The Planning Inspectorate

Appeal Decision

Site visit made on 4 October 2019

by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 October 2019

Appeal Ref: APP/B3438/W/19/3232103
Highfield, Highfield, Leek, Staffordshire, ST13 8SG

- 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 Mr D Allen against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0711, dated 24 October 2018, was refused by notice dated 28 January 2019.
- The development proposed is the erection of dwellings. The application is in outline with all matters bar access reserved for subsequent approval.

Decision

1. The appeal is dismissed.

Procedural matter

2. An application for costs is made by Staffordshire Moorlands District Council against Mr D Allen. This is the subject of a separate decision.

Main Issues

3. The main issues are:

   - the impact of the proposal on the character and appearance of the area
   - the effect of the proposed development on highway safety

Reasons

Character and appearance

4. An appeal relating to a proposal for 8[1] dwellings on the site was dismissed in June 2019 (APP/B3438/W/19/3219872). Although the appellant now proposes to erect two dwellings, I have neither seen nor read anything to lead me to disagree with my colleague's conclusion that the development of this site *'would represent an uncharacteristic and detached form of development which would be harmful to the character and appearance of the area'*.

5. Highfield sits in substantial grounds and is part of collection of houses adjacent to Leek Cricket Club which sits in the countryside to the north west of Leek. The site comprises a large area of land adjoining Highfield which according to submissions is used for grazing. The southern boundary is enclosed by a

[1] According to the illustrative layout submitted with that appeal application

mature belt of trees, to the north is a private access to a collection of dwellings around Home Farm.

6. The appellant relies heavily on the site being only divorced from the settlement boundary by the cricket club, a distance of 120m. Nevertheless, the change from town to country is marked and the site's setting is open spaces and fields and is rural. Although close to the built up area of Leek, the cluster of dwellings of which Highfields is part are visually clearly outwith the town and in the countryside. I agree with my colleague that: *'the open fields on the edge of the settlement make a significant contribution to the rural setting of the town and form a distinctive edge to this part of Leek'*. Views of the site are constrained by the enclosing tree and hedges but, as observed by my colleague, there are views of the site when approaching Leek along the Macclesfield Road and these views would be more prominent during the winter months. The proposed dwellings would represent an urbanising visual intrusion into the countryside and have an adverse effect on the character and appearance of the area and the setting of the town.

7. The appellant draws my attention to a planning permission granted nearby to build houses on the site of a former reservoir and to a housing allocation in the emerging local plan which would extend the built up area to the cricket club. The former reservoir site is previously developed land and is located within the settlement boundary. Unlike the appeal site, the proposed allocation adjoins the built up area. Consequently, neither example is comparable to the proposal before me.

8. Access to Macclesfield Road is proposed via the drive to the cricket club and through the belt of trees which lie on the southern boundary of the site. Creating the access would result in the loss of 6 trees subject to a Tree Preservation Order. The Council accepts that individually the trees are of poor quality but their removal would create a significant break in the avenue leading to the cricket club. The gap would open the proposed houses to view, exacerbating the adverse visual impact described above.

9. The appeal site was once part of the Highfield Hall Estate and the drive to the cricket club with its avenue of trees and mature planting was formerly the access drive to the Hall. The appellant's Historic Impact Assessment concedes that: *'the intervention of a drive at the mid-way point will break up the formality of the drive, its planting and its current planting character'*. The Assessment argues that this impact can be mitigated by sensitive design and planting. Nonetheless, a large break would remain to the detriment of this attractive avenue. Further, I agree with my colleague that the trees that would need to be felled make a significant contribution to the landscape.

10. I find that the proposed development would be at odds with the rural setting of the site and the loss of trees would have an adverse effect on the landscape. I conclude, therefore, that the proposed development would have an adverse impact on the character and appearance of the area and conflict with Policies SS1, DC1, DC3 and R1 of the Staffordshire Moorlands Core Strategy 2014.

Highway safety

11. Macclesfield Roads is subject to the national speed limit as it passes the site. Nothing is submitted with regard to the required visibility but standing back 2.4m from the carriageway edge visibility to the north is severely restricted by

trees and high hedges. Visibility to the south is better but still restricted by trees and hedges. I observed a steady flow of traffic pass the site and at high speeds. I used the access and due to the restricted visibility drivers entering Macclesfield Road have little warning of vehicles approaching from the north.

12. Although within walking distance of the town it is likely that prospective residents would drive to work, shops, school etc. The shortfall in visibility is such that I consider the increase in vehicle movements that would be generated by the proposed dwellings would have a detrimental impact on highway safety. The proposal, therefore conflicts with Policy T1 of the Core Strategy.

Other matters

13. The site lies outside the settlement boundary as defined in the Core Strategy. Policy SS6c of the Core Strategy states that in the rural area only affordable housing[2] or development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside or will be permitted. I set out above my reasons for concluding that the proposed development would not enhance the countryside. The appellant accepts that proposed development would not satisfy any of the other criteria and, therefore, conflicts with Policy SS6c.

14. The Council cannot demonstrate a 5 year land supply and accepts that, as a result, policies restricting development outside settlement boundaries are out of date. The National Planning Policy Framework advises that where the most relevant development plan policies are deemed to be out of date, planning permission should be granted for sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework.

15. The principles and design considerations set out Policies SS1, DC1, DC3 and R1 accord with the Framework's aim of achieving well designed places. I have concluded that the proposal conflicts with these policies. The Framework requires development proposals to provide safe access and that planning permission should be withheld if there would be an unacceptable impact on highway safety[3]. In my view, the limited benefits of building two houses here, both in relation to the supply of housing and to the local economy are demonstrably outweighed by the harm described above.

Conclusion

16. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Anthony Thickett

Inspector

[2] In accordance with Policy H2
[3] Paragraphs 118 & 109