The Planning Inspectorate

Appeal Decision

Hearing Held on 24 November 2020

Site visit made on 25 November 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/B3438/W/20/3248383
Land South of Thorncliffe Road, Leek ST13 6NH

- 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 Land Designation Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0664, dated 29 October 2019, was refused by notice dated 17 February 2020.
- The development proposed is for residential development, including access, with all other matters reserved for future approval.

Decision

1. The appeal is dismissed.

Application for costs

2. A written application for costs was made by Land Designation Ltd against Staffordshire Moorland District Council prior to the hearing. This will be subject to a separate decision.

Procedural Matters

3. The address given on the planning application form simply refers to 'Thorncliffe Road'. In the header I have therefore used additional components of the address taken from the appeal form which is consistent with the Council's Decision Notice.

4. The appeal development for is outline planning permission including access with all other matters of detail reserved for subsequent approval. Aside from the access provision details provided, I have treated all other information shown within the submitted appeal plans as indicative only.

5. Since refusal of planning permission for the appeal scheme and following the submission of the appeal the Council have confirmed the adoption of a new Local Plan in September 2020 and a current housing land supply of 5.32 years.

6. The appeal scheme follows a previous outline housing proposal considered under appeal decision APP/B3438/W/19/322281 involving a larger development site. The current appeal scheme involves part of the overall site considered by the previous appeal.

Main Issues

7. The main issues are: (i) the effects of the development on the character and appearance of the appeal site and the surrounding landscape, including the setting of the Peak District National Park (PDNP); (ii) whether highway safety levels would be acceptable for the movement of pedestrians and vehicles.

Landscape, character and appearance

8. The appeal site is a grazing field located to the east of the settlement of Leek within the open countryside. It fronts Thorncliffe Road to the north and Stile House Lane to the east. The site is subdivided by hedgerows. There is a public footpath (Leek Town no.21) to the south east separated by other intervening fields. The site is part of a network of fields within a wider valley with high levels of greenery and openness which generates an attractive scenic location.

9. Turning into Thorncliffe Road from the A53/Buxton Road (which is a main thoroughfare leading into Leek Town) there is a clear change in character from town to country with open views of the countryside and the PDNP. I acknowledge that this is a sensitive location as the valley in its entirety provides an important component of the setting of the PDNP and the high levels of scenic beauty therein.

10. There is a well-defined ridge line to the west of the site marked by a line of trees and woodland which provides a strong visual and physical separation between the settlement of Leek and the rural landscape. It is a defining containing feature of the settlement and also a screen from longer distance views.

11. The appeal site is located beyond the ridge line, which also forms part of the Churnet Valley landscape surrounding the town. More specifically the site lies within the Ancient Slopes and Valley Farmlands (ASVF) landscape character type. The Churnet Valley Landscape Character Assessment (LCA) defines the key characteristics of the ASVF as its undulating and sloping landscape, small scale fields bounded by trees and hedgerows, wooded valleys, extensive views from higher ground, isolated properties and scattered settlements. It also identifies the expansion of Leek into this landscape as a threat to its character.

12. I have considered the appellant's Landscape and Visual Impact Assessment (LVIA) as well as the Council's submissions. There is dispute linked to how much the proposed development would be visible from a range of viewpoints and the appropriateness of the use of character areas set out in the LVIA.

13. The development would be visible along the road at Morridge to the east of the appeal site, from where it would be seen in the context of the wider valley landscape. It would be seen from the nearby public footpath Leek Town no.21 and from immediately surrounding public roads and roads further afield. I find that the development would have at least a medium if not high magnitude of effect based on the LVIA assessment criteria in relation to the public roads closest to the site and the public footpath Leek Town no.21.

14. The appeal scheme would urbanise the site, fundamentally altering its character and appearance from a grazing field to a suburban housing estate. The change would be at odds with the dispersed settlement pattern of the surrounding ASVF landscape and the open green character of the area. It

would also negatively impact on the setting of the Leek settlement which is bounded by open countryside.

15. This is because it would result in a noticeable urbanising change to the character of the existing landscape which is open and has a high level of sensitivity. I accept that tree planting within the site and a woodland area provision could be undertaken, but this would take in excess of 15 years to establish. Advanced nursery stock could be used for trees around housing but that would still take many years to have any meaningful impact. Even if scope for tree planting was accepted as providing an adequate form of landscape softening or mitigation, the harm arising from the urbanisation of this part of the valley which is open, attractive and provides an important setting to the settlement of Leek would still be considerable. There may be components of woodland structure found within the wider valley, but I do not find additional tree provision would make a telling positive contribution to mitigate the visual impact of the scheme.

16. The appellant has referred me to site allocation locations for new residential development on the periphery of Leek. But those site allocations involve different character impact considerations; are yet to be built out; and their suitability for development is already agreed and not a matter before me. They have been subject to public scrutiny and are part of an approved development plan. In any event I have judged the effect of the appeal scheme on its own merits. The approved site allocations nearby also do not impact upon the level of intrusion into the valley the appeal scheme would lead to.

17. Rather than visual integration within the landscape, the introduction of new housing in the location proposed by the appeal scheme would lead to an uncharacteristic form of urban development projecting into the open sweep of the ASVF landscape from the ridge line above Leek. The intrusion would have a harmful visual impact which would be long lasting.

18. In terms of the effect of the proposed development on the landscape of the PDNP. The ASVF character area also forms part of the landscape setting of the PDNP. The absence of urban forms of development within it contributes to conserving the scenic beauty of the PDNP from a range of public vantage points. The PDNP Authority as a statutory consultee have objected to the scheme on this basis. I concur with the PDNP Authority and afford its analysis significant weight.

19. The delineation between the open space and dwellings shown in the appeal plans is indicative only. As a result, the Council would have opportunity to agree a layout. However, the level of urbanisation and encroachment into the valley in this location would still be harmful. Planning Practice Guidance advises that poorly located development within the setting of a National Park can do significant harm, especially where long views to or from the designated landscape are identified as important or where the landscape character of land within and adjoining the designated area is complementary.

20. The proposed development would introduce an unsympathetic urban form of development within the valley which is part of the setting of the PDNP. Even though the scheme has been reduced in scale from the housing development previously considered at appeal it would still be intrusive and damaging to the scenic qualities of the open countryside valley it would sit within.

21. I conclude that the development would have a harmful effect on the character and appearance of the site and landscape including the setting of the PDNP. The development would conflict with Staffordshire Moorlands Local Plan (2020) Policy SS1 which seeks to maintain the locally distinctive landscape of Staffordshire Moorlands, its towns and villages; as well as Spatial Objective SO9, Policy DC1 and Policy DC 3 which in combination seek to protect and improve the character and distinctiveness of the countryside and its landscape; ensure that all development positively contributes to the character of the area; and residential development does not lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement.

22. I appreciate that the Council's decision notice refers to paragraph 172 of the National Planning Policy Framework (the Framework) which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. But the appeal site is outside of it and I have found conflict with harm to its setting only.

Highway safety

23. The Council allege there is insufficient information to demonstrate that the development would not exacerbate the risk of pedestrian/vehicle conflict by reason of inadequate provision for pedestrians.

24. This is linked to disagreement between parties as to whether it is appropriate for a Transport Assessment (TA) relating to a 154-unit scheme previously dismissed at appeal to form a reliable basis to assess the current appeal scheme. The Council take the view that the TA is not appropriate for 48 dwellings and further details of clarification are required.

25. A Transport Statement (TS) has been submitted by the appellant in response to the Council's initial concerns to the TA, but the documents do not readily fit together owing to the fact that different schemes are referred to and do not provide the necessary clarity. There is also further dispute between which iteration of the TS has been formally accepted during the planning application process. I have been provided with the TS dated 29 January and no further documents were submitted at the hearing. I accept there is a lack of clarity as to what is proposed linked to the appeal development and whether adequate provision can be successfully delivered.

26. I could see at my site visit that there is presently inadequate space at the junction of Thorncliffe Road/A53 Buxton Road to provide a pedestrian footway and that remodelling of the junction is required to provide a footpath. Thorncliffe Road has no pedestrian footway.

27. I note indicative site layout drawing CAL030517 04 shows a footway of an unspecified and variable width within the site boundary. It does not show the footway connecting to Buxton Road. Moreover, it does not show that there is inadequate width within the highway verge to provide a footway or put beyond doubt that the Thorncliffe Road/Buxton Road junction will require alteration to accommodate the proposed footway. It is not clear in the evidence what exactly would be provided in terms of footway provision and the junction improvement required for a 48-unit sized scheme. Therefore, the details do not adequately demonstrate that pedestrians would have safe passage to Buxton Road when walking from the appeal site. This would be harmful to public safety

as pedestrians would be forced to walk directly onto the carriageway used by vehicles.

28. I am also cognisant that planning conditions would not be an appropriate mechanism of securing pedestrian connectivity provision. This is because the access details in dispute are matters applied for at outline stage where public safety would be materially eroded if safe access provision is not properly demonstrated at this point. Furthermore, drainage provision on Thorncliffe Road would need to be fully addressed as being acceptable owing to local flooding issues.

29. I therefore find that the development fails to demonstrate that highway safety levels would be acceptable for the movement of pedestrians and vehicles. The development conflicts with Policy DC1 criteria 7 and 8; as well as Policy T1 and T2 of the Staffordshire Moorlands Local Plan which collectively require that development provides safe access; support the facilitation of walking; and support measures to create better accessibility and safer roads. It would also conflict with Paragraph 127, part f) of the Framework which seeks to create places that are safe and accessible.

Other Matters

30. I accept that the Council can demonstrate that they have an up to date 5-year housing land supply following the Council's new Local Plan adopted in September this year. The most up to date supply figure is 5.32 years. The appellant contended at the hearing that the housing land supply calculation informing the plan does not have a solid basis. But there is a lack of evidence to support that claim. The Council's Local Plan carries full weight as an adopted statutory document and my decision is taken in that vein. Therefore, paragraph 11d of the Framework is not engaged. Moreover, the plan policies most relevant to the appeal relate to character and highways impacts rather than housing provision and are up to date.

31. I acknowledge that although a 5-year housing land supply is evident it should not be taken to be a maximum requirement. As a further consideration to housing supply related matters the appellant has referred me to specific shortfalls in the Leek area over the full plan period which could be met by the development. Whilst that may be the case it would relate to a marginal shortfall towards the end of the full plan period. Therefore, such an argument if supported this early in the plan following recent adoption would undermine the basis of policies which seek to protect the open countryside. Housing delivery within the conurbation would also be subject to local annual reviews and other potential changes of circumstances far later in the plan period. For those reasons, I give that suggested benefit limited weight.

Planning Balance and Conclusion

32. Paragraph 12 of the Framework advises that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

33. I have carefully considered a range of other benefits that are referred to by the appellant including: open space provision, habitat and environmental improvements; the provision of affordable housing; economic betterment; new housing being close to the settlement of Leek which has a range of facilities and is a primary Town in the settlement hierarchy of the Local Plan. Taken collectively these points amount to significant benefits provided by the scheme.

34. In particular, the affordable housing provision the scheme would deliver is a significant individual benefit. However, the level of harm to the character and appearance of the area having regard to the setting of the PDNP far exceeds those benefits considered individually or collectively. The absence of adequate pedestrian connectivity adds to the weight countering the benefits. For those reasons, the appeal scheme would also conflict with the environmental objectives of achieving sustainable development defined by the Framework and its aims to create places that are safe.

35. Overall, I have identified that there is clear conflict evident with the Council's adopted Local Plan in terms of the adverse impacts the proposed development would have on the intrinsic character of the local landscape and scenic beauty of the setting of the PDNP. There is also conflict with the Local Plan arising from inadequate pedestrian connectivity which would be hazardous to public safety. Both impacts would result in significant harm.

36. A Unilateral Undertaking was received in the lead up to the appeal dealing with several issues to support the proposal. But as I have found the appeal scheme to result in an unacceptable impact it is not necessary for me to comment any further on that document.

37. For the above reasons the appeal does not succeed.

Matthew Shrigley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Mortonson	Planning Consultant
Wendy Wright	Principal Landscape Architect

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Jane Curley	Senior Planning Officer
Mr Stuart Ryder	Landscape Expert
Mr David Plant	Highway Expert
Mr David James	Principal Policy Officer

INTERESTED PARTIES:

Cllr Darren Price	Ward Councillor
Karen Barker	Local resident

Charlotte Atkins	Local resident

LIST OF DOCUMENTS SUBMITTED FOLLOWING THE HEARING:

Revised UU

Ecology condition from the LPA