped or appear overbearing to neighbouring residents or that the required separation distances would not be met.

18. Moving the proposed dwelling further back in to the site from the previous scheme would reduce the potential for it to appear overbearing from the side kitchen window of Brook Cottage. The site is open at present but I consider that the location and design of the proposed dwelling is appropriate for its surroundings.

Conditions

19. I have considered the conditions suggested by the Council in accordance with the advice in Planning Practice Guidance and the Framework. Where necessary I have made some minor changes or combined them in order to comply with the tests and for clarity. I consider that in addition to the standard condition relating to the time period for implementation, there is a need for conditions to specify the plans to which the permission relates in the interests of clarity and certainty, and to materials, in the interests of the character and appearance of the area.

20. There is also a need for a condition to ensure that the ground levels of the proposed dwelling are known and approved by the Council before work commences, given the sloping nature of the site and the concerns of the neighbour. I have therefore imposed a condition in this regard.

21. There is a need for a condition relating to the operational hours of the construction activity in the interests of the amenity of neighbouring residents.

22. There is a need for a condition relating to surface and foul water drainage in the interests of the environment and to reduce the risk of flooding, including water flooding on to the road. I have imposed conditions to require a landscaping scheme and to secure its implementation in the interests of the character and appearance of the area.

23. I have also imposed conditions relating to the provision of the access, including requiring of its details and to ensure the construction of a dropped kerb, in the interests of highway safety. I have imposed a condition suggested by the Council in relation to any gate in the interests of highway safety given that the appeal site is on a main road. However, I am not satisfied that the suggested condition relating to protecting the existing highway signs is necessary for the granting of planning permission and that it would pass the required tests in the Planning Practice Guidance and the Framework.

24. I am also not satisfied that there is a need to remove permitted development rights for development within Part 1 Classes A, B, C, D, E and F and part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015. I have not been provided with evidence to justify such a condition, and I am mindful that the Planning Practice Guidance advises that such conditions rarely pass the necessity test and should only be used in exceptional circumstances. I do not consider, on the basis of the evidence before me, that such exceptional circumstances exist in this case. I am also not convinced that there is sufficient evidence before me to justify the imposition of conditions relating to contaminated land and the importation of topsoil, especially as the Council has referred to it as a greenfield site.

Conclusions

25. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans 00543 AL (0)01 Rev C; Elevations as proposed 00543 AL(0)02; Street Scene 00543 AL(0)03.

3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

5) Demolition or construction works shall take place only between 08:00-18:00 Monday-Friday and 08:00-13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

6) The development hereby approved shall not commence until drainage plans for the disposal of surface water and foul sewage, have been submitted to and approved by the Local Planning Authority. This shall include details of the surface water interceptor to be provided across the access immediately to the rear of the highway boundary, connected to a surface water outfall or on SUDS principles. The approved scheme shall be implemented in exact accordance with the approved details before the development is first brought into use.

7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

   i) means of enclosure and retaining structures;

   ii) planting plans;

   iii) written specifications and schedules of plants, species, sizes and numbers;

   iv) an implementation programme

   The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9) The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans, and the access to the site within the limits of the public highway has been completed. The access shall be constructed as a dropped crossing of the verge. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

10) Any gates shall be located a minimum of 5m rear of the carriageway edge and shall open inwards, away from the highway.