The Planning Inspectorate

Appeal Decision

Site Visit made on 22 June 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2021

Appeal Ref: APP/B3438/W/20/3264486
Ringe Hay Farm, Basford Green Road, Basford, Leek ST13 7ET

- 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 Pearson against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0352, dated 3 June 2019, was refused by notice dated 16 June 2020.
- The development proposed is described as 'Outline application, including access, for the erection of an environmentally sustainable, zero-carbon eco-home built into the hillside; landscape and nature conservation enhancement and improvement of the entire holding; PV panels, electric car charging facilities; and the deposit and re-use of excavated material'.

Decision

1. The appeal is dismissed.

Applications for costs

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

Preliminary Matters

3. The appeal scheme seeks outline planning permission including access. Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval. Therefore, other than access, I have considered the remaining details shown on the plans on the basis that this information is shown for indicative purposes only.

4. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The parties have been provided with an opportunity to provide comments as to whether this is of relevance to the appeal. I have taken any comments received into account as part of my assessment.

5. Since the planning application which resulted in this appeal was determined, the Council has adopted the Staffordshire Moorlands Local Plan (2020) (LP). Following the adoption of the LP the policies of the Staffordshire Moorlands Core Strategy Development Plan Document (2014) (DPD), which are referred to in the Council's decision notice, have been superseded. I have therefore

assessed the appeal against the up-to-date policies of the LP provided by the Council.

6. The third reason for refusal on the Council's decision notice confirms that at the time of the decision the Council was not able to demonstrate a 5-year housing land supply. Following the adoption of the LP, the Council has confirmed that it is now able to demonstrate a 5.23-year supply of deliverable housing sites. The appellant does not dispute this. Given the updated housing land supply position, the policies of the LP carry full weight and paragraph 11d of the National Planning Policy Framework is not engaged. I have taken this into account in defining the main issue.

Main Issue

7. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy.

Reasons

8. The Framework sets out a presumption in favour of sustainable development and confirms amongst other things that the planning system should be genuinely plan-led.

9. Policy SS 1 (Development Principles) of the LP confirms that all proposals for development will be considered in the context of the District-wide spatial strategy and with regard to both its direct and indirect cumulative impact over the longer term. Policy SS 2 of the LP sets out a settlement hierarchy with the spatial strategy for the District being to focus future growth within the settlement boundaries of the District's three main towns, followed by its 'rural area larger villages' to strengthen and sustain their role as service centres. Limited development will be allowed in the District's 'rural area smaller villages'. In 'other rural areas' in the open countryside development will normally be unacceptable.

10. Taken together, Policies SS 10 (Other rural areas) and H 1 (New housing development) of the LP seek amongst other things to limit new build housing in the open countryside to that which has an essential local need to be located in the countryside or where it relates to affordable housing provision which cannot be met elsewhere.

11. There is no substantive evidence before me to indicate that the proposal would meet any of the limitations in the development plan for new dwellings in the countryside. The provision of a market dwelling in this countryside location would conflict with the plan-led strategic objectives to strengthen and sustain the most sustainable locations.

12. The Framework promotes sustainable transport options. Policies T 1 (Development and Sustainable Transport) and DC 1 (Design Considerations) of the LP are consistent with this guidance and seek amongst other things to reduce the reliance on the private car and ensure that new developments are well integrated for pedestrian and cycle use as well as other sustainable transport links.

13. The dwelling would be located close to a small cluster of dwellings at Ringe Hay Farm which are accessed via a private farm track of substantial length. There is

a neighbouring dwelling at Oldfield which is also set away from Basford Green Road. The position of these dwellings predominantly within a single farm holding and their relative proximity to the public highway, means the site does not sit within a recognisable settlement, village or hamlet.

14. The evidence before me indicates that there is only a limited level of service provision available at the nearest village Cheddleton. Therefore, it is likely that occupiers of the dwelling would need to travel to larger settlements to meet their day-to-day needs. In any case, there is no public footpath or street lighting on Basford Green Road and combined with the round-trip distances involved this would be unlikely to encourage cycling or walking. The appellant suggests that there is a bus stop accessible by public footpath. However, given the unlit nature of this route over fields, this is unlikely to be suitable during hours of darkness or during periods of inclement weather. Details of the days and times that the demand responsive bus service operating in the area is available have not been provided. Overall, these factors persuade me that occupants of the development would be heavily reliant on the use of the private motor vehicle for the majority of day-to-day trips. This further convinces me that the piecemeal provision of a single dwelling in the countryside would not be sustainable.

15. The appellant has provided two draft Unilateral Undertakings (UUs) which set out a requirement for the occupants of the dwelling to use not less than one and up to three electric vehicles for personal use. However, the UUs have not been completed. Even if they had and included a requirement for the annual submission of car ownership and mileage details, this would be difficult to monitor and enforce.

16. Notwithstanding the above, locating new housing development in sustainable locations is not only required to reduce emissions. Providing new housing in the most sustainable locations with access to services and facilities by a range of transport options also accords with the economic and social objectives of sustainable development set out in the Framework including for example supporting a communities' health, social and cultural well-being. Therefore, the use of electric vehicles would not on its own overcome the conflict with the sustainable objectives of the LP and the Framework.

17. I conclude that the site is isolated in the terms described in the Framework and a new dwelling in this location would significantly conflict with the sustainable objectives of Policies SS 1, SS 2, SS10, H 1, DC 1 and T 1 of the LP and the Framework.

Other Matters

18. Paragraph 80 of the Framework confirms that planning decisions should avoid the development of isolated homes in the countryside unless in specific circumstances, one of which being where the design is of exceptional quality. In such instances, development is required to be truly outstanding, reflecting the highest standards in architecture, and would need to help to raise standards of design more generally in rural areas. Furthermore, such development would need to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. Paragraph 134 of the Framework also states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability.

19. The illustrative drawings depict a substantial three-storey dwelling of contemporary design which would be partially subterranean and built into the hillside. The supporting information indicates that the dwelling would be designed to the Passivhaus standard and would be 'Net Zero Carbon'. It is also proposed that a photovoltaic array would be installed with the intention being to also provide renewable energy for the other dwellings at Ringe Hay Farm.

20. Even if the renewable energy scheme has the potential to deliver high levels of sustainable energy provision and the provision of energy to neighbouring properties could be secured by condition, rather than being innovative the details provided indicate that the dwelling would 'encompass many existing, established and proven energy and sustainability techniques and technologies'. Furthermore, whilst the illustrative design and renewable energy aspirations are commendable, matters of appearance, layout and scale are reserved for subsequent approval. Therefore, I cannot be certain that the final design of the dwelling would be truly outstanding or innovative. This greatly diminishes the weight that I am able to attach to these matters.

21. Policy NE 1 (Biodiversity and Geological Resources) requires amongst other things that all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. Landscape and ecology management plans have been provided and I have seen the supporting information including the Energy & Sustainability Statement (Beechfield Consulting Engineers dated 16.11.2020) which detail some of the biodiversity measures envisaged across the wider land holding. However, given that detailed design and landscaping are reserved matters, any biodiversity net gains cannot yet be fully quantified. Therefore, I am not persuaded that net gains would be of such magnitude over the usual policy requirement to justify the significant conflict identified under the main issue.

22. There is third-party support for the proposal including that the land to be developed has no viable use for agriculture. However, not all land in the countryside is in agricultural use, yet its undeveloped nature forms part of the countryside's intrinsic character and beauty which the Framework seeks to protect.

23. The appellant contends that the annual residential building rate in the area is significantly below the required rate and that there is a long history of under-delivery. The Housing Delivery Test (HDT) results published in January 2021 confirm that the Council delivered 97% of its housing requirements over the last three years. Therefore, levels of delivery are only marginally below the required rate and no sanctions have been placed on the Council to further support housing delivery. This must also be considered in the context of the overall positive housing land supply position and that the proposal seeks to deliver a single dwelling. I have considered these matters as part of my overall conclusion.

Conclusion

24. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.

25. When homes required in the District is compared with homes delivered, the HDT results indicate that the Council has marginally under delivered. A single

dwelling would make a limited but positive contribution to the Council's housing requirements. I also attach some positive weight to the potential to provide renewable energy to neighbouring properties.

26. However, the above matters need to be considered in the context that the Council has confirmed it has a 5.23 year housing land supply and this is not disputed. The development of an isolated dwelling in the countryside would conflict with the strategic objectives of the development plan and would not deliver a sustainable form of development. Collectively, these are matters to which I afford great weight and which tip the balance firmly against the proposal.

27. Given the proposal is in outline form, its credentials in terms of the quality of the final design including levels of sustainability measures and biodiversity enhancements incorporated cannot be fully quantified and are matters reserved for subsequent consideration. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the development plan which in terms of the above cited policies the appeal scheme would clearly conflict. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR