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Town and Country Planning Act, 1990

Section 78

**Statement by Staffordshire Moorlands District Council
in respect of the appeal by Mr Gerald Willard (Planning Agent) of WW Planning
on behalf of Mr L Leigh of
High View, Sutherland Road, Longsdon ST9 9QD
against the refusal for erection of single dwelling**

1. Introduction

- 1.1 This statement is made by Staffordshire Moorlands District Council in response to the appeal submitted by Mr Gerald Willard (Planning Agent) on behalf of Mr L Leigh.
- 1.2 The original application for outline consent for the erection of one dwelling with all matters reserved was made valid on the 25th October 2017. The decision was issued to an agreed time extension on the 12th January 2018.
- 1.3 The given refusal reasons were:

1. Although the site is accepted as being within a village the development would not constitute limited infilling within the meaning of NPPF paragraph 89. The proposal would result in inappropriate development which would therefore be harmful to the Green Belt by definition and contrary to the fundamental aim of keeping land permanently open. It would also be contrary to the Green Belt purpose of preventing neighbouring towns merging into one another and contrary to the purpose to assist in safeguarding the countryside from encroachment. The proposal is therefore contrary to the Policy SS6c of the Staffordshire Moorlands Core Strategy which states that strict control will continue to be exercised over inappropriate development

within the Green Belt allowing only for exceptions as defined by Government policy.

2. The proposal would be contrary to policy DC 3 of the Staffordshire Moorlands Core Strategy which is to protect and where possible enhance local landscape and setting of settlement and contrary to Policy R1 of the Staffordshire Moorlands Core Strategy as being harmful to rural character noting by reference to the Local Plan evidence document Landscape and Settlement Character Assessment (2008) that the site is within the Dissected Sandstone Cloughs and Valleys landscape character type which is assessed at this location as being of high quality and locally very sensitive to the impacts of development and landscape change.

2. Site and Setting [Text reproduced from the Planning Officer Delegated Report - section headed Description of Site]

- 2.1 The site extends to some 975m² occupying rising ground which fronts on to the east side of Sutherland Road at a point just over 500m south of the junction of Sutherland Road with the main A53 Newcastle Road at the Wheel Inn, Longsdon. There is little development on the entire length of the east side of Sutherland Road. Some eight properties form a ribbon of development along the first 120m south from the Newcastle Road junction. There is then a long gap of 270m to Stone Barn Farm and a further gap of c.150m to the application site. Over this same stretch on the opposite side of the road there are some 12 properties in total sporadically spaced in generally spacious plots at varying intervals.
- 2.2 Immediately opposite the site is Limes Avenue which runs more-or-less due west from Sutherland Road for c.100m with a row of some nine properties to its upper(north) side. South of Limes Avenue a further nine or so properties front Sutherland Road giving the sense of a built frontage. Overlapping with the southern end of this row on the opposite (east side) development continues southwards to Wood Road.
- 2.3 There is woodland bordering at the top of the slope to the rear of the site which is protected by Tree Preservation Order and which forms a high backdrop. A post and rail fence separates the site from a similar sized plot to the immediate north in which there is a double garage served by a concrete apron of access off Sutherland Road. A raised promontory of woodland borders the north side of the neighbouring plot which together with the ridge of woodland to the rear (east) of the plots gives a strong topographic enclosure.
- 2.4 Bordering to the south of the application plot is High View which has been developed following consent 07/00501/FUL for a replacement bungalow.

- 2.5 The application site has a c. 20m tarmac access with gates set back c.5m from the road edge with modern suburban brick piers and brick walling making a curved return to the road front. A dry stone wall fronts the roadside boundary behind which there is a medium to tall Leylandii hedge. The tarmac drive is bounded by dry stone wall for its 20m length into the site. At the head of the drive about midway into the site the rising slope is broken with partial levelling or terracing. The site rises more steeply rear of this to a point about 45m to 50m back from the road front.

3. List of Plans

3.1 List of plans:

- Block Plan
- Location Plan

4. Relevant Planning History

- 4.1 10/00711/FUL – new access – retrospective – refused
- 4.2 11/00246/FUL – field access and gate – retrospective – approved
- 4.3 SM.1612 – erection of one dwelling on land fronting Sutherland Road dated 7th May 1976 – approved. There is no plan available to confirm the location of this consent but its reference number and an associated s.106 reference are shown on the planning plot sheets as relating to the site. Due to the date of this consent pre-dating for example the North Staffordshire Green Belt Local Plan (June 1983) the case is not relevant but is listed for completeness.

5. Relevant Local and National Policy

- 5.1 The application was determined for refusal based on the Staffordshire Moorlands Core Strategy (adopted 2014) and the NPPF as published in 2012. The Core Strategy remains the statutory Development Plan for the area but in addition the Council has now submitted for examination a new Local Plan and it is appropriate to give consideration and some weight to this submission version. The 2012 NPPF was fully replaced in July 2018 with a revised document.
- 5.2 The policies as itemised in the Delegated Officer Report at the time of determination were as follows:

Core Strategy Development Plan Document (Adopted 2014)

- S01 Spatial Objectives
- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6b Smaller Villages Area Strategy
- SS6c Other Rural Areas Area Strategy
- SS7 Churnet Valley Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- R2 Rural Housing
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

National Planning Policy Framework (2012)

Paragraph(s) 1 to 17

Section(s) 6 – Delivering a wide choice of high quality homes; 7 – Requiring Good Design; 9 Protecting Green Belt Land

5.3 The relevant policies from the Local Plan Submission Version are:

Local Plan Submission Version (February 2018)

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS9 Smaller Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- SS11 Churnet Valley Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- H1 Rural Housing
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

5.4 The relevant policies from the newly adopted NPPF (2018) are

National Planning Policy Framework July 2018

Paragraph(s) 1 – 14; Rural Housing 79;

Section(s) 4 – Decision making; 12 – Achieving well designed places; 13 – Protecting Green Belt Land

5.5 As was the case at the time of the Council's refusal decision, in assessing the principle of whether the proposal is acceptable, the Council's policy position (Core Strategy 2014) is led by SS6c (6): "Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy." At the time of the refusal decision this would have been to refer to the NPPF 2012. With the July 2014 replacement NPPF the same Green Belt considerations, so far as this proposal is concerned, remain. "Limited

infilling in villages” is itemised at NPPF 145 (e) as an exception to the rule that otherwise in the Green Belt the construction of new buildings should be regarded as inappropriate.

- 5.5 As previously the NPPF states, now at paragraph 144, that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.”
- 5.6 The policy status of the appeal plot is discussed in detail in the planning officer delegated report and for ease of reference is reproduced here.

Longsdon is listed as a smaller village in the adopted Core Strategy under policy SS6b. Longsdon is however a particularly dispersed settlement with sporadic ribbon development along the roads. There is not a readily obvious single built core to define the village although the Victoria County History of Staffordshire refers to late 19th-century houses at the north end of Sutherland Road, “which had by then become the main centre of Longsdon”. There was a combined post office and shop here through much of the 20thC opposite The Wheel Public House, next to which in turn is a village hall. Some 300m to the west is a church built in 1905. There was also a chapel at the head of Sutherland Road.

The cluster of development at Limes Avenue (opposite the application site) southwards to Wood Lane represents a recognisable nucleus of development at least comparable with that at the head of Sutherland Road. It appears that Longsdon is a village with two principal parts: that clustered at the head of Sutherland Road and along Newcastle Road and that clustered from Limes Avenue south to Wood Lane, loosely linked by an intermittent scatter of properties along the intervening south side of Sutherland Road.

The SS6b Smaller Villages supporting text at paragraph 8.1.66 states:

“These settlements will continue to be subject to Green Belt or countryside policies but in addition some limited infilling and redevelopment is considered acceptable. In order to guide development an Infill Development Boundary will be defined around these settlements within which appropriate development will be allowed. These boundaries will be more tightly drawn than Development Boundaries to accommodate infilling or redevelopment but to restrict peripheral expansion.”

In other words the aim of the infill boundary under Policy SS6b would be to define locations of acceptable infill but avoid outward spread. However, the infill boundaries have yet to be defined and in the latest draft of the emerging Local Plan the proposal for infill boundary lines is to be dropped in favour of a more flexible criteria-based infill policy. Prior to this a draft

boundary was published as part of the consultation on the emerging land allocations and this did not include the application site although it did include development at Limes Avenue and other developed land along Sutherland Road as far as Wood Lane. However no weight can be attributed to this as it was not progressed to a conclusion.

A recent planning application (SMD/2017/0126) for land adjacent to the south side of High View regarded that site as being within the village and an appeal decision for land on the north side of the application site (dating from 1986) generally seemed to regard that site as being within the village. All considered it would seem appropriate to regard the current application site as being within or part of the village of Longsdon.

In considering whether or not the site can be regarded as infill it is important first to note that contrary to the submitted planning statement the plot of land adjacent to the north does not contain a dwelling. A further confusion is that the names appearing on the OS maps to be associated with these plots (the application site and the plot to the north) are in fact the names of the properties on the opposite side of the road. High View is therefore the most northerly of the development on the east side of Sutherland Road before Stone Barn Farm.

Although there is a simple panel walled double garage on the plot to the north the main characteristic of that plot is of open undeveloped land – the upper (east) section is enclosed as a small paddock.

From the above it is concluded that development of the application plot could only be considered an extension to the accepted stretch of existing development on the east side of Sutherland Road and not the infilling of a gap. Although there is established development on the opposite side of the road – the substantial Victorian red brick semis known as Wood View and Lyndhurst and below these, Shrubs Hill Cottage – the application site does not appear obviously to relate to these and, given there is no development to the east of the application site, again its development would amount to an easterly extension of the existing development plan and not the infilling of a gap. The only remaining possibility is whether the site could constitute infilling by squaring off a corner.

To take the consideration further it is appropriate to consider the purposes of Green Belt and how the proposal might affect these. It is notable that in approaching the site down Sutherland Road from the north, as the existing development at Wood View etc on the West side comes into view there is a strong sense of openness into the land on the left (east) and a sense still of distance to the first development on that side of the road – High View. Development of the application plot would intrude on this openness and would amount to encroachment on the countryside. No doubt the basis of

the paragraph 90 exception for infilling development is that it should not have these effects or that the effects are at least contained by the existing development that is being in-filled. On balance it is concluded here that the proposal would amount more to a peripheral expansion and not infill. The low profile double garage block and concrete apron approach opposite Wood View are considered minor and though noticeable do not dominate the location as would a dwelling.

Piecemeal additional expansion of existing settlement is also a threat to the Green Belt purpose of preventing neighbouring towns from merging. Although separated by higher ground, in terms of maintaining openness from development per se, the site is only some 400m away from the town development boundary of Leek at Mollatts Wood Road to the north east.

An appeal decision dated 29th October 1987 upheld the Council's decision to refuse consent for construction of a dwelling on land opposite Wood View – the neighbouring plot attached to the north of the current application site. The decision letter notes that, "The appeal site is a roughly rectangular plot which lies to the east of Sutherland Road. It contains a pair of garages on a concrete hardstanding and is otherwise rough and overgrown. The appellant's case was that the proposal would constitute in-filling. The inspector wrote that, "the appeal site lies on the eastern edge of the settlement and that although there are a number of dwellings on the eastern side of Sutherland Road the general character of the area is that of open countryside separating the village from the town of Leek". Whilst the term infill has since evolved to be undefined the appeal decision remains relevant in its view that "the development proposed would not be appropriate to the Green Belt in that it would encourage the coalescence of the 2 settlements and harm the rural setting of Longsdon".

- 5.7 The Local Plan submission version would not change this assessment. Policy SS9 which would replace Policy SS6b for Smaller Villages continues to list Longsdon as a smaller village. As anticipated, no development boundary is to be defined. Limited new housing may be considered but in accordance with policy H1. Whilst it is acknowledged that only limited weight can be given to policy H1, due to the level of objection received, H1 (6) makes clear that "When development is located in the Green Belt, National Green Belt policy will apply". Therefore, the application should be determined in accordance with national Green Belt policy in any event.
- 5.8 Having accepted that the appeal site is within a village the main consideration remains whether it should be regarded as infilling. In this regard the case against infilling is considered to have been thoroughly addressed in the planning officer delegated report extract reproduced above. Some further reasoning in response to the appeal is set out below.

6. Supplementary Reasoning and responses to the Appellants' Statement

- 6.1 The appellant first discusses whether the development of a single dwelling would be "limited" and asserts that, being for a single dwelling only, a proposal "can be no more limited than this". In strict numerical terms this is surely the case although the LPA would also aver that, when it comes to reserved matters and consideration of scale, the size of even a single dwelling may be found not to be sufficiently limited. More particularly for this outline proposal it is the size of the gap rather than the number of units or indeed whether there is a gap at all, for, although there is no planning definition of infill the OED Concise Edition 2012 definition is: "material or buildings used to fill a space or hole". To meet the definition the proposal would surely need to be between existing developments. This is patently not the case here. It is the LPA position that the proposal should fail at this point.
- 6.2 The appellant describes Longsdon as a linear village and indeed this is part of the character although it will be noted from the delegated officer report extract above that the LPA regards the village as having two identifiable parts linked loosely by intermittently spaced frontage development along Sutherland Road. The appeal site is at the north easterly limit of that part of the village clustered from Limes Avenue southwards to Wood Lane. The appellant describes the location as being "at the heart of the village" and suggests Limes Avenue is perhaps the "gravitational heart". It will again be noted however from the delegated report extract above that historically and presently the junction of Sutherland Road with Newcastle Road some 500m to the north will have the greater pull as a centre with its pub and village hall and until relatively recently a post office. The appeal site is perhaps more accurately considered to be at the fringe of an outlier or secondary section of the village.

7. Housing Supply

- 7.1 It is accepted that the Council cannot demonstrate a five year housing supply. In this situation NPPF paragraph 11 must be considered. This makes clear where development plan policies which are most important for determining the application are out of date (which include where the LPA cannot demonstrate a 5 year supply of housing), this means granting permission unless the application of policies in the Framework, that protect areas of particular importance provide a clear reason for refusing permission. This includes – by reference to footnote 6 – those policies relating to the Green Belt. It is the LPA's position that the proposal does not meet the exemption test of NPPF 145 (e) 'limited infill in villages' as the site cannot be found to amount to infill and that this therefore provides a clear reason for refusing the development proposed. Consequently, notwithstanding the lack of a 5 year supply of housing, the presumption in favour of sustainable development is not engaged and the "tilted balance" does not apply in this case.

8. Landscape

- 8.1 The appellant contests that the site does not have any of the cited qualities of the dissected sandstone cloughs and valleys landscape character type relevant to this location and states that the site is used by the appellant as garden. There has though been no change of use granted to use the land as garden and the LPA would interpret activities to date (save for the matter of the new access granted in 2011) as being horticultural and not amounting to development. The site is part of a parcel of open paddock bounded by stone walling to the road front and fringed by semi-natural woodland. Both woodland and stone walls are in fact itemised as characteristics of the landscape character type. To some extent though this misses the point which is that the appeal site lies within a landscape area assessed as being of high quality within a county-wide context being ranked at level four on a five point scale where 5 would represent the highest grade of landscape quality.

9. Conclusion

- 9.1 The Council maintains that the proposal does not meet any of the potentially allowed exceptions which may permit otherwise inappropriate development in the Green Belt and specifically does not amount to infilling. As well as being therefore inappropriate development by definition the proposal would harm openness, would result in encroachment on the countryside and would be contrary to the aim of preventing towns from merging. The proposal is therefore contrary to NPPF policy and accordingly does not benefit from the presumption in favour of sustainable development and should be restricted.
- 9.2 Furthermore, as detailed above the proposal would be contrary to policy DC3 which is to protect and where possible enhance local landscape and setting of settlement and contrary to R1 as being harmful to rural character. Policies DC3 and R1 are not specific policies about Housing Supply and require to be considered in full. The proposal would contribute at only a modestly small amount to the economy and would bring a negligible additional supportive economic benefit. The development would deliver one new home but this has no role or relevance in terms of meeting any affordable housing need. Therefore notwithstanding that the “tilted balance” does not apply in this case, it is not considered that the benefits of the scheme would be sufficient to outweigh the harm which has been identified in any event.
- 9.3 Accordingly it is respectfully requested that the appeal be dismissed.

Staffordshire Moorlands District Council

Appendix A – delegated officer report in full