The Planning Inspectorate

Appeal Decision

Site visit made on 4 June 2019

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

Appeal Ref: APP/B3438/W/18/3193220
The Moorings, Birchall Lane, Leek ST13 5RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs K Wright against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0028, dated 17 January 2017, was refused by notice dated 19 July 2017.
- The development proposed is outline application for erection of 4 houses.

Decision

1. The appeal is dismissed.

Procedural Matters

2. As the appellant died during the appeal process, it has been continued by her executor.

3. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis, with the layout plans referred to for illustrative purposes.

Main Issue

4. Based on the submitted evidence, the main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site comprises a detached dwelling set in large grounds that generally slopes upwards in a northern direction. As properties along Rivendell Lane are sited comparatively close to one another, a relatively built up character prevails to the south of the site. However, to the north and west, properties along Birchall Lane are set in generous plots which combined with trees and vegetation create a spacious and verdant character.

6. The setback position of the site from Rivendell Lane, its openness and numerous trees and vegetated areas give it a strong visual association with this spacious and verdant character. Owing to the elevated nature of the site, its positive contribution to the verdant and spacious character of the locality is particularly noticeable from the nearby section of Rivendell Lane and Birchall Lane.

7. A revised indicative site layout plan[1] illustrates a dwelling relocated from the south west corner of the site. Whilst appearance, landscaping, layout and scale are reserved matters, as no proposed site levels are before me. In this light, and taking into account site topography, it is difficult to fully ascertain the overall appearance of the development proposed. Based on the indicative layout submitted, the combined built form of the two dwellings indicated to the eastern side of the site would significantly reduce the open appearance of the site. Furthermore, the dwellings indicated to the north west and south east of The Moorings would result in a harmful loss of openness at the site. The combined extent of openness lost would undermine the positive contribution that the site makes to the spacious character of the area.

8. Owing to the topography of the site, the openness lost would be noticeable from vantage points along Rivendell Lane and Birchall Lane. Consequently the proposal would have a significantly harmful effect on the spacious character of the area. This harm would not be fully prevented by the trees and vegetation retained at the site or by designing the houses to look like those in the vicinity, with views of the houses detracting from the open verdant character of the area. Furthermore, the likely site level changes required, and associated engineering activity, would further reduce the verdant appearance of the site, to the detriment of local character.

9. The original indicative layout site plan[2] would also result in an unacceptable harm to the spacious character of the area when viewed from Rivendell Lane, and would appear visually intrusive when viewed next to The Moorings. Overall, based on the details submitted, the principle of four dwellings at the site would result in the harm identified above.

10. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would not meet the requirements of Core Strategy Policy DC1 which is of most relevance to this matter. This policy seeks to ensure development is well designed, reinforces local distinctiveness and respects the site and its surroundings.

Other Matters

11. A number of benefits are associated with the proposal, which includes its contribution to housing supply; particularly in the light of the agreed position on housing land supply between the main parties. The proposal would also support construction employment, be within the Leek development boundary, and future occupants would be able to access and support services and facilities in the area. The appellant also sets out that the location of the proposal would receive support from CS policies SS3 and SS4.

12. The proposal would also help meet self-build demand in Leek with paragraph 61 of the National Planning Policy Framework (the Framework) stating that housing needed for different community groups such as people wishing to commission or build their own homes should be assessed and reflected in planning policy. In addition, no other planning harm has been identified by the Council other than the main issue above. However the absence of harm can only be considered as a neutral factor in the planning balance. As self build housing is intended, it is put to me that further details of the development

[1] Drawing Ref 0950-09.
[2] Drawing Ref 950-03B.

proposed could not be prepared. However this consideration would not justify the harm identified above.

13. The benefits associated with the proposal would be commensurate with the modest number of dwellings proposed. In addition, whilst paragraph 122d) of the Framework supports development that makes efficient use of land, it also requires that the desirability of maintaining an area's prevailing character and setting (including residential gardens) should be considered. In this case the adverse impacts of granting outline permission on local character and appearance would significantly and demonstrably outweigh the modest benefits associated with the proposal.

14. In reaching this view, I appreciate that the appellant has undertaken engagement with neighbours prior to the submission of the application. I also note the initial feedback from planning officers, and that more recently three dwellings at the site have been recommended for approval by the planning officer. However these factors would not prevent or justify the harm identified above. Moreover I must determine the appeal on its own individual merits.

Conclusion

15. The proposal would conflict with the development plan and the Framework when taken as a whole, and as there are no other material considerations that indicate permission should be granted, the appeal is dismissed.

B Bowker

INSPECTOR