

Statement by Staffordshire Moorlands District Council in respect of the appeal by Mr John Matthews against the refusal of planning permission for the erection of one dwelling at Land adjacent to The Bungalow, High Street, Kingsley, Staffordshire, ST10 2AE.

1. Introduction

1.1 This Statement of Case is made by Staffordshire Moorlands District Council in response to the appeal submitted by Mr. J. Matthews against the refusal of application reference SMD/2021/0565. The application for the erection of a single, detached dwelling was refused on the 8th September 2022 for the following reasons;

1. The application proposes an unsustainable form of development due to conflict with National and Local Planning Policies. By reasons of its adverse neighbour amenity impact, inappropriate design and overdevelopment of the plot (which does not reflect its surroundings), the application is contrary to the provisions of policy DC1 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework including section 12.

2. The development would have a harmful impact upon the setting of the Grade 2 Listed Building known as number 44 High Street Kingsley as well as surrounding non-designated heritage assets, including Wesley House and the historic wall to the south-eastern side of the site's vehicular access. Whilst the level of harm is less than substantial, it would not be outweighed by the limited public benefits associated with a single dwelling, the application is therefore contrary to policy DC2 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework including section 16.

3. Due to the limited width of the access and poor visibility at the access on to High Street Kingsley, and the lack of land within the applicant's control within which to carry out improvements the development fails to achieve safe and suitable access to the site therefore being contrary to policy T1 and Policy DC1 of the Staffordshire Moorlands Local Plan as well as the National Planning Policy Framework including section 9.

2. The Appeal Site and its Setting

2.1 The appeal site is a vacant and steeply rising parcel of land where some excavation has taken place, it is accessed directly off, and set back from, Kingsley High Street. There are residential properties in close proximity. A footpath (Kingsley 8) runs close to the rear (northern boundary) but does not form part of the appeal site. The proposed building plot is within the Kingsley Village Development Boundary; it is not within a Conservation Area and does not contain any Listed Buildings. Number 44 High Street to the north-west of the access is Listed. The site

does not contain any protected trees and is not within any identified flood zone. The site is within a Coal development Low-risk area.

3. Plans and Planning Policy

3.1 The plans submitted as part of the appeal are listed as follows;

144-1 Rev B;
144-2 Rev B;
144-3 Rev A;
167-1;
167a-1

3.2 Planning policy considerations are;

Staffordshire Moorlands Local Plan (Adopted September 2020)

SS1	Development Principles
SS2	Settlement Hierarchy
SS8	Larger Villages Area Strategy
SD1	Sustainable Use of Resources
H1	New Housing Development
DC1	Design Considerations
DC2	The Historic Environment
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodland and Hedgerows
T1	Development and Sustainable Transport
Appendix 2	Parking Guidance

Supplementary Planning Guidance

1. Space About Dwellings.
2. Design Principles for Development in the Staffordshire Moorlands

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections;

Section 2:	Achieving sustainable development
Section 4:	Decision making
Section 5:	Delivering a sufficient supply of homes
Section 6:	Building a strong, competitive economy
Section 9:	Promoting sustainable transport

Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and Enhancing the Natural Environment
Section 16: Conserving and Enhancing the Historic Environment.

4. Planning History

4.1 The following planning history is relevant.

SMD/2014/0270 Outline Planning Permission for the erection of 1 No. dwelling on land off existing access route. Approved.

SMD/2018/0060 Erection of 1 dwelling on land off existing access route (Reserved Matters) Approved.

SMD/2021/0565 Erection of 1 dwelling. Refused

Application reference SMD/2021/0565 is the subject of this appeal.

5. Officer Comment, Reasons for Refusal and Responses to Appellant's Statement of Case

5.1 The application the subject of this appeal was refused for three reasons by the Planning applications committee. For ease of reference this report will deal with each of the reasons for refusal in turn.

Refusal reason number 1.

5.2 The application proposes an unsustainable form of development due to conflict with National and Local Planning Policies. By reasons of its adverse neighbour amenity impact, inappropriate design and overdevelopment of the plot (which does not reflect its surroundings), the application is contrary to the provisions of policy DC1 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework including section 12.

Neighbour amenity impact

5.3 The site is situated to the rear of a number of existing dwellings which front, or are at right angles to, Kingsley High Street. Due to the land level rise the new dwelling would be elevated with its principal windows facing directly towards a number of the High Street properties. In particular the new dwelling would overlook numbers 40 and 42 High Street resulting in adverse amenity impact from overlooking, being an overbearing structure and blocking of views from surrounding properties. Number 40 High Street has benefitted from a side conservatory extension since approval of the appeal site reserved matters application (reference SMD/2018/0060) meaning that there is a material change in the site and property relationship since the approval. The proposed dwelling would also be sat at the boundary with 'The Bungalow' to the east which, due to its close proximity, would result in an overbearing relationship for occupants of 'The Bungalow.'

5.4 A number of letters of objection to the application raise issues such as parking/turning difficulties for existing residents and damage to the stone boundary wall adjacent to Wesley House. The parking and wall impact matters are discussed within the context of reason for refusal number 3 as they form part of the councils case in respect of the highway related objections.

Inappropriate design and overdevelopment of the plot

5.5 The dwelling is not designed to respect its surroundings and nor does it create a positive sense of place. The dwelling appears too large for this plot, it takes the appearance of being squeezed into the site and would be cramped within it. Save for the Wesley House (Wesleyan Chapel) building at the junction of the application access and High Street (which is a standalone characterful building), the new dwelling is too large and is out of character and keeping with many surrounding dwellings which are generally roadside fronting, smaller and more traditional/simple in their appearance, shape, window designs and building materials (predominant character of Kingsley). There are isolated examples of similar properties to the appeal scheme but their age would pre-date the current design requirements/guidance.

Summary of reason for refusal number 1

5.6 Policy DC1 of the Staffordshire Moorlands Local Plan requires all design proposals to be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area. The policy goes on to state that developments should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance. The Local Plan requires that residential amenity is protected in terms of satisfactory daylight, visual impact, outlook, privacy and noise.

5.7 The National Planning Policy Framework emphasises that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' and that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting. The Council considers that the application fails in respects of the aims of Local Plan policy DC1 and section 12 of the National Planning Policy Framework.

Refusal reason number 2.

5.8 *The development would have an harmful impact upon the setting of the Grade 2 Listed Building known as number 44 High Street Kingsley as well as surrounding non-designated heritage assets, including Wesley House and the historic wall to the south-eastern side of the site's vehicular access. Whilst the level of harm is less than substantial, it would not be outweighed by the limited public benefits associated with a single dwelling, the application is therefore contrary to policy DC2 of the Staffordshire Moorlands Local Plan and the National Planning Policy including section 16.*

5.9 Number 44 High Street Kingsley is a Grade 2 Listed Building which is positioned further along the High Street (to the north-west) of the appeal site access track. Due to the set back position of the appeal site, number 44 High Street and its generously sized curtilage are located

broadly due west. Number 44 is a three/four storey building constructed of stone, brick and tile with an imposing gable end fronting High Street. The rear gable of number 44 High Street can be seen from the appeal site, as can its south-eastern facing roof slope (see photograph below, Listed building circled red).



5.10 Due to its large size and elevated position within the appeal site, the dwelling (the subject of this appeal) would have an imposing visual impact upon number 44 High Street and its grounds. The massing and scale of the proposed appeal dwelling will not be subservient in size to the listed building and would detract from its (number 44) current visual prominence. Furthermore, the proposed brick and render external walls and modern appearance of window and door openings (of the dwelling the subject of this appeal) are not in keeping with the historic character of the Listed Building.

5.11 Wesley House sits at the junction of the appeal site access and High Street. It (Wesley House) is a former chapel building and whilst not listed nor within any Conservation Area, it is a building of characterful appearance and is a non-designated heritage asset. The building has a visually imposing gable end fronting the main road and is constructed primarily of brick with a steep, tiled roof. Of note is the stone wall which runs along the north-eastern boundary of Wesley House and the access track to the appeal site which also adds to the overall historic character of Wesley House. Similar to the concerns relating to impact upon the listed building (44 High Street), the dwelling proposed within this appeal would be large and not subordinate to Wesley House, detracting from its character and setting. Furthermore, highways requirements (discussed later within the report) are that the access is widened to 4.2m. In terms of impact upon the stone wall, it means that the area of adjacent grass verge will need to be used which could result in damage to

the historic wall. Letters of representation received during consideration of the application raised concerns about existing damage to the wall due to heavy vehicles accessing the site.

5.12 Staffordshire Moorlands Local Plan policy DC2 requires that development conserves and where possible enhances heritage assets including their setting. The policy is clear that account should be taken of the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Protection will be given to designated heritage assets and their settings. Of note is the requirement within section 16 of the National Planning Policy Framework that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' and that 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' The council considers that the harm would be less than substantial but that it would not be outweighed by limited public benefits. This is a scheme for a single dwelling which would have very little public benefit.

Refusal reason number 3.

5.13 Due to the limited width of the access and poor visibility at the access on to High Street Kingsley, and the lack of land within the applicant's control within which to carry out improvements the development fails to achieve safe and suitable access to the site therefore being contrary to policy T1 and Policy DC1 of the Staffordshire Moorlands Local Plan as well as the National Planning Policy Framework including section 9.

5.14 The Council commissioned an independent highways assessment from LvW Highways Ltd to assess the transport and highway issues related to the development, the report will be submitted to the Planning Inspectorate as a separate document which provides the detailed highway case for the council, a summary and a conclusion. Part of the assessment involved a traffic speed and volumetric survey, (data to be supplied to the Planning Inspectorate). The Council commissioned the speed and volume survey to take place between the 12th and 18th of March 2023. The data was collected by the laying of tubes across High Street, a little further to the north-west of the appeal site entrance.

5.15 It is clear that some of the highways related concerns raised by residents correspond with the findings of the independent transport/highways assessment. Concerns and objections raised by third parties including residents and the Parish Council are referenced within the Planning Committee report and detailed within the third party representations which have already been forwarded to the Planning Inspectorate as part of the appeal Questionnaire submission. The concerns/objections are also referenced within the assessment from LvW Highways Ltd.

5.16 During determination of the application at the Planning Applications Committee meeting on the 8th September 2022, Councillors referenced the following as concerns and objections;

- Volume of traffic has increased and greater risk of accidents due to poor visibility;
- Large vehicles will not get into the site without damaging wall;
- Double yellow lines are not enforced and every day cars are parked here;
- Right turn would be dangerous;

- Vehicles may have to reverse out with vision blocked;
- Access rights to other properties will be compromised;
- Wall damaged by heavy goods vehicles/deliveries to site;
- Dangerous access to people walking past;
- Can't park in the daytime and traffic parked in a line in the evening;
- Not possible for vehicles to turn around within the site;
- Telegraph pole on corner blocks visibility;

5.17 Section 5 of the LvW report discusses matters such as the above in more detail. It is clear that the findings of the report and the information supplied by residents, Parish and District Councillors shows that the proposed development is unacceptable in terms of highway safety impact.

5.18 The Staffordshire Moorlands Local Plan policy DC1 states that;

- development should provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use; and
- require new developments to be well integrated for car, pedestrian and cycle use as well as other sustainable transport links.

5.19 Staffordshire Moorlands Local Plan policy T1 requires that;

- all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development;
- Consider appropriate parking provision on a case by case basis with recourse to the parking guidance set out in Appendix 2;

5.20 The National Planning Policy Framework is also relevant in requiring that;

- it should be ensured that safe and suitable access to the site can be achieved for all users;
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

5.21 The council draws on the findings of the LvW Highways report. The Council concludes that the application is unacceptable in terms of safe and suitable access to the site and that the provisions of Local Plan policies DC1 and T1 and Section 9 of the National Planning Policy Framework are not complied with. In accordance with the LvW Highways Ltd report the Inspector is requested to take account of the very poor visibility to the right for emerging vehicles and the lack of a suitable turning area on land within the control of the appellant to justify refusal of the appeal on highway grounds.

Appellants Statement of Case

5.22 Section 5 of the appellant's Statement of Case is noted and that the reasoning behind why the appeal should be approved is split into sections including;

- Visual Impact and Impact upon Amenity.

- Impact upon Heritage Assets
- Impact upon the Highway Network

The Council has no additional comments to make relating to the appellants statement. All of the matters raised above are already discussed and dealt with within the main body of the Council's statement.

6. Conclusion

6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The District Council currently does not have a 5 year housing land supply therefore paragraph 11 of the National Planning Policy Framework is considered where, 'For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or;
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

6.2 The Statement of Case sets out the reasons why the council considers this application to be unacceptable and contrary to Local and National planning policy. The statement concludes that the appeal proposal is:-

- Unacceptable in terms of neighbour amenity impact;
- is of an inappropriate design;
- is overdevelopment of the plot;
- has an harmful impact upon the setting of the Grade 2 Listed Building (number 44 High Street Kingsley);
- has an harmful impact upon surrounding non-designated heritage assets, including Wesley House and the historic wall;
- is unacceptable in terms of highway safety;

6.3 How much weight to attribute to particular material considerations in the overall planning balance is a matter for the decision maker. In this case the council considers that the appeal proposal includes harmful impact to designated heritage assets which are referenced within footnote number 7 of the National Planning Policy Framework and therefore the balance in favour of development (in accordance with paragraph number 11) is not engaged. However, without prejudice to the appeal case, if the Inspector is minded to disagree with the council's determination that heritage assets are adversely impacted upon, and considers that the tilted balance within paragraph 11 should be engaged, the council considers that the other harms identified within this statement would substantially and demonstrably outweigh the benefits (including limited employment and New Homes Bonus) that a single dwelling would bring.

6.4 It is respectfully requested that the Inspector dismisses the appeal.