The Planning Inspectorate

Appeal Decision

Site Visit made on 13 July 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/B3438/W/21/3274265
Land along Smithy Lane, Mobberley, Cheadle, Staffordshire ST10 1TN

- 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 R Hopkinson against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0779, dated 20 December 2019, was refused by notice dated 20 November 2020.
- The development proposed is the erection of a single cottage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have considered the appeal on the same basis and therefore give little weight to the plans which show an indicative layout of the site.

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the 'Framework'). Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. Their responses have been taken into account in my decision.

Main Issues

4. The main issues are whether the site is a suitable location for this development having regard to local and national policies, and the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site mainly comprises a parcel of land at the eastern end of Smithy Lane, which is an unmade road serving two existing properties. The site is bounded to three sides by open pasture and to the fourth by a dense coniferous woodland. Indeed, its wider context is distinctly rural with few scattered buildings. The edge of the town of Cheadle is about a five minute walk away to the north and is visually separated from the site by the fields in between. The site is not therefore within a town or village. Policy H1 of the Staffordshire Moorlands Local Plan 2020 (the 'Local Plan') generally seeks to focus new housing within, and so limit housing development outside, the development boundaries of the towns and larger villages.

6. Part 4 of policy H1 states that housing on sites not allocated for housing, i.e. windfall sites, outside the development boundaries will be supported if it is limited infill. As the proposed dwelling would not fill a gap between built form, it could not accord with this part of the policy.

7. Part 5 of this policy identifies other forms of housing development that can be permitted in the open countryside. One such example is the development of previously developed land. The appellant advises that the site is within the same ownership of Mobberley Cottage, the easternmost of the two dwellings on Smithy Lane, and has historically been used in connection with that dwelling. At my site visit I saw that the site comprises neatly cut grass and a small wooden storage shed accommodating lawnmowers and other domestic storage. It is clearly used by the occupier of Mobberley Cottage and is not in agricultural use. However it is gated off from Mobberley Cottage, does not appear as part of its garden, which primarily is to the west side of the house, or have a close association with it spatially. Therefore, the site is not part of the residential curtilage of Mobberley Cottage and so in this regard is not previously developed land. It is not comparable to the piece of land on the south side of Smithy Lane opposite The Cottage (the dwelling at the start of Smithy Lane), which, despite being detached from that house by the lane, does have the appearance of being its main garden.

8. Also, although I understand there were some houses on the site before, these were demolished over 50 years ago and no visible trace of them remains. The wooden shed on the site is not sufficiently substantial in terms of its construction or size to be considered a permanent structure such that the site could be considered previously developed land. Even if the shed was sufficiently substantial, the remainder of the site, which is its vast majority, could not be considered as previously developed land as it is wholly undeveloped, despite the presence of a few telegraph poles.

9. In summary, although the development would make a more effective use of the site, it does not fall into any of the forms of development that are considered appropriate by policy H1 and supported by policy SS10 of the Local Plan, which also aims to focus development in the built-up areas. Consequently, the location of the development would conflict with the Council's development strategy set out in these policies.

10. Outline planning permission[1] was granted in 2019 for a dwelling sited between Mobberley Cottage and The Cottage on Smithy Lane. The current proposal differs from that scheme in several respects. Firstly, that development would infill the gap between Mobberley Cottage and The Cottage so would accord with part 4 of policy H1. Secondly, that site is occupied by a large brick garage and has a closer association with Mobberley Cottage so could be considered to be within its curtilage and/or previously developed land. Thirdly, although the Council considered that site was sustainably located, policy H1 had not yet been adopted and no assessment of the development against that was made.

Character and appearance

11. The proposed dwelling would be clearly visible from the A522, although the view from positions on that road north of Mobberley Brook is largely obscured by trees. The layout of the site is a reserved matter, but a dwelling could be

[1] Ref SMD/2019/0441

built here that would visually reflect the general pattern and spacing of houses along Smithy Lane. It would be seen against the backdrop of the open fields behind it, rather than the woodland which forms the backdrop to the other houses along Smithy Lane, but this would not render it unacceptably harmful to the appearance of the area and it would appear as part of this group of houses and not as a prominent intrusion into the open landscape.

12. As such it would not unacceptably harm the rural character and appearance of the area and would accord with Local Plan policies DC1, which aims to ensure development respects its surroundings, and DC3 which seeks to protect the local landscape.

Other Matters

13. The parties agree the Council have a deliverable five-year supply of housing, (which is another difference between the circumstances that existed at the time of the granting of application SMD/2019/0441 and now). Windfall development, such as that proposed, will form a significant proportion of this supply and policy H1 allows for such provision subject to certain criteria. The proposal, however, does not meet the criteria. Also, although the Council's five-year supply figure should not be seen as a ceiling, proposals should still accord with the development plan as a whole.

14. It would be possible to walk from the site into Cheadle on the pavement, and bus services run along the main road into Cheadle. As such although the site is detached from the town, it has reasonable access to it and the services within. This carries moderate weight in its favour.

15. The appellant has suggested the dwelling would be a self-build development and by a local family. This is supported by policy H1 and the National Planning Policy Framework. However, there is no formal mechanism before me to ensure this and the appellant's suggested condition would not be wholly effective in achieving this aim. It would also not be appropriate to defer this for a reserved matters submission as it is at this outline stage that the planning permission would be created. I therefore give this matter limited weight.

16. The development would provide a benefit to the local economy, which is particularly important at the current time. However the benefit derived from the development of just one dwelling would be minimal.

Conclusion

17. Although the development would not harm the character and appearance of the area, it would fail to accord with Policies H1 and SS10 for the reasons set out above. The development does not therefore accord with the development plan taken as a whole and the other material considerations identified do not suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR