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TOWN & COUNTRY PLANNING ACT 1990

APPELLANT: MR PETER BULL OF BULL CONSTRUCTION LTD

APPEAL ADDRESS: LAND AT BLACK LANE, WHISTON, STAFFORDSHIRE

I refer to your letter and attachments dated the 23rd February and wish to offer the following response to the Local Planning Authorities Appeal Statement. For ease of reference I have referred to the relevant paragraphs of the Council's Appeal Statement where necessary.

Section 2 the Council's statement discusses the policy position. It is important to note that the preamble to Local Plan Policy SS9 identifies the issues of housing supply in a rural district stating that "A major issue for smaller villages is the loss of local population through lack of housing opportunities. The proposed strategy for the smaller villages therefore seeks to allow an appropriate level of sensitive development which enhances community vitality." "Development on a large scale would be unsustainable in these villages, as it will generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. Development will be strictly controlled in order to ensure that the character and life of the settlement is not undermined." "**Limited development**, including infill will be supported subject to this policy..." (bold my emphasis).

The actual policy wording of Local Plan Policy SS9 (Smaller Villages) states that: "These settlements shall provide only for appropriate development which enhances community vitality or meets a social or economic need of the settlement and its hinterland." ...by (inter alia): "Enabling **limited** new housing development, **including** small infill schemes in accordance with Policy H 1. (bold my emphasis)

It is clear therefore that Local Plan policy SS9 allows "limited" new housing development which includes **but** is not limited to infill schemes. The provision of a single dwelling on the appeal site is considered to comply with the above policy.

In paragraph 2.8 the LPA consider that the appeal site should not be assessed as an infill plot as it comes at the end of a row. However, as the council correctly identifies, that the term infill is not set out in either the adopted Local Plan or the National Planning Policy Framework. . In order to assess the sites status as an infill plot one must first understand the definition of infill. The Council rely on the definition of infill as set out in the OED New Shorter Edition 1993 as the "filling of vacant gaps between houses" however the Oxford English definition of infill is as "buildings constructed to occupy the space between existing structures.". It
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goes on to define a structure as “a building or other object constructed from several parts” . The site lies between an end terrace dwelling and physical feature which the council describe as a rock exposure (a top of which is the route of the historic Cauldon plateway. Therefore on the basis of the above definitions the appeal site clearly meets the definition of an infill plot and would comply with Framework and Core Strategy policies in this regard.

In paragraph 2.9 the Council state that the appeal proposal would be contrary to Local Plan policy H1(4)(b) as it would in effect create or extend a ribbon development. It is important to note that in the assessment of the application for the recently approved 4 terraced properties under application SMD/2019/0005 this plot, of which the appeal scheme forms a part, was accepted as constituting an infill plot and clearly the provision of 4 dwellings laid out in a linear row would constitute ribbon development. Whilst it is acknowledged that the adopted Local Plan was not formally adopted until September 2020 some 11 months after the consideration of that application the committee report for that application clearly outlined the advanced stage of the emerging local plan which had been submitted to the SOS and confirmed that its policies should be afforded significant weight. It is therefore somewhat disingenuous that the council now raise issues with the plot being an infill plot and the form and layout of development proposed especially having regard to the recent approval for the adjacent 4 terraced properties.

The case officer delegated report for the appeal scheme SMD/2021/0284 is somewhat conflicted and references both policies SS9 and SS10 which relate to development within smaller villages and open countryside respectively. Despite considering whether the site lies within the village or the countryside it fails to actually come to any sort of conclusion in this regard.

Notwithstanding the above it is considered that the compliance with the council's aforementioned housing policies is somewhat unavailing given that the Council have recently published (February 24th 2022) their Annual housing Supply Monitoring Report (copy already provided by the LPA to PINS via email dated 7th March 2022) which sets out that at the end of April 2021 the council had a housing supply equivalent to 4.21 years. Accordingly as the Council cannot demonstrate a 5 year supply of housing at present, the presumption in favour of sustainable development as set out in the Core Strategy and Paragraph 11 (d) of the NPPF applies and permission should be granted unless either protective policies of the NPPF provide a clear reason for refusing the development; or, there would be significant and demonstrable harm to outweigh the benefits of the proposed housing provision, which is set against a backdrop of significant housing shortfall within the district. The site is not constrained by any of the restrictive policies referred to in the footnote to paragraph 11 and therefore the application falls to be determined under the second provision and should be granted permission unless there would be significant and demonstrable harm to outweigh the benefits (the so-called ‘tilted balance’). Those sections of LP policies that relate to the supply of housing including policies SS9, SS10 and H1 are also considered to be out of date and therefore considered to be out of date as per NPPF required, In this circumstance, this significantly reduces the weight that can be afforded to the schemes conflict with the aforementioned housing policies.

In paragraph 2.10 the council state that the proposed development would “urbanise the location, undermine its hitherto essentially rural character closing off the locations openings and links with the countryside.” It goes on to state that “the development of this end plot would significantly intensify the impact of built development in this location overstepping a threshold and taking it well beyond a level that can be regarded as sensitive or of an appropriate scale and character.” Whilst the appeal site may well at one time have had a “rural character” it is important to note that the granting of consent SMD/2019/0005 for a row of 4 terraced properties has already resulted in urbanisation of the area and resulted in the loss of any rural character. Whilst it is accepted that no built development was proposed on the appeal site as part of that scheme it is by the council's own evidence conditioned to provide garden and amenity space for the adjacent terrace of dwellings. This area would not therefore be left as is but be lawned, planted and landscaped thus resulting in a more formal, engineered and overtly domestic character and appearance.

In paragraph 2.11 the council state that in reaching the above view they are being consistent with its recent past decisions in relation to this site which, although made under earlier and now superseded versions of the development plan, do stem in essence from the same underlying aims – to strike a reasoned balance between development and its impacts. The appellant would argue that what they are doing is failing to give due consideration to the appeal scheme on the basis of the past negotiations which have blinded the council to the benefits of the appeal scheme or indeed assess it with an open and impartial mind.

To clarify the council's point in paragraph 2.12 the development of any greenfield site will obviously reduce openness by virtue of placing a building where there was previously none. The Council's concerns about the public experience and views of this section of Black Lane are unwarranted and cannot be substantiated. The appeal site lies at the end of a short cul de sac off Black Lane. The proposed dwelling would be set in line with the row of recently approved and currently under constructed terraced properties. It would not therefore be seen from the entrance to the close off Back Lane. With the exception of its immediate neighbours 4 and 5 The Plain and the end terraced property the proposed appeal dwelling would not be readily evident from any other public vantage point. In this regard residential development is prevalent in this area and the appeal dwelling would be read as a book end to the previous terraced development and would therefore be entirely in keeping and consistent with the character and appearance of the area and the prevalent land use.

In paragraph 2.13 the council make reference to the fact that the appeal building would be "wedged" into this "narrow" site yet it is important to note that the plot width of the appeal site is wider than the plots of adjacent 4 dwellings currently under construction with circulation space provided to both sides of the proposed dwelling. Whilst the form and design of the appeal building differs from the recently approved row of cottages the overall design and appearance of the appeal building is traditional and reflective of and in keeping with the Staffordshire Moorlands local vernacular.

Paragraph 2.17 states that bedrock has been excavated against the foot of the embankment. The appellant categorically denies this allegation and the area of earth which has been exposed and is evident in the councils statement at figure 2 is merely the result of the embankment collapsing naturally. At no point has it been exposed or excavated by the appellant nor, for clarity, are any excavation works proposed as part of this appeal scheme.

Whilst the council go to great pains in paragraph 2.18 to explain the rationale and decision making process which permitted the frontage parking on the adjacent scheme SMD/2019/0005 it clearly cannot alter the fact that the two central dwellings would have frontage parking which would not be unduly different in terms of impact and appearance of the area to that of the appeal scheme.

With regards to heritage issues the council state that the embankment site is a significant feature and important heritage asset with added historical significance. Interestingly however the recently approved scheme for four dwellings under SMD/2019/0005 was not accompanied by any heritage impact assessment despite the council's conservation officer referencing it as such and no assessment with regards to the impact those dwellings would have upon it was made within the case officer's delegated report.

Conclusion

In conclusion therefore it is considered that the appeal scheme clearly constitutes an appropriate form of limited infill development which would, by virtue of its modest size and scale, good design and use of traditional materials result in a good quality development which would be sensitive to and not harm the character and appearance of the appeal site or the wider area including the adjacent heritage asset.

Furthermore, due to the Council's weak housing supply position the weight attributed to the council's housing policies is significantly reduced and in the absence of a 5 year supply of housing, the application should be determined in accordance with the presumption in favour of sustainable development. There are no restrictive

policies in the NPPF which apply and indicate that development should be refused and therefore the application should be approved unless there would be significant and demonstrable harm to outweigh the benefits (the so-called 'tilted balance').

Based on the reasoning and contents of the submitted Planning, Design and Access Statement, covering letter and the additional responses in this statement the inspector is respectfully asked to allow the appeal.

Yours faithfully

Teresa Critchlow

Teresa Critchlow BA(Hons), MPlan

For and on Behalf of Sammons Architectural Ltd.