The Planning Inspectorate

Appeal Decision

Site visit made on 15 February 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/B3438/W/21/3285444
Land at Horse Road, Alton, Staffordshire, 407064 342317

- 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 Richard Prince against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0444, dated 27 June 2017, was refused by notice dated 30 July 2021.
- The development proposed is the erection of a detached cottage and formation of access.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Richard Prince against Staffordshire Moorlands District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are (i) whether the appeal site is suitable for new housing, the effect of the proposal on (ii) the character and appearance of the surrounding area and on (iii) trees.

Reasons

Suitability of Location

4. The appeal site is outside of the village of Alton which is considered a Larger Village by Policy SS8 of the Staffordshire Moorlands Local Plan (the LP, September 2020). Outside Larger Villages LP Policy H1 allows residential development where it adjoins the boundary of such a village and is well related to the existing pattern of development. Residential development within rural areas is also restricted by LP Policy SS10 subject to a number of exceptions, including where it can meet the requirements of Policy H1.

5. Although the appeal site is close to the development boundary of Alton it is clearly separated from it by Horse Road. Policy H1 is clear in that development must adjoin the boundary, which I take, on a plain reading, to mean that the site must touch the boundary. Therefore, it is clear that in this case as the appeal site does not adjoin the development boundary of Alton, it does not comply with the locational strategy of the development plan.

6. Whilst I acknowledge that the services and facilities within Alton would be reasonably accessible from the appeal site, the development plan has a well-founded spatial strategy and settlement hierarchy supported by clear settlement boundaries. It is not within the remit of this appeal to consider altering these. The limited economic and social benefits from one dwelling would not be sufficient to outweigh the locational harm of a dwelling outside of the settlement boundary, contrary to the development plan.

7. Policy H1 under point (5)(e) allows for residential development within the countryside where it would be on previously developed land (PDL) that does not have a high environmental value. The Glossary of the National Planning Policy Framework (the Framework) considers PDL to be land that is or was occupied by a permanent structure, its curtilage (including gardens outside built-up areas) and any fixed surface infrastructure. However, the glossary excludes land that was previously developed but where the remains of the permanent structure have blended into the landscape.

8. At the time of my visit, the site had been excavated and as a result, parts of the walls and floor of the demolished cottage were visible. However, Figure 2 of the appellant's Appeal Statement shows the site as it would have been prior to excavation. It is clear from this image that the remains of the cottage have blended into the landscape and that the current state of the site is contrived and has been brought about artificially through the engineering works. As a result, I do not find the site to be PDL. Moreover, as the previous dwelling is no longer present and given the above, for the purposes of this appeal, the site cannot be considered a residential garden. Although I note that the retaining wall to the rear of the site has not blended into the landscape, this does not justify the rest of the site being developed.

9. Given the appeal site's location, and that it would not meet any exception within the development plan, I conclude that it is not within a suitable location for a new dwelling as it would be contrary to the locational strategy set out within Policies SS8, SS10 and H1 of the LP as outlined above.

Character and Appearance

10. The appeal site is within the Alton and Farley Conservation Area (the AFCA) which covers a large area either side of the Churnet Valley. Although the AFCA Appraisal divides the area in to three distinct parts, this area can be broadly described as being characterised by small and dense areas of development surrounded by substantial areas of fields and woodland. The appeal site itself is within an area the AFCA Appraisal describes as Alton Bridge, this is focussed on the bridge which crosses the River Churnet. This area is characterised by a small cluster of buildings, finished in a mixture of ashlar and brick, within a predominantly wooded area. The significance of the conservation area as a whole stems from its long history and the extent to which this, its landscape and the historic buildings are still intact and legible. On the opposite side of Horse Road to the appeal site and forming part of this cluster is a simple red sandstone dwelling, the Grade II listed The Cottage, which by way of its architecture and siting, contributes towards the significance of the wider conservation area.

11. I am mindful of the fact that the demolished cottage would have once been a prominent feature within views up and down Horse Road. However, it is clear from the evidence before me, and my observations on site, that that since the

demolition of this cottage, the landscape has significantly changed. With the exception of the cluster of buildings referred to above, Horse Road is now closely bounded on either side by steep wooded banks which present a verdant and rural character. Although cleared, the site still contributes towards this rural landscape and as such, the site is read in connection with this rather than the built-up area opposite.

12. In light of the above, the erection of a dwelling in this location would not respect the tight clustering of the existing development and would be a prominent intrusion into the countryside. This would be exacerbated by the loss of trees along the frontage of the appeal site which would open the site and allow longer views. This prominent intrusion would be harmful to the character and appearance of the surrounding area, the setting of The Cottage and to the conservation area as a whole. Whilst the proposed dwelling may be sympathetic in style, this does not outweigh the harm identified above.

13. Notwithstanding the appellant's argument that the proposal would better reveal the significance of the conservation area, given the above harm the proposal would fail to preserve or enhance the character and appearance of the conservation area and setting of the listed building. I am mindful of the scale of the development in relation to the designated heritage assets, the listed buildings and AFCA, and find that the harm caused would be less than substantial. However, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.

14. The appellant has submitted that the proposal would increase the provision of housing and result in short and long term social and economic benefits. The provision of an additional dwelling would contribute towards the Government's aims of increasing housing supply. The proposal would also likely result in some limited social and economic benefits stemming from its construction and future occupiers. However, given the scale of the development, I attach these matters, collectively, only modest weight.

15. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the character of the AFCA, the setting the listed building and conserving the heritage assets as identified above.

16. In light of the above I find that the development would harm the character and appearance of the surrounding area, including the conservation area and setting of a listed building, contrary to Policies DC1 and DC2 of the LP which require that, amongst other matters, development reinforces local distinctiveness and the historic environment by way of its design and siting. It would also be contrary to the overarching heritage aims set out within Parts 12 and 16 of the National Planning Policy Framework (the Framework), including Paragraph 202.

Trees

17. As referred to above, there are a significant number of trees within and surrounding the appeal site. From the submitted evidence, it is clear which trees are proposed to be removed; those along the front of the appeal site, against Horse Road. From the evidence before me and my observations on site

I find that these trees are healthy. Although three trees in the middle of the site are also proposed to be removed it appears this has already occurred.

18. However, the proposed dwelling and driveway would extend close to the retained trees along the south and west sides of the site, as shown on the proposed site plan. It is not clear whether the crown spread shown on this plan is accurate and no root protection area (RPA) has been shown. Although the Tree Survey Schedule contained within the Arboricultural Survey Report & Method Statement (the Statement) includes measurements for the RPA, this is insufficient on its own to assess the effect of the proposal on the trees and RPA.

19. It is nevertheless likely, given the close proximity of the development to these trees that some works would need to be carried out within the RPA. Although some guidance on works within an RPA is set out within the Statement this is generalised and no details have been provided as to how this proposal would be carried out without harming the retained trees. As such, and lacking evidence to the contrary, I find that the development would put the retained trees at an unacceptable risk and could ultimately lead to the loss of further trees.

20. It would not be appropriate to impose a condition for these further details, should the appeal be allowed, as it would result in permission being granted before it is established that an appropriate construction method is possible. If such an appropriate method could not be reasonably achieved this could put pressure on the removal of the condition.

21. The loss of a number of trees, and potential for future harm to the retained trees, on and surrounding the site would lead to the loss of healthy trees contrary to Policy NE2 of the LP which requires, amongst other matters, that trees are protected from loss or deterioration. The proposal would also conflict with the overarching aims set out within the Framework with regard to the importance of the natural environment and trees, including in Chapter 15.

Other Matters

22. The appellant has raised that the appeal site would have an appropriate level of parking provision and would not result in harm to highway safety or the living conditions of neighbouring occupiers. Whilst this may be the case, these matters are not benefits of the development and as such I afford them neutral weight.

Planning Balance

23. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as potentially some limited economic and social benefits resulting from future occupiers. However, given the small scale of the proposal, these benefits attract modest weight.

24. Conversely, the location of the proposal outside of a development boundary would undermine the Council's plan-led approach to the delivery of housing. Moreover, the proposal would harm the character and appearance of its surroundings, including heritage assets, and result in the unacceptable loss of

trees. These matters attract significant weight and outweigh the benefits associated with the proposed development.

25. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

26. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR