The Planning Inspectorate

Appeal Decision

Site Visit made on 16 November 2021

By Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 30 November 2021

Appeal Ref: APP/B3438/W/21/3269459
Bryn Helyg, Kiln Lane, Leek ST13 8LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr. L. Stonier against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0597, dated 26 October 2020, was refused by notice dated 21 December 2020.
- The development proposed is Erection of detached split level dwelling and conversion of existing agricultural building to ancillary residential use.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of its surroundings.

Reasons

3. The appeal site is within the development boundary of Leek, on the top of a prominent hill that contains agricultural fields, a metal barn and associated hardstanding. The site is surrounded by open fields which stretch down the hillside away from Kiln Lane to open countryside. The wider area loosely north-west of Kiln Lane is characterised by predominantly undeveloped hills and valleys with sporadic development associated with agriculture. Conversely, along Kiln Lane and within Leek, development is common up and around the hills, and I note that an Inspector on a nearby appeal found similarly[1]. The appeal site whilst within the development boundary is clearly visually read within the open countryside that is considered to be an important landscape setting to Leek.

4. The proposed dwelling, by way of its position near the brow of the hill and visible from a number of public vantage points including highways and public footpaths would be a prominent feature. In these views the proposal would be read as a single dwelling detached from Leek, which has a strong visual boundary formed by Kiln Lane, and would therefore be an incongruous feature within an otherwise open landscape. As outlined above this open area is considered to be important to the setting of Leek, and as the siting of the dwelling would erode this openness it would be harmful to the landscape character of the area.

[1] APP/B3438/A/14/2223254

5. Although the proposed dwelling would be of a quality design which includes a long catslide roof, which would be somewhat sympathetic to the topography of the site, these features would not mitigate its incongruous and prominent siting. Moreover, while the currently proposed siting of the dwelling may be less prominent than previous applications at the site, the siting is still unacceptable and so this does not justify the proposal before me.

6. Whereas it is suggested that natural screening would be used to soften the appearance of the building, I am not convinced from the evidence before me that this would be possible. Likewise, the simple materials that have been proposed would not be sufficient to acceptably soften or reduce the impact of the dwelling in this location.

7. Whilst the appeal site is within the settlement boundary for Leek, where residential development is supported, given its prominent and jarring location within a field read within the context of the wider agricultural landscape it would result in harm to the character and appearance of its surroundings. As such the proposal would conflict with Policies SS1, DC1 and DC3 of the Staffordshire Moorlands Local Plan which require that, amongst other things, development is of a high quality design that respects the locally distinct character and landscape, including the setting of settlements. It would therefore also conflict with the guidance of designing in context set out within the Staffordshire Moorlands Design Guide and the design aims of section 12 of the National Planning Policy Framework (the Framework), including Paragraph 130.

Other Matters

8. Although I note that the Council have referred to the appeal site being near the Green Belt, I understand from the evidence before me that it is not within it. I have therefore not found it necessary for my assessment to consider the impact on the Green Belt and its openness. Moreover, whilst the proposal may not result in any harm to the living conditions of neighbouring occupiers or to highway safety, these are not benefits resulting from the proposal and so I attach them only neutral weight.

9. The council have objected to the level of accessibility within the site given the steepness of the existing track and its surfacing material. This is not a main issue on which the appeal turns and, I find that the gradient of the slope and its surfacing materials are not unlike many properties, especially those in hillier locations. Therefore, while I find accessibility within the site may be made more difficult by the topography, I do not find it would be to such an extent as to be unacceptable.

10. The Council have also referred to the loss of agricultural land, and the effect of reprofiling the site on sustainability. Nevertheless, the evidence before me does not suitably demonstrate that the proposal would cause any harm as a result of either the loss of agricultural land or via the reprofiling of the site. In particular I find that the small and steep area of land covered by the development would not unacceptably affect the provision of agricultural land, and that the small scale of the proposed reprofiling would have a negligible impact on the wider environment.

Conclusion

11. The appellant has raised concerns regarding the Council's ability to demonstrate a delivery of housing under the Housing Delivery Test as a result of their historic under provision. The proposed development would result in harm to the character and appearance of its surroundings which I found to be significant. In my judgement, the provision of one dwelling in a reasonably accessible location would make a small contribution towards the Government's aims of significantly boosting housing land supply. It would also, through its construction and future occupiers, provide modest economic and social benefits to the local area. However, as the proposal is for one dwelling, I attach these benefits only limited weight.

12. Even if I were to conclude there is a shortfall in the Housing Delivery Test on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits raised above.

13. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR