



Appeal Decision

Site visit made on 21 February 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/B3438/W/22/3306577

Land at Rue Hill, Rue Hill 407976 347697

- 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 E Farooq against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0547, dated 17 August 2021, was refused by notice dated 21 June 2022.
 - The development proposed is the erection of farmhouse dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with all matters, namely access, layout, appearance, landscape and scale, reserved for a subsequent application. I understand from the appellant's case that the submitted drawings are for illustrative purposes only, I have considered them as such.

Main Issues

3. The main issues are:
 - Whether it has been demonstrated that there is an essential need for a rural workers dwelling;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on highway safety;
 - Whether a suitable level of living conditions would be provided for future occupiers; and,
 - The effect of the proposal on biodiversity on site.

Reasons

Whether Essential Need Demonstrated

4. The appeal site is an open field set within a predominantly rural area, distant from any settlements, and adjacent to a large quarry. The proposal includes the creation of an agricultural worker's dwelling for the appellant and their family to occupy.

5. Whilst the Council's spatial strategy directs residential development away from the open countryside, Policies SS10 and H1 of the Staffordshire Moorlands Local Plan (the LP, September 2020) describe exceptions to this where such development can be acceptable. Relevant to this appeal is the allowance for agricultural worker's dwellings. Policy H1 sets out requirements for such development to be acceptable, namely that it must meet an essential local need, such as accommodation for an agricultural worker. This need must be demonstrated, and it must be shown that such accommodation cannot be met elsewhere.
6. In this case the appellant submits that no agricultural business operates on the site. Whilst the appellant may intend to operate a farm from the appeal site, I cannot be certain that an agricultural business will be formed, that it would be viable, or that it would necessitate a worker to live on site. I note the appellant's objection to the Council considering the potential income of any future agricultural business. However, as the proposed dwelling would be permanent there must be at least some confidence that the agricultural business intended to justify it would be similarly long-lived. Moreover, as I cannot be certain that any future agricultural business would need a worker to live on site in order to operate, a condition requiring the formation of such a business prior to the construction of the dwelling would not be appropriate.
7. Although the appeal site may be used for grazing, no evidence has been submitted to demonstrate that this is in relation to an agricultural business or that this grazing requires a worker to live on site.
8. Therefore, lacking any substantive evidence to the contrary, the proposal fails to demonstrate that there is an essential need for such an agricultural worker's dwelling. Whilst such a dwelling may need to be within the open countryside, the proposal fails to meet the requirements of LP Policy H1 and would consequently conflict with the district's spatial strategy.
9. The proposed dwelling does not meet any exception for a new dwelling in this location and conflicts with the Council's spatial strategy for new residential development. The proposal, therefore, conflicts with Policies SS1, SS2, SS10 and H1 of the LP which, amongst other matters, set out the spatial strategy for residential development and the exceptions for allowing development in the open countryside. The proposal would also conflict with strategy for locating residential development set out in the National Planning Policy Framework (the Framework), including Paragraph 80 which sets out the exceptions for allowing isolated homes in the countryside.

Character and Appearance

10. The appeal site comprises part of an open field that drops away from the road, the southern corner of the site being the lowest part of the field. The site is surrounded by an undulating landscape largely characterised by open fields interspersed by limited residential development and two significant quarries. The appeal site is read as part of, and contributes to, the rural character of the surrounding area. There is a public right of way that travels through the site from the B5417 towards the quarry, where it meets a second right of way between the quarry and appeal site.
11. As raised above, the proposal has been made in outline with all matters reserved. Therefore, the consideration of the detailed appearance of the

proposal is reserved for a subsequent application. Nevertheless, I am able to consider the effect of a new dwelling, associated works and the paraphernalia typical of a residential property. In this case the proposal would include the erection of a dwelling with a large garden area and long vehicular access route that follows two of the boundaries to reach Rue Hill, marked as the B5417 on the submitted plans.

12. As noted above the appeal site is an open field and the proposed dwelling would be set well away from the road and any dwellings. In this way it would introduce a domesticating form of built development that would jar with the rural nature of the surrounding area. Furthermore, although on the lowest part of the site, the proposed dwelling would nevertheless be visible in a number of public views including the B5417, the adjoining public rights of way as well as a more distant road to the south of the site. The proposed dwelling would therefore be a prominent feature, and this would be exacerbated by the significant driveway around the site. Moreover, the domesticating effect of the proposal would be further increased by any typical residential paraphernalia accompanying the dwelling such as washing lines, garden furniture and decorative planting.
13. My attention has been directed to other residential dwellings in the area although no substantive details have been provided as to their history or context. Nevertheless, they largely appear to be of some significant age and predominantly related to agriculture. I have attached these examples only limited weight as a result.
14. Ultimately, I find that the siting of the proposal in this location would harm the character and appearance of the surrounding landscape, with particular regard to the rural and open landscape within which the appeal site sits. The proposal would consequently conflict with LP Policies SS1, SS2, SS10, DC1 and DC3 which collectively, and amongst other things, requires developments to reinforce local distinctiveness by complementing the character of the area and landscape, and by conserving the quality of the countryside. The proposal would also conflict with the design aims of chapter 12 of the Framework.

Highway Safety

15. The existing vehicular access serving the site is adjacent to a stile serving the above-mentioned public way and is close to a bend on the B5417. The site is on the side inside of the bend and as well as on the side where vehicles would be leaving the bend. Although highway access is a reserved matter for later consideration, I must be content at this stage that there is the potential for a safe access to be achieved. The appeal site only meets the highway at the existing access and therefore there is no opportunity for the access to be relocated.
16. Given the siting of the access so close to a bend, and lacking any evidence to the contrary, it is unlikely that the full length of visibility necessary for a suitable visibility splay could be achieved. I therefore find there to be a poor level of intervisibility between vehicles leaving the site and those approaching from the bend.
17. A residential dwelling would typically result in a number of vehicular movements, such as those associated with employment, education, shopping and recreation. This would likely result in a significant increase over the

existing number of trips associated with just the grazing of the field. This intensification of movements would result in an increased risk of conflict between vehicles leaving the site and those using the highway.

18. Given the constrained nature of the available options for a vehicular access within the appeal site, I find that there is limited opportunity for a suitable scheme to be put forward. The proposal would therefore result in an unacceptable level of risk to the detriment of highway safety and contrary to LP Policy SS1 which requires developments to be safe and well-designed. The proposal would also not comply with Framework Paragraph 112 which seeks for developments to create places that are safe and minimise the scope for conflict between different transport modes. Although the Council have also referred to LP Policy T1 it is not particularly relevant to the matter upon which this issue turns.

Living Conditions

19. The appeal site is set close to two significant quarries that make use of blasting, and the proposed dwelling would be particularly close to the quarry to the east of the site. The appeal site also adjoins a campsite in the neighbouring field. These nearby uses are likely to result in levels of noise which would be audible at the appeal site and could lead to disruption to the detriment of the living conditions of future occupiers. In particular, blasting at the quarry or late-night recreation at the campsite.
20. It has been submitted that the closest quarry has now ceased operations. However, although the remaining quarry is some way away, blasting there would still likely affect future occupiers to a significant degree should no, or insufficient, mitigation be provided. No information has been submitted regarding any mitigation, such as sound-proofing, that could be incorporated into the scheme in order to protect the living conditions of future occupiers. Without such information, I cannot be certain that there is any potential for a suitable scheme of mitigation. It would therefore not be appropriate to require the submission of this information at the reserved matters stage.
21. Although I note other dwellings in the area which are similarly related to the quarries as the proposed dwelling, I do not know the context of their history or what mitigation has been provided against noise and disturbance. I have therefore given these dwellings little weight in my considerations.
22. Whilst noise from the campsite may be audible from the appeal site, I find it likely that anti-social or disruptive noise levels would be dealt with by the campsite for the benefit of other campers. However, even if this is not the case, the level of noise likely generated by the campsite should easily be mitigated by sound-proofing measures typical of a new dwelling. Therefore, and only in regard to any noise and disturbance emanating from the campsite, I find this matter could be dealt with via the submission of further information at the reserved matters stage.
23. Nevertheless, given the potential for unacceptable levels of noise and disruption stemming from the quarry, the living conditions of future occupiers would be at risk. The proposal would therefore conflict with LP Policies SS1 and DC1 which, amongst other matters, require developments to provide a health environment and amenity protected from issues such as noise. It would also conflict with Paragraph 130 of the Framework which seeks for developments to

promote health and well-being with a high standard of amenity for future users.

Biodiversity

24. The appeal site is, as noted above, an open field, it is within a County Site of Biological Importance and there are some small trees on the boundaries of the field. The remainder of the field and appeal site are predominantly left over to grassland. During the planning process the appellant submitted a Preliminary Ecological Appraisal Report by RammSanderson Ecology Ltd. This concluded that some limited works would be sufficient to mitigate any harm from the proposed development. I note that the Council are now content that a condition would be sufficient to mitigate any likely harm resulting from the appeal proposal.
25. Given the context of the appeal site and the information before me, I have no reason to find differently to the Council. Consequently, I find that in the event that the appeal were to be allowed, a suitably worded condition could be attached in order to secure mitigation. The proposal therefore complies with LP Policies SS1, SS10 and NE1 which collectively seek for development to protect and enhance the natural environment and biodiversity. The proposal would also comply with the similar aims set out under Chapter 15 of the Framework.

Planning Balance and Conclusion

26. My attention has been drawn to the Council's lack of a five-year housing land supply. However, the proposal before me has not been presented in the form of an open-market dwelling but as an exception to the strategy for countryside development. There is no justification for permitting the dwelling in policy terms and the harms, identified above, significantly and demonstrably outweigh the benefits. In considering this I have been mindful of the High Court judgement submitted by the appellant.
27. Nevertheless, the application of Paragraph 11d of the Framework does not indicate that permission should be granted, and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.
28. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR