The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/B3438/W/22/3307821
2 East View, Main Road, Cauldon Low, Leek, Staffordshire ST10 3EU

- 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. & Mrs. B. & H. Duffield against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2022/0285, dated 26 May 2022, was refused by notice dated 21 July 2022.
- The development proposed is for the erection of a 3-bedroom detached house on land/garden adjacent to 2 Eastview.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline with approval sought for access, appearance, layout, and scale and only landscaping reserved for later. The Council determined the application on that basis and so shall I.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and the accessibility to services and facilities.

Reasons

Suitability of location

4. The appeal site is within the area defined in Policy SS2 of the Staffordshire Moorlands Local Plan, 2020 (LP), as 'other rural areas'. This is the lowest category on the settlement hierarchy and includes areas of open countryside and small groups of houses and hamlets which are not identified as 'smaller villages'. As such the proposal falls to be considered under Policies SS10 and H1 which, taken together, seek to meet the needs of the residents of the District; to avoid new isolated homes in the countryside; and restrict development to that which needs to take place there.

5. Part 5 of Policy H1 seeks to restrict housing development in the 'other rural areas' and sets six exceptions to this general restriction. One of the exceptions is the redevelopment of previously developed land (PDL) provided it is not of high environmental value. PDL is defined in the Glossary of the National Planning Policy Framework (the Framework) as land which is, or was, occupied by a permanent structure, including the curtilage of the developed land and

any associated fixed surface infrastructure. The definition goes on to set several exclusions to the definition of PDL. The relevant exclusion to the appeal proposal is land in built-up areas such as residential gardens, parks, recreation grounds and allotments.

6. The Dartford case[1] did not specifically exclude rural communities from having built-up areas. Moreover, there is no definition of what constitutes a built-up area in the Framework, National Planning Practice Guidance nor the relevant policies of the LP. Therefore, in determining this appeal, I have made a judgement based on the circumstances of the case.

7. The site is residential garden and predominately hardstanding, serving as the driveway to the existing dwelling. It is between existing housing with the host dwelling on one side of Main Road, the cul-de-sac of houses on Westfield on the opposite side of the site and the bungalows on Moorfields Close to the rear. On the opposite side of Main Road is open land. As it would be sited between existing dwellings the proposal would not encroach into open countryside, nor is it an isolated dwelling.

8. Due to the close proximity of the surrounding houses, although only a small built-up area, the area in which the appeal site sits is built-up nonetheless. Therefore, the site does not constitute PDL and would not comply with any of the exceptions within Policy H1 of the LP.

Accessibility of services

9. Cauldon Low is made up of residential dwellings on three roads. There is a small play area near the houses and a village hall on the opposite side of the A52, but I have not been made aware of any other services or facilities in the immediate area. The nearest public house, The Cross, was closed and fenced off at the time of my visit. Waterhouses is the closest settlement with services and facilities.

10. With the exception of the section immediately outside the appeal site, Cauldon Low has a footpath on the same side of the road as the houses. There is also a footpath along the road between Cauldon Low and Waterhouses. However, using the appellant's figures, Waterhouses is 3.5km from the site. Furthermore, the footpath is not lit. As such, although Waterhouses is within a reasonable cycling distance, it is unlikely that future occupants of the appeal proposal would cycle or walk, especially in inclement weather or after dark.

11. Cauldon Low has a bus stop. However, based on the evidence before me, the Moorlands Connect service has limitations in that it does not provide an evening or weekend service. As such it is unlikely to be able to provide for daily commuting or school transport. The public transport provision, including the Moorlands Connect service, is limited and would not represent a realistic choice of modes of transport for future residents of the property.

12. Even though the proposal does not result in significant developments it should still be located where it will enhance or maintain the vitality of rural communities, as required by paragraph 79 of the Framework, and should be focused on offering a genuine choice of transport modes, to comply with paragraph 105 of the Framework. Taking into account the rural area and the limited opportunities for sustainable transport modes, the proposal would rely

[1] *Dartford BC v SSCLG* [2017] EWCA Civ 141

heavily on the private car, or home deliveries. As such the scheme does not promote sustainable modes of transport or contribute towards reducing carbon emissions. Moreover, the proposal would not support the sustainability of the rural area as required by Policies SS10 and H1 of the LP and this would result in substantial harm.

13. For the above reasons the proposal would not provide a suitable location for housing, having regard to the development strategy for the area and the accessibility to services and facilities. The proposal is therefore contrary to Policies SS10 and H1 of the LP which, taken together, seek to restrict development in the rural areas. I also find that the proposal would not comply with the guidance within paragraphs 79 and 105 of the Framework.

Other matters

14. The development would provide one additional house with energy efficiencies and associated social and economic benefits both during and post construction. However, given the small scale of the development these benefits are limited. Nevertheless, these benefits contribute positively and carry limited weight in favour of the proposal.

15. The scale of the building would be comparable to the host dwelling and the appearance and layout are acceptable and relate well to the existing houses around the appeal site. As such the effect on character and appearance has a neutral weight. That there are no refusal reasons relating to living conditions of existing or proposed occupiers, or highway, biodiversity, or drainage matters are also neutral factors.

16. Policies SS10 and H1 of the LP are the most relevant in considering the proposal. Being out of date does not mean that a policy carries no weight. Both Policies SS10 and H1 take a more restrictive approach to development in the countryside than the Framework. However, they are broadly consistent with the Framework as a whole and specifically paragraph 79 in seeking to ensure that development in rural areas is sustainable. Moreover, where the Framework states the planning system should actively manage patterns of growth and the environmental impacts of traffic and transport infrastructure are taken into account. As such I have given the conflict with these policies significant weight in this appeal. Consequently, the proposed development would conflict with the development plans as a whole.

17. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. The Council detail a housing land supply of 4.21 years. Although not a significant shortfall it is still a shortfall. Paragraph 11d) of the Framework therefore applies. In this case, from the evidence before me, there are no specific policies in the Framework relevant to footnote 7 which indicate that development should be restricted.

18. The proposal would accord with the NPPF with it seeks to significantly boost the supply of housing and support the rural economy. However, being for 1 property these benefits attract limited weight. A lack of harm to other issues is a neutral factor. There would be adverse environmental and social impacts contrary to the elements of the NPPF referred to above, in terms of lack of access to services and facilities and the reliance on private vehicles. These are afforded significant weight.

19. Therefore, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this. Therefore, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR