The Planning Inspectorate

Appeal Decision

Site visit made on 13 November 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2018

Appeal Ref: APP/B3438/W/18/3204494
Land adjacent to The Cross, Hollington, E 405946 N 338899

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mrs J Woodhead against Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0199, is dated 24 March 2017.
- The development proposed is the erection of up to four dwellings and the formation of a car park to serve St Johns Church.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs J Woodhead against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal is against the Council's failure to give notice of its decision within the prescribed period, which I note was extended by agreement until 19 February 2018. The Council's case and its putative reasons for refusal are, however, set out in a submitted officer report and appeal statement.

4. The application was made in outline with details of the matter of access also submitted for approval. All other matters are reserved. I have had regard to drawing 7205-3, but have regarded all elements of this drawing as indicative apart from the site location and boundary and details relevant to the access. A further drawing, 7205-4, was submitted at the final comments stage. However, the Procedural Guide – Planning Appeals England (September 2018) states that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have not therefore taken this later plan into account.

5. The Council has submitted its Local Plan Submission Version (LPSV) to the Secretary of State for examination. Given it has yet to undergo examination, the policies of this plan carry limited weight in the consideration of this appeal. I note, however, that the Council has not referred to any policies of the LPSV in its putative reasons for refusal.

6. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaces the first Framework published in March 2012. This change to national guidance is a material consideration and the main parties have had an opportunity to comment on it. References hereafter in the decision are to the new Framework.

Main Issues

7. Based on the Council's putative reasons for refusal, the main issues in this appeal are whether the proposed development would provide a suitable location for housing, having regard to the provisions of the development plan and the accessibility of services and facilities, and the effect of the proposal on highway safety.

Reasons

Whether suitable location for housing

8. Hollington is a small settlement of dwellings and farmhouses, concentrated around School Bank to the south of the appeal site. There are limited facilities in the village. I observed the church and the Star Inn public house, with a second public house, The Raddle Inn, located outside the village to the north. The Council points to a lack of public transport, although the appellant identifies a mobility link bus service on a Wednesday.

9. The appeal site is an open field laid to grass with a hedgerow forming the roadside boundary which restricts views in from the road. The indicative site plan shows four detached dwellings in a linear pattern behind a shared access road leading from a new access point across from the entrance to The Mount. In addition, 12 parking spaces are indicated to the side of the site closest to the church. These are intended for use by churchgoers, with a pedestrian access towards the church at the corner of the site.

10. The Staffordshire Moorlands Core Strategy Development Plan Document (Adopted 2014) (CS) is the development plan for the area. Policy SS1 establishes development principles for the district, including that development should deliver easy access to jobs, shops and transport services by all sections of the community. Policy SS1a reflects the presumption in favour of sustainable development contained in the Framework.

11. Policy SS6b sets out the strategy for development in smaller villages, of which Hollington is one. The Council, however, points to Hollington not having a defined boundary, and therefore that policy SS6c, relating to 'other rural areas' is relevant to the proposal. These polices, along with Policy R2, restrict housing development in rural areas to that which meets local need, such as affordable housing, or which supports rural diversification and sustainability of rural areas, promotes sustainable tourism or enhances the countryside. The proposal for up to four market dwellings would not meet the relevant criteria of Policies SS6b, SS6c or R2, and would therefore conflict with these policies.

12. The Council argues that that proposal would not represent an appropriate location for development, given the lack of services and public transport, and resulting reliance on the private car. There is an evident lack of services within Hollington, and as a result, residents would need to travel beyond the immediate area for employment, shopping and leisure purposes. Given the very limited public transport availability, there would be an overwhelming

reliance on the private car. Moreover, access to larger settlements is several miles away by narrow, rural roads.

13. Given these factors, I find that the dwellings would be within a location with poor access to services and facilities to meet daily needs. Whilst I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal, through its location, would not encourage use of public transport, walking and cycling and would therefore conflict with a key aim of the Framework.

14. The proposal would not, therefore, represent an appropriate location for housing, and would conflict with the locational requirements of Policy SS1, and would not meet the criteria for housing development in rural villages or other rural areas set out in Policies SS6b, SS6c and R2.

Effect on Highway Safety

15. The Council's second putative reason for refusal cites insufficient information to demonstrate that the development would not lead to harm to highway safety. The officer report refers to the comments of Staffordshire County Council (SCC) as the local highway authority, which indicate it would be impracticable to construct an access in the position indicated on the submitted plan that would allow the requisite visibility splays to be provided within land under the applicant's control. During the application period, the appellant submitted an amended plan, 7205-3, in an attempt to provide additional information sought by SCC. However, the Council considers this information insufficient to overcome SCC's initial objection.

16. The road adjacent to the site is a narrow lane with meandering hedgerows to each side. As a result, the lane at points has room only for a single car to pass. There are no footpaths for pedestrians. Interested parties have commented anecdotally on existing problems including speeding, bottlenecks and significant through traffic to and from the nearby JCB headquarters.

17. The amended plan shows a proposed visibility splay of 2.4m x 48m, exceeding that sought by SCC. To achieve this, the boundary hedgerow, previously shown to be retained, is indicated to be removed and replaced further back to achieve visibility to the south. However, visibility to the north would still appear to be contingent upon the hedgerow to the neighbouring property being maintained, which would not be in the appellant's control. I am, therefore, doubtful whether the indicated visibility distances would exist in practice.

18. The block plan does not indicate the details of refuse provision sought by SCC. The appellant indicates these could be dealt with by condition. Given the space available within the site, I am satisfied this matter could be appropriately dealt with by condition.

19. The appellant indicates that the proposed 12 parking spaces would alleviate parking congestion when church services take place. Whilst these spaces would offer more formal parking for churchgoers, it is unclear whether the 12 spaces represent all of those needed to remove parking on the road. Moreover, based on representations submitted, it would appear that whilst there are problems arising from church parking, these are occasional when services take place, and not a constant problem affecting highway safety.

20. Interested parties have, however, expressed concern at levels and speed of daily traffic through the village. The provision of 4 dwellings, each with one or more vehicles, would add to traffic on this narrow section of the road. Moreover, when church services do take place, the proposed access would see substantial vehicular movements should the spaces be used to capacity.

21. The letter from the Church Council indicates the spaces would be locked and unlocked to ensure they are only used by church visitors. However, it is unclear whether measures would or could be put in place to avoid cars entering the site when the spaces are already full, which would result in conflict from drivers manoeuvring back out or parking indiscriminately, potentially obstructing other vehicles or the driveways of the proposed dwellings. Moreover, there does not appear to be a means of preventing parking from still occurring on the road during church services. Indeed, the widened carriageway proposed by the appellant may encourage parking. This would impede visibility for residents of the proposed dwellings and visitors to the church when emerging from the site.

22. Taking these matters together, I find that the proposal would introduce considerable additional vehicular movements onto a narrow, constrained rural road, creating conflict with existing traffic. I accept that the appellant has made efforts to address the technical concerns raised by SCC. However, I am not persuaded that these alterations and the proposed church parking would sufficiently mitigate for the increased volume of traffic, and resulting vehicular and pedestrian conflict, generated by the development.

23. The proposal, therefore, would have an adverse effect on highway safety and would conflict with Policies DC1 and T1 of the CS, which respectively require the provision of safe and satisfactory access, and to ensure that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development. The proposal would conflict with the Framework, which indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

24. The appellant refers to a recent decision by the Council to permit development of nine dwellings on a site at Tearne Quarry in Hollington[1], despite the findings of the Inspector in an earlier appeal relating to the Star Inn public house[2], to which the Council has referred. I note in the Tearne Quarry case that the Council drew a distinction with earlier appeal cases. The quarry site is previously developed land and the number of dwellings proposed was a further variable factor in the planning balance. The appeal decision included a reason for refusal in respect of character and appearance, which is not at issue in the present case. Given these different material considerations, I do not find these developments to be directly comparable to the appeal before me, and they attract limited weight in my considerations.

25. The appellant provides a draft Heads of Terms outlining a proposed agreement between the landowner and the church to lease the parking spaces. Whilst the appellant's efforts are acknowledged, I am not provided with a signed agreement which to take into account, and cannot therefore give it any weight.

[1] Council Ref SMD/2018/0045, granted 11 September 2018
[2] Ref APP/B3438/W/16/3154334, dismissed 27 October 2016

However, a legal agreement would not appear necessary as the retention of the parking spaces for use by churchgoers could be required by condition.

Planning Balance

26. The parties agree that the Council cannot currently demonstrate a five year supply of deliverable housing sites. As such, Footnote 7 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date. In these circumstances, paragraph 11 d) of the Framework directs that where the policies which are most important for determining the application are out-of-date, permission should be granted 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.

27. In terms of the benefits, four dwellings on the site would make a contribution towards rural housing and the shortfall in the Council's housing supply position. In light of the small scale of the proposal, the contribution it would make would be limited, but given the extent of the shortfall, I ascribe moderate weight to this in favour of the proposal.

28. There would be some economic investment from the construction and occupation of the dwellings, including potential patronage of the public houses and employment in the area. Given the small scale of the development, these benefits would carry limited weight in favour of the proposal.

29. The provision of 12 parking spaces would provide a facility for those attending church services. However, for the reasons set out above, I find that this would not be without potential drawbacks, and I am not persuaded, based on the evidence before me, that parking problems are so severe as to require the proposed solution, or that it would fully address existing problems. Therefore, overall, I ascribe limited weight to this benefit.

30. However, there would be significant environmental harm, due to the appeal site's poor accessibility to services and facilities and subsequent reliance on the private car for transport, and harm to highway safety resulting from the increased potential for vehicular and pedestrian conflict.

31. Despite the extent of the housing supply shortfall, I am satisfied that the harms identified would significantly and demonstrably outweigh the benefits associated with the development. Consequently, the proposal would not result in sustainable development when considered against the development plan and the Framework as a whole.

32. The Framework does not change the statutory status of the development plan in terms of decision making. I conclude that the identified harm arising from the proposal results in conflict with the development plan that is not outweighed by the other material considerations in this case.

Conclusion

33. The appeal is therefore dismissed.

Kevin Savage

INSPECTOR