



Appeal Decision

Site visit made on 22 March 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2022

Appeal Ref: APP/B3438/W/21/3286264

Land off Black Lane, Whiston ST10 2HZ

- 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 Peter Bull (Bull Construction Ltd) against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0284, dated 16 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is a full application for the erection of a single dwelling and amendments to parking provision for end terrace approved under planning application SMD/2019/0005.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area having regard to the former 1804 Cauldon Low Tramway (CLT), a non-designated heritage asset; and
 - the principle of the proposed development with specific regard to its location.

Reasons

Character and Appearance

3. The appeal site is located within a predominately residential area towards the eastern extremity of the village. The site is a broadly rectangular parcel of land sandwiched between the northernmost end terrace of four partially completed terraced dwellings built in natural stone, and the steep embankment of the CLT. The surrounding area comprises a mix of different property types, including detached, semi-detached and terraced dwellings of varying ages. These properties are predominately sat within spacious plots with healthy separation distances between properties, giving the area a pleasant spacious and open feel, which regularly affords views in between and beyond existing dwellings.
4. The appeal proposal seeks the erection of a two-storey detached dwelling constructed in natural stone with clay roof tiles. The proposal would also see the location of the parking spaces for the northernmost terraced dwelling being

- re-located from the site of the proposed new dwelling to in front of the end terraced property.
5. The CLT embankment immediately adjacent to the north of the appeal site is an imposing feature which rises up steeply. At its base are areas of jagged and exposed rock face which would protrude closely to the north facing elevation of the proposed dwelling. Whilst it is acknowledged that the plot size would be comparable to others in the immediate locality and the width of the proposed dwelling would be less than the width of the appeal site, there would be little separation distance between the development and the existing dwelling to the south and the CLT embankment to the north. In particular, the height, scale and close proximity of the adjacent embankment would result in the proposed dwelling appearing a cramped, awkward and uncomfortable form of development which would be at odds with the prevailing character and appearance of the area.
 6. The appellant has provided a heritage statement which outlines that the significance of the tramway is derived from its extant remains of the embankments and tunnel connecting Whiston Hall and golf course, with the remains of the tramway itself being of historic and architectural interest due to it evidencing the industrial heritage of the Churnet Valley and former copperworks in Whiston. Other features are also retained including the remains of stone walls approximately halfway up the embankment.
 7. Although the CLT and its landscaped embankment is not widely visible from public vantage points, fleeting views of what is an impressive, prominent and independent feature are possible through the site from where the access meets Black Lane. These views assist in breaking up the existing built development at The Green, The Plain and the four terraced dwellings adjacent to the appeal site, whilst also contributing positively to the wider character of the area. The proposed dwelling would largely obscure any such views and reduce the openness through the site.
 8. The CLT has been identified as a non-designated heritage asset as recorded on the Staffordshire Historic Environment Record. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that when determining applications that affect the significance of a non-designated heritage asset a balanced judgement is required, having regard to the scale of harm, and the significance of the asset.
 9. The re-locating of the car parking spaces to in front of the end terrace dwelling would not result in undue harm being caused. By virtue of its location and the provision of similar parking arrangements in front of the two mid terraced properties, the re-located car parking spaces would have a very limited visual impact on the wider setting. Similarly, the design and appearance of the proposed dwelling would be in keeping with its built surroundings. This would not be sufficient to make the siting of the appeal scheme acceptable in the context of both the CLT and the character and appearance of the area generally.
 10. The proposed development would therefore conflict with Policies DC1, DC2, DC3, SS1, SS9 and H1 of the Staffordshire Moorlands Local Plan (2020) (LP), and guidance contained within the Staffordshire Moorlands Design Guide (2018). These policies and guidance, amongst other things, seek to ensure that developments respect the site and its surroundings through its scale, siting and

character and appearance, whilst also conserving and where possible enhancing heritage assets including their setting.

Suitable Location

11. Policy SS9 of the LP seeks to allow an appropriate level of sensitive development within smaller villages. Whiston is one of the identified smaller villages listed under the policy, which do not have defined development boundaries. Appropriate development within these smaller villages will be supported so long as the development enhances community vitality or meets a social or economic need. All new development is also required to reflect and enhance each village's special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets.
12. As I have already concluded above, the proposed development would fail to reflect the character of the village or protect and enhance the setting and historic character of the village, including its heritage assets. The proposal would therefore conflict with Policy SS9 of the LP.
13. Policy H1 4) b) states that outside of development boundaries, limited infill residential development of an appropriate scale and character will be supported subject to certain criteria being met. These include the development being well related to the existing pattern of development of a smaller village, not creating or extending ribbon development or lead to sporadic development, not leading to a prominent intrusion into the countryside and not having a significant adverse impact on the character and appearance of the countryside.
14. The proposed dwelling would be situated in between a row of terraced houses and the CLT embankment, which to at least some extent is a man-made structure. Consequently, whilst the Framework does not provide a definition of 'infill' I consider that the development would more closely represent infill development, and not ribbon development as required by Policy H1 4) b). The proposed dwelling would also not extend beyond the existing surrounding built development and would therefore not lead to a sporadic form of development or a prominent intrusion into the countryside. The proposed development would therefore accord with Policy H1. This would however be a lack of harm which is incapable of weighing against harm.
15. I therefore conclude that the appeal proposal would not represent an appropriate form of development in this location. Accordingly, the proposed development would conflict with Policy SS9 of the LP, the aims of which are set out above.
16. The Council have also referred to Policy SS10 within their reasons for refusal, which relates to the green belt and open countryside surrounding the smaller villages. However, as I have identified that the appeal site is located within the village this policy is not relevant to the appeal and I have not considered it further in reaching my decision.

Planning Balance

17. The Council has recently confirmed that it cannot demonstrate a deliverable housing land supply of 5 years. Therefore, the most important policies for the determination of the application are out of date and I am taken to paragraph 11(d) (ii) of the National Planning Policy Framework (the Framework), which

sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

18. I have found that the proposed development would cause harm to the character and appearance of the area, as well as the significance of a non-designated heritage asset. These harms would be long lasting, and as such I ascribe them substantial weight. It would be contrary to the aims set out by section 12 of the Framework in regard to its requirements for high quality and contextually appropriate developments which function well and add to the overall quality of the area, and for developments which are sympathetic to local character and history including the surrounding built environment and landscape setting. It would also be contrary to the aims of section 16 of the Framework with specific regard to the protection of non-designated heritage assets from harmful development.
19. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local economy. The one new dwelling would also contribute to the supply of housing and the Council's shortfall. Given the scale of the proposed development contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.
20. With that in mind, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development for which the presumption in favour applies.

Conclusion

21. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

David Jones

INSPECTOR